

Buffer Zone Management Guideline, 1999*

(Approved by Ministry of Forest and Soil Conservation on August 19, 1999 (2056-5-3))

The power conferred by the Rule 41 of the Buffer Zone Management Regulation 1996, His Majesty's Government of Nepal has made the following Guideline with the aim of assisting the national parks and reserves for the sustainable protection and conservation, and for the sustainable utilization and conservation of natural resources in the Buffer zone as well as to carry out community development programs with the local people through users, in an effective and uninterrupted manner in the buffer zone.

1. Short Title and Commencement:

- (a) Name of this Guideline is "Buffer Zone Management Guideline, 1999".
- (b) This Guideline will come into force from the date of approval of Ministry of Forest and Soil Conservation.

2. Definition:

- (a) "Act" means the National Parks and Wildlife Conservation Act, 1973.
- (b) "Regulation" means Buffer Zone Management Regulation, 1996.
- (c) "Guidelines" means Buffer Zone Management Guidelines, 1999.
- (d) "Warden" means Chief Conservation Officer or Conservation Officer or Assistant Conservation Officer appointed by His Majesty's Government for the conservation and management of National Park/Reserve and its Buffer Zone.
- (e) "User's Group" means group of people representing from each and every household of the village, Hamlet or settlement under the units of buffer zone to perform duties and responsibilities in a simple, practicable and effective manner as mentioned in Rule 10.
- (f) "Sub-committee" means the Sub-committees to be formed under Sub-section (1) of Section 13.
- (g) "Buffer Zone" means the peripheral area of National Park or Reserve declared under Section 3 a. of the Act and this section refers to the villages, settlements or hamlets set aside as buffer zone lying within the National Park or Reserve.
- (h) "Buffer Zone Management Committee" means the Committee to be formed under Rule 26 (3) of the Regulation.

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- (i) "Village, Hamlet or Settlement" means overall structure of households situated in a specific area of any VDC, Municipality or Ward lying within the Buffer Zone.
- (j) "Unit" means the unit of Buffer Zone designated under Rule 4 for appropriate conservation, management and the community development of the local populace within the buffer zone.

3. Arrangements Related to Buffer Zone

- (1) The followings basis should be given special consideration in attaining the objective of the buffer zone in an effective and productive manner while declaring the affected peripheral areas of the national parks and reserves or villages, settlements and hamlets within the national parks or reserves as buffer zone, in-addition to the criteria mentioned in Rule 3 under the Regulation.
 - (a) While designating the Buffer Zone boundary, if a part of any Hamlet, village, settlement or Ward which lies within the buffer zone, the whole area of the concerned village, town or Ward, should be included in the Buffer Zone as far as possible.
 - (b) As mentioned in sub clause (a), conservation of bio-diversity located in peripheral villages, municipalities or wards and areas with the possibility for the development of eco-tourism should also be included.
 - (c) In course of declaring a buffer zone, the following basis could also be considered, for the impact Zone likely to be affected from the national park and reserve.
 - (1) Area directly affected by the prohibited use of forest products of national park or reserve.
 - (2) Area directly affected by prohibited of grazing in the national park or reserve.
 - (3) Area directly affected by the wildlife of national park and reserve on a regularly or partially basis to crop damage.

4. Arrangement of Unit Division

- (1) While making unit division in accordance with rules 4 (1) and 4 (2), social, geographical, natural resource of such area and conservation

* This Guideline is translated by Mr. Diwakar P. Chapagain

bio-diversity should be the basis as well as the following issues are to be considered.

- (a) Present status of village/town, settlement or hamlet located in the buffer zone.
 - (b) Availability and possibility use of natural resources, particularly, forest products.
 - (c) The population of the area and the structure of the community.
 - (d) The possibility to assemble the local community in a place with the view of geographical location, distance, accessibility and other aspects of the area for common benefit.
 - (e) The prospect of people's participation in the Buffer Zone Management Committee in adequate and systematic number.
- (2) While dividing the buffer zone into units with due consideration on the issues mentioned in sub-section (1), the unit division should be made with 21 units at the most in a buffer zone.

5. User's Group Work Plan :

- (1) While preparing the work plan by the user's group for their respective area on conservation of natural resources, community development and utilization of forest products, the Work Plan should be prepared to have separate programs and budget as follows.
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|---|------------|
| (a) Conservation Program | 30 percent |
| (b) Community Development Program | 30 percent |
| (c) Income generating and Skill Development Program | 20 percent |
| (d) Conservation Education Program | 10 percent |
| (e) Administrative Expenses | 10 percent |
- (2) While preparing work plan by the user's group in accordance with sub-section (1), the group should prepare the work plan by calling a meeting of the members of the groups on matters relating to community development and conservation oriented programs to be conducted in their area, and collecting opinions and suggestions so as the programs and projects be selected and prepared on the basis of unanimity decision as far as possible.
- (3) The work plan prepared and finalized by group in accordance with sub-section (2) should be documented in a minute book with

signatures of all the members of the group present in the meeting, and the work plan should be forwarded to the concerned committee.

- (4) The user's committee should prepare a collective work plan on the basis of the work plans of user's groups submitted in accordance with sub-section (3) and forward it to the Warden for the approval. A cost estimate should also be attached along with the work plan if a cost estimate is required for any program.
- (5) After the formation of user's groups to overcome difficulties and confusions in the course of implementing programs according to the work plan, the Warden should send staff from time to time, to keep close contact and provide necessary advise.
- (6) While preparing the work plan, it should clearly reflect community development and conservation programs for five years in their area. Preparing such work plan for the five years, the program budget should be broken down on a yearly basis.
- (7) The contents and format of the work plan to be prepared by the user's group is provided in Appendix-1

6. Buffer Zone Management Work Plan

- (1) While preparing the Buffer Zone Management Work Plan in accordance with Rule 5, the Warden should consider the work plans prepared by the committees of the units divided under Rule 4 as a basis.
- (2) While preparing the work plan in accordance with sub-section (1), the Warden should collect maps, data, descriptions and all relevant information necessary on matters mentioned in sub-rule (2) of Rule 5 of the Regulation and include them in the work plan.
- (3) The Buffer Zone Management Work Plan should be prepared a simple and practicable from the work plans and descriptions collected in accordance with section (1) and (2) respectively, with the support of the staff deputed for buffer zone.

7. Revision of Buffer Zone Management Work Plan:

- (1) If it is needed to amend the work plan in accordance with Rule 6, the Warden should provide a set of draft amendment work plan to user's committee with a thirty days time limit to submit comments and suggestions on it.

- (2) The committee should provide seven days period to call a meeting of the members representing the users' group of their respective units for the discussion on the draft amendment work plan received in accordance with sub-section (1). After the discussion, comments, and suggestions received from the meeting should be forwarded to the Warden.
- (3) If the Warden feels it is necessary to discuss with the committees on the suggestions and recommendations collected in accordance with sub-section (2), he should call a meeting of Buffer Zone Management Committee and to notify the users' committees about the reasons and the importance for the revision. After discussing on the issues, written suggestions should be collected and the revised proposal incorporating the written suggestions should be submitted to the Department.

8. Arrangement Related to Users' Committee

- (1) The users' committee will function as a mediator between the users' group and the council to conduct programs through the users' groups formed in their respective areas for natural resources conservation, community development along with utilization of forest products in accordance with the Regulation and this Guideline.
- (2) While forming the users' committee in accordance with Rule 8 of the Regulation, the warden should ensure that each user's committee is formed under the units divided in accordance with Rule 4. Before forming the committee, the user's groups should be formed in the units in accordance with section 12 of this Guideline.
- (3) While selecting the executive members of the users' committee, the following individuals cannot be selected as its member.
 - (a) Non-Nepali citizen.
 - (b) Below 18 years.
 - (c) Mentally disabled.
 - (d) Persecuted by court on charges of moral offence.
 - (e) Certified of involvement in actions and activities against the committee.
 - (f) Person not residing in the buffer zone.
 - (g) The person ousted from the committee by two third majority committee members.
- (4) After the formation of user groups' in the respective unit, the Warden in course of implementing the Management Plan and the users' groups' Work Plan, should conduct simple, practical and competent

training for user's groups, like interaction, study tours, etc. The expenses for the training, interactions and study tours shall be borne from the respective users' groups' fund.

- (5) While registering the users' committee in accordance with Rule 9, the statute of the user's committee should be attached according to appendix-2. The Warden or the person nominated by the Warden should assist in the preparation of the statute.
- (6) The functions and duties of the executive members of the users' committee are mentioned in the statute of the users' committee.
- (7) The selection of the executive members of the users' committee will be represented by a male and a female from each user's group. Other formation procedures of each user's committee are mentioned in appendix-3.
- (8) The new executive user's committee members should be selected three months prior to the termination of the tenure of the existing users' committee.
- (9) The handing over charges should be handed over to the new committee formed in accordance with sub-section 8 by the old committee within one months of its expiry date.

9. Users' Committee Work Plan

- (1) While developing the work plan, it should clearly reflect community development and conservation programs of the respective area with a five year planning. They should be prepared with separate programs for each fiscal year to be implemented on an annual basis. The work plan of the committee shall be the integrated with the work plan of the groups.
- (2) After the formation of the users' committee, to resolve confusions and difficulties in course of implementing the programs in accordance with the work plan, the Warden should send staffs on a regular basis to maintain contact and provide necessary advice at regular intervals.

10. Users' Committee's Meetings and Decisions

- (1) While conducting a meeting in accordance with Rule 12, the chairman should set the date of the meeting, time and prepare an agenda for the meeting and inform all executive members through a written text at least seven days in advance. A copy of such

information should be posted in a public place where people can easily take notice of.

- (2) The issues of discussions and decisions should be noted down on a minute book during the meeting and the executive members present in the meeting have their signature in the minute book. The minute book should be kept under the committee secretary's responsibility. The specimen on keeping records of the meeting's decisions in the minute book has been mentioned in appendix-4.
- (3) During the meeting under sub-section (2), the progress assessment, future programs, weaknesses, accountability of expenditures etc. of the projects undertaken in their respective areas should be tabled and discussed.
- (4) The representative of the national park or the reserve may also be invited as an invitee.
- (5) The chairman in accordance with Rule 12, should call meetings of the user's committee at least four times a year not exceeding three months gaps between each meeting.
- (6) If the meeting under sub-section (5) to be called by the chairman is not called according to sub-section (1), one fourth of the committee members may decide and call for a meeting.

11. Auditing of the User's Committee:

- (1) While hiring an auditor to audit the accounts of the user's committee, The Warden should hire a licensed auditor. While hiring an auditor, local individual or firm should be given priority, as far as possible.
- (2) The user's committee should pay remuneration to the auditor who audits its accounts from its fund and the budget required for this purpose should be included in its Work Plan.
- (3) A copy of the auditor's report should be submitted to the Warden.

12. Arrangements Relating to User's Group:

- (1) To make more effective and decentralized the functions and duties of the users' committee as stated in Rule 10, and make them simple and managed as well as systematic and de-centralized, and to implement the responsibilities of user's committee mentioned in Rule 21, 22, 24, 27, 29 and 30 through users' groups in an effective manner, the Warden may constitute users' groups with proportional

representation of males and females as far as possible, convenient to the users residing in the village, hamlet or settlements in the units of the buffer zone.

- (2) The members of the user's group to be formed in accordance with sub-section (1) should have an adult representative from each household from the village, hamlet or settlement covered by the group.
- (3) The user's group shall select a chairman, a vice-chairman and a secretary to execute daily responsibilities on behalf of the group and to conduct community development programs, buffer zone related project/ programs, income generating and saving programs.
- (4) The chairman, vice-chairman and the secretary shall perform daily duties such as activities of the group and act as executive representatives on the implementation of decisions made by the group, maintain accounts, records of the works performed by the group, etc.
- (5) The group should mobilize the fund received for carrying out projects in their area by opening an account in the bank in its own name as far as possible.
- (6) The account opened in the bank shall be operated jointly by the chairman or vice-chairman and the secretary of the group.
- (7) The expenses incurred to conduct programs by the group shall be submitted to the user's committee of the related unit once every four months.
- (8) To represent in the user's committee to be formed in the respective buffer zone units, the group should send two persons either the chairman, vice-chairman or the secretary.
- (9) The meeting of the user's group should be called once in every two weeks.
- (10) The meeting of the user's group shall be held on the date, time and location set by the chairman.
- (11) If the meeting is not called in accordance with sub-section (9) and (10), twenty five percent of members of the group may decide and call a meeting.

- (12) All the members of the group should necessarily attend the meeting of the group as far as possible.
- (13) The decisions of the meeting shall be passed unanimously as far as possible.
- (14) The members present in the meeting should sign in the decisions of the meeting and the chairman or vice-chairman and the secretary should certify it.
- (15) The group may invite the representative of the concerned national park or reserve to participate in the meeting as observer, depending on its necessity.
- (16) For its legitimacy, the users' group should be registered in the concerned national park or reserve office in accordance with the group's statute.
- (17) The group may collect an amount acceptable to all from its members on a weekly basis and invest the collected amount.
- (18) Election for the post of chairman, vice-chairman and the secretary of the group shall be held once every two and half years.
- (19) The users' groups formed within a unit for similar objectives may form a co-operative group for their mutual interest and progress.
- (20) While forming a group, the procedures to be followed are mentioned in Appendix- 5.
- (21) The procedures of formation, rights, duties and responsibilities of the group formed under sub-section (1) shall be determined by the members themselves.

13. Arrangements related to Sub-committees:

- (1) In addition to activities to be carried out as stated in Rule 10 in a smooth manner, separate sub-committees may be formed in accordance with Rule 11, to carry out some specific projects or programs. For example, forest management sub-committee, canal construction and operation sub-committees, cattle grazing management sub-committee, tourism management sub-committee etc.

- (2) While forming the sub-committees in accordance with sub section (1), if the project to be carried out in an area, may serve one or more users' group or users' committees, a joint sub-committee may be formed with proportional representation of male and female of all the groups or committees concerned.
- (3) The sub-committee to be formed in accordance with sub-section (2) shall have at least a chairman and a secretary. The selection of the chairman and the secretary shall be made unanimously through mutual consent as far as possible.
- (4) For a long term protection and operation of the project run by the sub-committee, the sub-committee can levy service charges and repair and maintenance fee through the decision of the user group and collect such charges and fee or determine work days to mobilize labor force from the users directly benefit from such project.
- (5) The sub-committee should create and operate a Repair and Maintenance Fund by opening an account in the bank in the name of the sub-committee for the amount received by the sub-committee for projects and service fee, maintenance and repair fee etc. The Repair and Maintenance Fund should be operated by the joint signatures of the chairman and the secretary.
- (6) The meeting of the sub-committee should be held at least once every month. All the users' group benefiting from the project should be invited and in the meeting activities of the sub-committee shall be evaluated and future plans should be informed to the users of the sub committee.
- (7) All the concerned users' groups should have representation in the meeting of the users' sub committee as far as possible.
- (8) The decisions of the users' sub committee should be made unanimously as far as possible.
- (9) The users representing the users' sub committee present in the meeting should put their signature on the decisions of the meeting. The chairman and the secretary should certify the decisions.
- (10) The users' sub committee should maintain records of all necessary documents, data, descriptions, attendance of users, and an up-to-date account related to project being undertaken.

- (11) While forming the sub-committee, there should be a representation of at least a female or a backward community member for either the chairman or the secretary post.
- (12) The Warden should be informed about the objective of forming a sub-committee and their functions and duties, etc. along with the names of the executive members as soon as possible.

14. Arrangements Related to Forest Development:

- (1) The Warden should hand over the community forests earmarked in accordance with Rule 5 in the Buffer Zone Management Work Plan and set aside for the hand over to the users' committees under Rule 21 to user's group through the users' committees after identifying the real users' group.
- (2) While handing over the buffer zone community forest to the group through the committees in accordance with sub-section (1), it should be handed over after a tripartite agreement amongst the national park/reserve, the committee and the group regarding the conservation and management of the forest.
- (3) If the forest area earmarked in accordance with sub-section (2), extends to more than one users' committees or users' groups area, and there is a likelihood of more than one users' committees or users' groups demand for its management, the forest area should be separately handed over to a single group for the management and conservation of the forest as far as possible after collecting and evaluating necessary maps, data and detail descriptions to ensure whether it will be appropriate to allocate the area to different users' committees or users' groups.
- (4) If a single forest area is demanded by more than two users' committees or users' groups and it found appropriate from conservation and management point of view, it should be handed over to them with clear responsibilities regarding its conservation and management.
- (5) If the forest area cannot be handed over to two or more users' group/users' committee from the conservation and management point of view in accordance to sub-section (4), the Warden should call a meeting of the committees or groups demanding the forest area and try to reach an agreement to hand it over to the appropriate group or committee. If this is not possible, a joint sub-committee with proportionate number of participation of the users' group or committees and proportionate sharing benefits, should be formed

and the conservation and management of the forest area should be assigned to it.

- (6) If a sub-committee is formed for the conservation and management of the forest area to be handed over in accordance with sub-section (5), conducive environment should be made that disputes do not arise in the future regarding conservation and utilization of the forest and they should enter into an agreement for such purpose.
- (7) In the case of users' committee having had received a buffer zone community forest through hand over for conservation, management and uses, it can only hand over to the users' group of the concerned forest with approval from the Warden. But, while handing over the forest areas to the users' committees, the Warden cannot change the fundamental terms, conditions and restrictions imposed.
- (8) Regarding the handing over of any religious forest lying within the buffer zone to any religious authority, group or community in accordance with Rule 22, the Warden should abide by the same conditions stated in sub-section (1), (2), (3), (4), (5) and (6).

15. Arrangements Regarding Community Development:

- (1) In accordance with Rule 26 the Ministry shall determine the percentage of amount to be allocated for community development in the buffer zone every fiscal year and such allocation has to be made within the month of Shrawan (July-August) of each fiscal year.
- (2) The Buffer Zone Management Committee formed for the community development of buffer zone under Rule 26 (3) of the Regulation, shall allocate funds to the users' committees under the units of the buffer zone every fiscal year.
- (3) The users' committees of the units should submit the proposed programs to be conducted in their respective areas to the Warden for the annual program of that fiscal year within the month Jetha (May-June).
- (4) In order to provide technical services like cost estimate, construction, supervision, etc. for community development and constructions to be undertaken by the users' committees in accordance with Rule 27, the Buffer Zone Management Committee may hire staffs on a contract basis for the smooth operation of the committees/group's programs, and use, and set aside some percentage for administrative expenses.,

- (5) The remuneration for the service of the hired staffs should be paid from the amount of the concerned project in accordance with sub-section (4).
- (6) The amount earmarked in accordance with sub-section (5) should be deposited in the Buffer Zone Management Committee account and such amount should be spent for remunerating staffs hired under sub section (4).
- (7) Before disbursing payment allocated for community development to the users' groups on approved work plan expenditure, the Warden should set up an agreement with the concerned group in accordance with the format of appendix-6 and release payment with condition as stated in appendix-7.

16. Selection of Project on basis of Priority:

- (1) While selecting the project that meets the requirements of the local people and conserve natural resources in accordance Rule 29, the followings should be given a priority:
 - (a) Conservation and management of forest, wildlife and cultural heritage.
 - (b) Conservation of other natural resources and cultural heritage.
 - (c) Alternate energy development.
 - (d) Community development
 - (1) Small-scale and productive development programs at village level
 - (2) Income generating programs
 - (3) Others
 - (e) Conservation Education
 - (1) Audio-visual
 - (2) Poster, pamphlets and newspapers
 - (3) Training, Symposium and study tours
 - (4) Non-formal education
 - (5) Programs on promotion for local culture conservation
- (2) While making priorities in accordance with sub-section (1), a project such as labor, capital, materials, time duration and issues like direct benefits accruing from the project to the local users, people's participation, and necessity for daily uses for local groups can be completed with labor, capital, materials available at the local level, and which ensures better returns should be given a priority.
- (3) While implementing the projects selected by the users in accordance with sub-section (1) and (2), does not become viable in terms of

available financial resources and labor, the second and the third project should be given priority.

- (4) While carrying out programs in accordance with the Work Plan, the group may complete the program by mobilizing funds from other sources too.
- (5) While disbursing funds for programs of the units in the buffer zone by the Buffer Zone Management Committee in accordance with sub-section (2), (3) and (4), priority should be given to those programs close to the proximity of the national park/reserve and in areas more affected by the national park and reserve.
- (6) While proposing a project, the groups should provide at least twenty five percent of financial service or labor service of the total project cost to be undertaken in their respective areas.
- (7) The funds made available for approved program cannot be spent on other programs without the prior approval of the Buffer Zone Management Committee.
- (8) After the implementation of the program, if the funds are still available from that programs, the fund should be deposited in the group's account. It can be spent on other approved programs with the approval of the Buffer Zone Management Committee.

17. Arrangements Related to Repairs and Maintenance:

- (1) To provide continuity to the services rendered from projects in their respective areas for a long term, the concerned groups and sub-committees under Rule 10 and Rule 30, should collect maintenance expenses from the users who are receiving direct benefits from the project.
- (2) Procedures for collecting repair and maintenance charges and its arrangement under sub section (1), have been provided in Appendix-8.

18. Peoples' Participation and Labor Mobilization :

The procedures to mobilize peoples' participation and labor required for undertaking projects by the users' committee itself or through the group or sub-committee in accordance with Rule 10 Section (d), have been provided in Appendix-9.

19. Arrangements Related to Buffer Zone Management Committee :

- (1) The Buffer Zone Management Committee formed to disburse funds for community development in accordance with sub-rule (3) of Rule 26 may undertake field visits if necessary, to examine and evaluate the programs submitted prior disbursement of funds.
- (2) The committee, in accordance with sub-section (1), should form a follow-up team and with funds provided from community development, undertake observation and follow-up of the projects at least once in every four months.
- (3) A copy of the report indicating shortcomings and weaknesses, progress and other activities related to the project as observed in course of survey under sub-section (2), should be submitted to the concerned national park or reserve and the Buffer Zone Management Committee.
- (4) The committee meetings should be held at least four times a year, not exceeding three months between each meeting. Date, time and location are to be set by the chairman or by one third of the members of the committee.
- (5) If any committee or committees cannot be formed in the buffer zone in time due to any reason, there will be no restrictions in forming the Buffer Zone Management Committee if seventy-five percent of the total number of users' committee in the buffer zone have already been formed.

20. Arrangements Related to Research

Foreign individuals or institutions interested in conducting research work under Rule 36, shall be allowed in accordance with the policies determined by the Department on issues like wildlife, plants, interrelationship between local people and natural resources, economic and social condition of the local people, relationship between buffer zone and the people, etc. While granting permission, the Department can fix the fee on the following basis.

- (a) Duration of the research,
- (b) Program under agreement with HMG or a separate program,
- (c) Involvement of HMG or Nepalese individuals,
- (d) Cost of the research to be borne by individual or by other sources
- (e) No research fee shall be imposed on organizations established with the aims and objectives of conserving and promoting nature and natural resources.

21. Project hand over

- (1) Projects being run in the units of the buffer zone or other projects implemented in accordance with Rule 15 or completed by donor agencies or other sources can be handed over by the concerned organization to the concerned users' committee or groups.
- (2) All the accounts and responsibilities of the projects to be handed over in accordance with sub-section (1), are to be cleared before handing it over. While handing it over, a team consisting of the Warden or a representative nominated by the Warden, chairmen of the committee, sub-committee or group and a technician is to be formed to examine the clearance and to provide suggestions regarding the clearance procedures.
- (3) Prior to handing over of the project in accordance with sub-section (1), clear arrangements should be made by the concerned users' committee or users' group regarding smooth operation, supervision, repair and maintenance, and conservation.
- (4) After the completion of the construction of projects with funds received for community development, should be certified by the technician deputed by the Warden after necessary evaluation.
- (5) If a group or a sub-committee wants to undertake a development, construction project by supplementing funds available from other sources and the funds received for community development under the Regulation for the project activities in their respective areas, the cost estimate to be borne by other sources should clearly indicate what portion of which work of the development construction would be borne by them respectively, i.e. labor cost, construction material cost, etc.
- (6) A specimen of the project hand over is mentioned in Appendix-10.

22. Operation of Services in Buffer Zone:

- (1) Services to be established and operated in the buffer zone in accordance with Rule 33 should operate according to the approved Tourism Development Plan.
- (2) To systematize the services to be operated in the buffer zone in accordance with Rule 33, the Warden may develop a code of conduct, get it approved from the ministry and put it into practice.

- (3) Prior to giving permission in running services in the buffer zone, it should be granted only after consultation with the users' committee.
- (4) While undertaking tourism industry in the buffer zone of under this section and Rule 33, initial environmental examination or environment impact assessment should be conducted in accordance with the existing laws.

23. Union Provision:

In course of implementing the provision of this Guideline, if the structure and areas of activities of the users' committees established and working modalities before the implementation of this guideline are affected, the Warden can initiate merging two or more users' committees into one as necessary after coordinating with the concerned committees.

24. Operation of Other Projects in the Buffer Zone:

- (1) If any government, local or external agency, institution etc. had been executing or intends to execute any project in the buffer zone, the concerned agency should contact and co-ordinate with the Warden and the concerned users' committee of the area before implementing the project.
- (2) For implementing a program in accordance with Sub-section (1), it should, if required by law, get approval from Ministry of Forests and Soil Conservation, HMG Nepal.

25. Miscellaneous:

- (1) If the public lands or the areas handed over to users' committee or group is encroached, the responsibility of removing the encroachers shall be lie within the concerned users' group or committee. If the user's committee or group requests for support to secure the government owned or public land in its area, the concerned national park or reserve office and local administration must provide assistance.
- (2) No physical structures such as house, hut, shed of any kind can be constructed by anyone in the area or buffer zone forest handed over to users' committee or group in accordance with the Regulation.
- (3) If found violated in accordance with sub-section (1) and (2), the individual responsible for it should be ousted from the land encroached, the house or hut demolished and the expenses of demolishing should be recovered from the encroacher.

- (4) While declaring a buffer zone on the basis of criteria stated in the Regulation or the Guideline, if any community forest area previously being used by any users' committee or group is included in the buffer zone, and the user live outside the buffer zone, the forest can still be used by the that users' committee or group.
- (5) If any dispute arises regarding the selection of the executive members of the users' committee or Buffer Zone Management Committee, the dispute shall be settled by the Warden. If the decision of the Warden does not end the dispute, the disputing parties can appeal to the Director General within thirty-five days. The decision of the Director General shall be final.

26. Preparation of Operation Guide:

In order to implement the objective programs mentioned in the Regulation and this Guideline in a practical, simple and clear cut manner, the Warden can prepare an Operation Guide, get it approved form the Department and implement it in his area.

Appendix-1
Relating to Section 5 (7)

User's Group/Committee Work Plan

1. Name and Address of the users' group :-
2. Users' group boundary:-
3. General introduction and map:-
 - Forest areas, shrub land, pastures and barren lands
 - Agricultural land
 - Potential afforestation areas, community forest and pasture areas
 - Water sources such as: river, stream, lake, ponds etc.
 - Development infrastructures like: road, irrigation facility, school, health posts, agriculture and veterinary service centers, government and non-governmental organizations etc.
4. Aims and objectives of the Users' group:-
5. Policies and regulations formed by the community to undertake the program:-
6. Objectives of the program:-
7. Major problems within their area, their possible causes and the measures to overcome them:-
8. Activities designed for institutional development:-
 - Training for capacity growth and development
 - Community saving and its mobilization
 - Group's record keeping and report
 - Registration of the group
 - Co-ordination between group/committees
 - Relationship with other government and non-governmental organizations
 - Auditing
9. Natural resource conservation and management activities:-
 - Wildlife conservation
 - Natural forestry management
 - Buffer zone community forest program
 - Community and privately undertaken afforestation
 - Agriculture, agro-crop/ diversification of crops
 - Multipurpose nursery
 - Water and soil conservation
 - Pasture management
 - Alternative energy program
 - Others
10. Management of forest products collection and its sale:-
11. Community and Economic Development Program:-
 - Physical infrastructures that are productive which promote conservation
 - Programs that mitigate crop damage by wildlife
 - Skill development training and appropriate technologies

- Women development programs
 - Enterprising oriented programs
12. Conservation Education Programs:-
- Community Conservation Education Program
 - School Conservation Education Program
 - Development and distribution of awareness oriented conservation education materials
 - Study tours
 - Cultural and conservation activities
 - Non-formal education
13. Community development Programs on resource collection and mobilization:-
- Revenue of national park/reserve
 - Income from the buffer zone community forest
 - Assistance from the Project and funding agencies
 - Community participation
 - Fines and other fees
 - Assistance from other co-operating institution/offices
14. Under the agreement with the national park/reserve, adherence and implementation of issues:-
- Common development activities
 - Activities that conserve and support national park/reserve
- 15 Management on repair and maintenance for the programs that have been completed.

Appendix-2
(Relating to Section 8 (5))

Statute of the User's Group/Committee

Preamble

To carry out local community development activities in a smooth and effective manner through peoples' participation, and to become self-reliant by removing dependency of forest products of the national parks and reserves and to create a harmonious relationship in promoting mutual co-operation between national parks and reserves by undertaking conservation oriented programs the people living in village/hamlet/settlements/ area in the buffer zone and to organize them, Users' Committee has been formed.

Chapter 1
Preliminary

1. Short Title and Commencement:- The name of this statute shall be the Statute of Users' Committee 200...
2. Definition: Unless otherwise the subject or context refers to other things, the words used in this statute shall refer to as follows.
 - 2.1 "Act" refers to National Parks and Wildlife Conservation Act, 1973.
 - 2.2 "Regulation" refers to Buffer Zone Management Regulation, 1996.
 - 2.3 "Committee" refers to Users' Committee
 - 2.4 "Members of Users' Committee" refers to the chairman, secretary, treasurer including other members of the Users' Committee.
 - 2.5 "Chairman" refers to the chairman of the Committee.
 - 2.6 " Secretary" refers to the secretary of the Committee.
 - 2.7 "Treasurer" refers to the treasurer of the Committee.
 - 2.8 "Member" refers to the member of the Committee.
 - 2.9 "Users" refers to the group of users living within the Committee unit.
 - 2.10 "Area" refers to the geographical working area of the Committee.
 - 2.11 "Project" refers to the program undertaken by the Committee.
 - 2.12 "Service Charge" refers to the amount fixed on a monthly or a yearly basis against the services of the project undertaken by the Committee.
3. Emblem and Stamp:- The following emblem and stamp shall be used for the formal purposes of the Committee.
 - 3.1 Particulars of the emblem:
 - 3.2 Particulars of the stamp:

4. Office: The office of the Committee shall be established at

Chapter 2
Objectives and Working Area

5. Objectives of the Users' Committee:- The main objectives of the Committee shall be to perform its activities within the framework of the existing law.
- 5.1 Programs that are to be conducted in their area by the Users', assemble them in the users' committee.
- 5.2 To select and implement programs that are essential to meet the necessities of the user's area.
- 5.3 To initiate participation of all the users in all development and construction activities of the project to be undertaken in their respective areas.
- 5.4 In areas where implementation of programs have been completed, make arrangement for timely maintenance, repair, supervision and disburse benefits on an equitable basis.
- 5.5 To arrange fund, labor and resources for the selection, preparation and implementation of the projects to be implemented in their area, and to make arrangement for mobilizing these resources.
- 5.6 To conserve, manage and utilize natural resources of the forest in their area.
- 5.7 To undertake and facilitate co-operative based saving programs to alleviate economy and improve lives of the local people in respective areas.
- 5.8 As stated in the Buffer Zone Management Regulation, bear and make people bear responsibilities.

Chapter 3
Membership

- 6.1 General Members: Person representing women's and men's users' groups of each household which benefits of the services direct or indirect provided by the project being implemented in the area of the respective unit lying within the buffer zone shall be the General Members.
- 6.2 Executive Members:- The chairman, vice-chairman, secretary, treasurer and the five executive members selected amongst the general members shall be the Executive Members.
7. The Functions, Rights and Duties of the Users' Committee:- The functions, rights and duties of the Users' Committee shall be as follows:-
- 7.1 To discuss on report submitted by the users' group and provide decision.
- 7.2 To appoint an auditor and fix remuneration.

- 7.3 As mentioned in the statute, discuss and decide on issues of the user group.
- 7.4 To give decisions on subject put forward by the users' group for discussion and approval.
- 7.5 As stated in the Committee statute's objectives to follow up on policies and programs, necessary policies should be formulated and directives given for implementation.

8. Criteria for Formation of Users' Committee:

The users' committee executive members shall be selected from amongst the representatives of the users' groups within the buffer zone unit. While selecting in this manner, the work areas of the committee shall be divided into a maximum of nine areas depending upon the number of users' groups and household number, with one person at least being represented from each area. The number of the executive members shall be nine at the most. Amongst the nine members, a chairman, a vice-chairman, a secretary, a treasurer and remaining five members collectively shall constitute the Users' Committee. There should be compulsorily, representation of at least three females in the committee. While constituting such committee, two individuals representing the same village or settlement cannot be its members.

9. Responsibilities of the Executive Members of the Users' Committee:

(a) The functions, rights and duties of the chairman:

- (1) To perform all duties and exercise the rights given by the committee.
- (2) To chair meetings of the committee and to cast decisive vote on particular cases.
- (3) To provide active leadership to the committee and establish contacts and mobilize resources on issues that fulfills the objectives of the committee under the groups.
- (4) To give directives on daily operation of the committee and to take decision on unforeseen situations.
- (5) To summon meeting of the committee if required.
- (6) To prepare the agenda for the meeting.
- (7) To implement decisions of the committee.
- (8) To mobilize resources by being in contact with government and non-governmental organization agencies.
- (9) To mobilize work related to the project conducted by the users in their respective areas.
- (10) To take care of the fixed and current assets of the project.
- (11) To delegate authority to the vice-chairman or other members in his/her absence.

- b) The Functions, Rights and Duties of the Vice-chairman:
- (1) To take responsibilities of the chairman in his/her absence.
 - (2) To act with the aim of achieving the objectives as stated in the statute.
- c) The Functions, Rights and Duties of the Secretary:
- (1) To conduct programs and activities of the committee in an effective way and take responsibilities of office management.
 - (2) To make necessary arrangement for the preparation in managing the committee meetings.
 - (3) To document committee meeting decisions.
 - (4) To inform decisions of each meeting to all the members of the committee.
 - (5) To follow up on documents related to the implementation of the project and to inform it's status during the meeting.
 - (6) To mobilize users of their sub-area in the participation of related project.
- d) Functions, Rights and Duties of the Treasurer:
- (1) To monitor and exercise control on the financial transactions of the project.
 - (2) To submit the revenues, expenditure and the budget and get it sanctioned from the committee.
 - (3) Debt to be realized by the committee should be realized and adjust disbursement of payments as required.
 - (4) Perform other works as assigned by the committee.
 - (5) To have the accounts audited.
 - (6) To maintain records on labor, skills, funds and resources made available to the project and the records of the users, donor agencies etc. in an appropriate manner.
 - (7) To keep an account of labor, skills, funds and materials made available which have been utilized and unused.
 - (8) To take charge of project that have provided labor, skills, funds and materials and get a clearance of its utilization from the users' committees/users' groups.
 - (9) To mobilize participation of users in their respective area for any activities of the project.
- e) The Functions, Rights and Duties of the Members:
- (1) To follow up and survey the status of project.

- (2) To decide on the amount of labor, skills, funds and materials required to run the project smoothly.
- (3) To mobilize the participation of the users of the respective areas when necessary.
- (4) To inform the people of the respective areas on the status of the project.
- (5) To assist the chairman, vice-chairman, secretary and the treasurer in the activities of the committee.

10. Executive Members of Users' Committee Removal Conditions:

- 10.1 If the member resigns from the membership of the users' committee,
- 10.2 Death of the member,
- 10.3 Is absent since three consecutive meetings without any valid reasons,
- 10.4 If a vote of no confidence is passed by two third of the members against any member,
- 10.5 If the committee is dissolved,
- 10.6 If the member offers candidacy for any political position,
- 10.7 If the member settles out of the buffer zone permanently.

11. Fulfillment of the Vacant Position:

The vacant position due to any reason shall be fulfilled through the previously represented area from the users' committee, for the remaining term.

12. Meetings and Decisions of the Users' Committee:

- 12.1. The meeting of the users' committee shall be held at the place, date and time fixed by the chairman when necessary.
- 12.2 If a general majority of the members of the committee make a written request to the chairman to summon a meeting, the chairman should summon the meeting within 7 days of receiving the notice.
- 12.3 When ninety percent of the committee members are present in the meeting shall be considered a full quorum.
- 12.4 All proposals forwarded to the users' committee meeting shall be approved only after discussion and by unanimous majority decision.
- 12.5 A minute of the meeting shall be maintained to keep record of the proceedings, decisions and the name of the participants.

Appendix-3
Relating to Section 8 (7)

The Selection Procedure of the Executive Members of the Users' Committee

1. Two representative members of each user's group (male-1, female-1) and the representatives of the Village Development Committee and the donor agency if they are represented, shall be assembled.
2. The assembled representatives should be informed about what is user's committee, its functions, rights and duties as well as why it is necessary to form the committee?
3. To form the users' committee, summon a representative from each user's group in the area. And divide into six sections so that all these are included in the group.
4. From such group, select at least two representatives at the most with at least one male and one female, not exceeding two person who are believed to be reliable and can work and the selected number of person should not exceed 13. These 13 representatives shall be the members of the user's committee. Other representatives of the user's group shall be the general members of the committee.
5. From the 13 members, a chairman, a vice-chairman, a secretary and a treasurer, shall be selected unanimously or through a simple majority, and the remaining persons shall be the members. These will be the executive members of the committee.
6. The decisions regarding the selection of the executive members of the user's committee shall be recorded in the minute book and all the members should put their signature on it.

Appendix –4
Related to Section 10 (2)

A Specimen copy of the Users' Committee Meeting's Decision

Meeting No.
Name of the users' committee:
Date:

The meeting is held under the chairmanship of Mr./Mrs./Ms... .. of the chairman of this committee on (year) (month) (day) in the presence of the following persons, and discussed the under mentioned issues and made the following decisions.

Attendance

Signatures

- | | | |
|----|---------------|-------|
| 1. | Chairman | |
| 2. | Vice chairman | |
| 3. | Secretary | |
| 4. | Treasurer | |
| 5. | Member | |
| 6. | Member | |
| 7. | Member | |
| 8. | Member | |
| 9. | Member | |

Issues of Discussion

- 1.
- 2.
- 3.

Decisions of the Meeting

- 1.
- 2.
- 3.
- 4.
- 5.

Appendix-5
(Related to Section 12 (20))

Procedures for the formation of the User's Group

1. Assemble all users of the area where the users' group is going to be formed.
2. Select a chairman, a vice-chairman and a secretary from amongst the users.
3. Enter into an agreement between the users' group and the national park in accordance with Appendix-7.
4. Prepare the statute of the users' group.
5. Register the users' group at the concerned national park or reserve office.
6. Minute all the decisions of the meeting and make all users to put their signatures at the end of the meeting.

Appendix-6
(Related to Section 15 (7))

Project Agreement Form

This Agreement has been prepared to bring into operation the projects proposed and approved by the users' group and the users' committees formed in accordance with National Parks and wildlife Conservation Act, 2029 (Fourth Amendment, 1993) and Buffer Zone Regulations, 1996, in the buffer zone of national park/reserve.

1. Name and Address of the parties involved in the agreement:-
 - a) Name and address of the national park/reserve:-
 - b) Name and address of the users' group:-
 - c) Others:-
2. Name of the Project:-
 - a) Name:-
 - b) Location:-
 - c) Number of benefiting households:-
 - d) Agency approving the project:-
3. Description of the cost of the Project:-

Total cost estimate:

The amount to be borne by the users' group (Equivalent in cash or labor contribution, in equipment):

The amount to be provided from donor agencies:

The amount to be provided from national park/reserve:

Amount to be provided from other sources:

4. The installments to be received by the users' committee:-

| | | |
|----------------------|------------|-------|
| Rate of installments | Amount Rs: | Date: |
|----------------------|------------|-------|

First:

Second:

Third:

Total Amount:

5. Arrangement for repair and maintenance of the Project (monthly, quarterly, annual)
 - a. Repair and maintenance source:

Voluntary labor contribution Rs:

Fee/ charges Rs:

Donation/Financial assistance Rs:

Interest earned/ other savings Rs:
Others Rs:

- b. Management issues related to repair and maintenance:
 - 1.
 - 2.
 - 3.
6.
 - a. Date of project inception:
 - b. Date of project completion:
7.
 - a. The name and address of the agency assisting to form the users' committee:
 - b. The date of users' committee formation:
 - c. Matters relating to project handling experiences:
8. Conditions of the agreement:
 - a. Amount received should be spent only on the approved project.
 - b. We agree to submit the details of the expenditure made between one and the other the users' committee meeting.
 - c. The users' group/users' committee agrees to undertake management of repair and maintenance of the project.
 - d. After the completion of the project, clearance should be obtained from the concerned agency after examining and approving it.
 - e. Accept and comply with the prevailing rules and regulations of the country.
9. The representatives signing on behalf of the parties accept that they shall abide by the conditions as mentioned above.

On behalf of
the National Park/Reserve
Group

Chief Conservation Officer:
Signature:
Official Stamp:

On behalf of
Users' Committee/Users'

Chairman:
Signature:
Official Stamp:

On behalf of Village Development Committee/Municipality:
Ward Chairman:
Signature:
Official Stamp:

Appendix-7
(Related to Section 15 (7))

Conditions to be Abided by Users' Group/Users' Committee

| | |
|--------------------------------|---------------------------------|
| District: | Metropolitan city/VDC: |
| Ward No: | |
| Name of Village: | Name of Users' Group/Committee: |
| Name of national park/reserve: | |

1. We shall always extend necessary support for conservation and development of the protected area.
2. We shall always remain as active participants in the conservation and proper utilization of natural resources in the buffer zone.
3. We have complete faith that we can achieve development through organization, savings and skill development.
4. We accept to take full responsibilities of the activities on behalf of the chairman, vice-chairman and the secretary.
5. We shall hold meetings every 15 days and participate in the savings program without failing.
6. We shall conduct different income generating programs both collectively as well as at individual level by mobilizing loans provided from savings program of the group as well.
7. We shall plant as many multipurpose plants as possible in private and community lands.
8. We shall not receive free services from experts (rural technicians). We shall always pay for their services.
9. We shall all send our children to school.
10. We shall keep our village clean. We shall all construct toilets and build improved stoves at our homes and motivate others to do so.
11. We shall increase productivity and improve management of our livestock.

12. We shall participate in different training and teach others what we have learnt.
13. We shall participate actively in the meetings. We will clearly speak out in the meetings what we have not understood and what we do not agree with.
14. We shall work even with the other groups on issues that benefit the whole community.
15. Others (If necessary, additional terms and conditions at local level to be incorporated)

Note: Condition (6) does not apply in the case of the committee.

Appendix-8

[Related to Section 17 (2)]

Arrangements related to Repair and Maintenance of the Project

1. Assemble all users. Make the assembled users aware about the need for conservation, repair and maintenance of the project. If possible, summon the concerned technician too.
2. Conservation, repair and maintenance of the Project should be undertaken at different stages on a daily, weekly, monthly, bi-yearly or on annual basis depending upon its necessity. This should be decided after a discussion.
3. Spend regular on conservation, repair and maintenance from the fund if it has already been set before preparing the project. If such a fund has not been set as yet, arrangements to collect service charge by establishing a fund to mobilize capital and resources through participation of all users should be made.
4. Decide through discussion what kinds of labor, skills, capital and materials should be mobilized and in what amount.
5. It is not known when an emergency repair and maintenance have to be undertaken. A system of regular observation during the operation has to be made when there is a need for an unexpected repair and maintenance. It should be decided through discussion whether a watchman be kept on a regular basis or the users themselves be assigned for regular observation on a rotational basis.
6. It should be decided that if there is no one amongst the users who is skilled enough to undertake regular or emergency repair and maintenance, then someone is to be provided with such a training or someone has to be hired from elsewhere to conduct it. It should also be decided that if the users themselves are to be trained, to which place will they be sent to, or a trainer should be hired from outside to train users in their own village. Furthermore, it should also be decided that if it were possible to hire from outside, from which place and on what conditions would the trainer be hired.
7. If the nature of the project is such that it can be conserved and repaired by a single individual, who have been observing it should repair and maintain it. If, it is not possible to be repaired by one or two individuals, arrangement should be made to inform the committee.
8. Regarding emergency repair and maintenance need of the project, necessary arrangements should be made to mobilize users as soon as they are informed and to spend the amount as required.

9. When users' have to be mobilized to undertake emergency repair and maintenance, arrangement should be made to make the users work on a rotational basis in accordance with the labor need.
10. Decisions and Rules formulated regarding conservation, repair and maintenance of the project should be incorporated in the statute of the users' group.
11. The conclusion of the meeting should be noted down on the minute book, and all members should put their signature on it.

Appendix-9
(Related to Section 18)

Peoples Participation and Labour Mobilization

1. Before deciding on any issue, users with gender should be assembled. At least one day in advance of the meeting, after fixing time, place and date, suitable to all, necessary arrangements should be made to inform all users along with the agenda and the decisions required.
2. After all users have assembled, they should be briefed about the problems and should be requested to discuss on the issue to reach to a consensus. An environment should be created for all to express their views. Participants who do not speak out or who speak little should be encouraged and those who speak more should be requested to listen and not impose their ideas upon others.
3. Sometimes members of the group hesitate to participate in discussion because they do not understand or do not know on certain issues. Likewise, they may discuss on something that is not relevant at all. In such situations, such members should be assisted through proper explanation and to come to a conclusion. The subject matter should be made clear and the decision should be left to them.
4. To raise people's awareness, educational programs should be conducted from time to time to make the people feel what a project is and why it is important. Therefore, arrangements should be made to conduct educational programs by inviting development workers or instructors working in the field of health, education, income generation, forest, environment, improved farming etc. whoever is deemed necessary for the project. Plays, symposiums, cinema, photographs, meetings, songs, pamphlets, posters, wall paintings, tours, competitions etc. can be conducted as educational programs. These programs become more effective if conducted in Hat Bazaar, schools, adult classes school, etc. should be made to conduct these programs in such places as far as possible.

Appendix-10
[Related to Section 21(6)]

Specimen of Project Hand Over

The project constructed in districtVDC, Ward No ... at a total cost of Rs... .. (Rupees in words), as clearance of its expenditures in course of project implementation has been obtained, Project has been handed over from today (Year/ month/ day) to Users' Committee. From now onwards, the responsibility of running, and repairing and maintenance of Project lies on User's Group.

On behalf of handing over the project :
Name:
Designation:
Signature:
Date:

On behalf of receiving the project:
Name:
Designation:
Signature:
Date: