

A NOTE ON ISSUES IN FOREST RESOURCE OWNERSHIP AND WORKABLE SOLUTIONS

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Forest Policy and Management is based on legal classification system that categories the forest according to their tenure. Forests in Pakistan can be divided into two major tenure categories: State owned and privately owned forests. The Table 1 and 2 explain landuse profiles of the Pakistan and NWFP respectively.

Table 1. Landuse categories in Pakistan and NWFP

Landuse	Landuse in Pakistan		Landuse in NWFP	
	Area (000 ha)	Percentage	Area (000 ha)	Percentage
Forest/trees	4224	4.8	1684	17
Agriculture	20580	23	1684	15
Range lands	28507	32	1546	48
Barren land*	26893	31	138	1
Water bodies	913	1	64	0.6
Urban	138	0.2	4	0.4
Unclassified	6725	8	1844	18
Total	87980	100	10174	100

Source: Forestry Sector Master Plan study

* Barren lands include snow/glacier, rock and gravel, deserts and tidal flats

Table 2. Forests classification based on legal status

S.No.	Category	Percentage	Remarks
1.	State Forests	6	Mainly in former Hazara Division
2.	Protected Forests	31	Inherited from princely states
3.	Guzara Forests	31	Mainly in former Hazara Division
4.	Plantations	28	Carried out through developmental projects and communities
5.	Trees on farm land	4	Individual property of the farmers

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The data indicate that forest/tree cover is significantly less at country level to meet national requirements. However NWFP still has the great potential for increasing the vegetative cover to generate goods and services to meet domestic and environmental needs.

The state owned forests are further classified into, Reserve Forests, Protected Forests, Resumed land and unclassified Forests, on the basis of legal protection provided to forests. The privately owned forests are divided into five categories, namely Guzara forests, Communal Forests, Choas Act area, Section 38 areas and farm forest areas.

A. Legal categories of state owned forests

Reserved Forests	In legal terms, these forests are usually free from rights and concessions and all acts are prohibited unless permitted specifically by Government through notification.
Protected Forests	All acts are permitted unless prohibited by a notification of the Government. This category has not passed through the lengthy process of admittance or extinction of local people's rights and concessions.
Resumed land	Forested lands surrendered by big landlords under Land Reform Act of 1959. Legal protection provided to these lands after declaration as protected forests.
Un-classed Forests	Those, few forests, which have not been declared as Resume or protected forests.

B. Legal categories of privately owned forests

Guzara Forests	Guzara literally means "subsistence". Their ownership is vested in local people, either as individual property, or as joint property.
Communal Forests	The Forest, which is owned by entire village
Choas Act Forests	Privately owned lands, which are subject to erosion or which endanger public installations or structure. These are taken over by Government for treatment and then returned after their treatment
Section 38 Forests	The owners offer their land to Forest Department for plantation for an agreed period. Such land is managed by Forest Department on owner's behalf, on such terms and conditions as mutually agreed.
Farm Forest Area	The linear or compact planting of trees on private farm

lands. These are not subject to the authority of Forest Department.

The relation of local people with surrounding forests is certainly influenced considerably by the prevailing form of land tenure. The comparison illustrates the widening gap between legal doctrine, based on tenure settlements and actual practice, which results usually from need and opportunity.

	<i>De jure position</i>	<i>De facto position</i>
(i)	<u>Reserved Forests</u>	
	These are public forests, free of all rights except those admitted in settlement process and recorded in <u>Wajib-ul-arz</u> . Such rights are limited.	<p>All Reserve Forests are subjected to free grazing, except small area declared as "regeneration area" to be fenced or protected through watchers. Such grazing prevents establishment of regeneration and recruitment of younger tree to mature trees category.</p> <ul style="list-style-type: none"> – Wood is also removed for fuelwood, including lopping of tree branches, which is a serious problem – Mobile armed timber thieves also take their toll – Encroachment for agriculture is there but not so serious problem
(ii)	<u>Protected Forests</u>	
	These forests are open to all uses except those prohibited by special notification.	The forests are not physically demarcated on ground and people generally resist process of demarcation and official settlement of rights. This results in encroachment and illegal removal of wood.
	People having customary rights in the protected forests are entitled to 60% and 80% share in net sale proceeds of timber (Malakand area)	Some local communities argue, the word "concessionist" and claim ownership of the forest. Locals argue that 60-80% share of the

harvested under approved management plans.

locals in royalty/sale proceeds signifies the Government acknowledgement of such ownership.

Under existing rules number of trees have been fixed as local and central quota for different areas to meet local domestic requirements (Malakand area of Ex-Swat State).

People generally complain about low level of quota because of high increase in population. They meet their needs through illegal means.

Some areas (Lower Dir) do not have any legal facility of quota for domestic use.

They have agitated at different levels against non-fixation of quota. They meet their needs through illegal means.

(iii)

Torchwood extraction and debarking is prohibited
Guzara Forests

Torch wood extraction is a common practice

Dry wood collection may be used without restriction by owner, right holder and non holder also, if not objected by owner or right holders.

The management and use is generally carried out according to de jure position.

Green trees for domestic purpose allowed to owners and right holders as per provision of rules notified by Government.

Illegal removal is there by tenants, land less and non right holders to meet local use.

No person is allowed to lop, debark or remove torchwood from coniferous forests.

All these practices are being carried without any restriction.

Non timber forest products (medicinal herbs) collection is prohibited except as authorized sale.

Forest Department cannot rigorously enforce these legal provisions.

Non-resident, tenants, land less, non-right holders must obtain

Generally, there is free unlimited grazing, which adversely affects

permission to graze from owners on agreed terms. regeneration and hydrological cycle.

(iv) Communal Forests

According to local traditions, only the owners of cultivated land have the right to an income that accrue from the sale of forest produce.

Big land owners have shifted to towns and cities, thus only small land owners and land less are practically use the resource for their immediate social and economic need. This has resulted towards conflicting interests of large land owners (absentee owners) versus small owners and land less people.

Issues and gaps

Depending upon the legal status of the forests, there can be different primary and secondary stake holders. All these have the different rights and claims and tend to use the different means to secure them. Major categories of these stakeholders are, the Federal and Provincial Government and local communities (owners, right holders and non right holding forest users). Forest based industries, international agencies (donors) and NGOs. Under the present circumstances, when, there are low natural and man-made forests assets with increasing demands, conflicts between stake holders have spiraled upwards resulting towards conflicts and issues. The Federal Government being signatory to different international protocols and conventions is concerned about nationally important forest services such as bio-diversity and major watersheds and other important environmental issues. The Provincial Government, besides, the environmental issues, focuses upon the all aspects of sustainable forest management, which basically facilitate the programs to meet the social and economic needs of local communities, without sacrificing the national interest. The Forest based industries heavily relies upon continuous supply of timber. They have interest in plantations also for industrial wood. International agencies have their stake for environmental and social issues i.e. biodiversity, poverty alleviation, protection of important watersheds etc. But, for local communities, Forest goods and services are critical for subsistence livelihood. The most problematic category of the stakeholders at community level is non right holding forest users. They have conflicting relationships with owners and states. Regional NGOs are always advocating their cause. All this, has resulted towards conflicting situation at national, regional and local level.

At local level, there are inter and intra tribal ownership disputes, which affect the resource base and result towards degradation and depletion. Lack of awareness at community level, lack of communication and miscommunication about needs and capacity of local stakeholders is another important issue for resource base conservation and development.

Doable solutions

Depletion of natural resources, particularly the Forest resources has been there for a long time, however, the rate appears to have been accelerating considerably over the past two to three decades. One of the major issues is uncertainties and inequalities in tenure. In Malakand area, inability to complete settlement proceedings, resistance to physical demarcation, inter tribal ownership disputes are few major causes for continuous depletion. Unlimited concessions, such as continuous heavy free grazing, devoid the forests from regeneration. The important lesson learnt so far is that sustainable management of Forest resource is possible only when all stakeholders, such as owners, land less/tenants and other interest groups are actively involved in the planning, decision making and implementation. Thus, a policy decision aiming at fostering community based Forestry approaches is needed which could lead to re-examination of existing Forest tenure with the aim of introducing such tenurial arrangements that allow for greater involvement of local people. Various approaches, such as Joint Forest Management, Collaborative Management or adoptive management are the tools, which can be tested and successfully applied in different categories of the Forest areas keeping in view the existing social and cultural circumstances.

Joint Forest Management concept successfully tested in two key areas of state forests in Hazara, proved to be a suitable approach for participatory forest and natural resource management in Reserve Forests. This concept provides ample space for adjustment on private Guzara Forests and Forest Plantations also. Joint Forest Management is a new concept in Pakistan. It is highly sensitive to local conditions. It has therefore to be evolved locally. Telescoping it or fixing the targets is counter productive. Other viable approach which effectively can be tested in area like Malakand (Protected Forests), is collaborative management. The term "Collaborative Management" is used broadly, and encompasses a range of activities including participatory Forest Management, Community or Social Forestry, J.F.M. and integrated conservation and Development Projects. This approach has two main objectives:

- Managing the use of Forest and Forest products through

negotiating a mutually agreeable set of principles and practices among stake holders.

- Establishing process of sharing power among stake holders when making decisions over a resource. The disputes, conflicts and differences do arise, but a collaborative planning and management process can establish mechanisms that anticipate and manage them more effectively.

In fact, collaborate management is at the center of community based approaches to sustainable Forest Management. There is no single model of collaborative management. It is being developed and tested within diverse historical, social and political conditions.

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