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LIVELIHOODS, ENVIRONMENT AND CONFLICT IN FORESTED AREAS IN DIR-KOHISTAN, PAKISTAN AND KORAPUT, INDIA

By Shaheen Khan, Kundan Kumar and Richard Matthew

In 1999, after an examination of the environmental security literature of the 1980s and 1990s, the International Union for the Conservation of Nature (IUCN) undertook a case study of environmental change, conservation and conflict in Pakistan's North West Frontier Province (NWFP). The 2002 report of the first major project of its Commission on Environmental, Economic and Social Policy (CEESP) highlighted the importance of resource rights –or the lack thereof– in shaping the societal effects of environmental change and conservation efforts.

In 2003 the CEESP Working Group, the IUCN Regional Environmental Law Programme, Asia, and the International Institute for Sustainable Development (IISD), jointly examined the linkages among livelihoods, resource rights and violent conflict in wetlands and forests in South Asia; interdisciplinary teams of local experts

undertook case studies through archives, site visits, interviews, community meetings and workshops. The findings were presented at the World Conservation Congress in Bangkok, November 2004. Two cases are summarized below.

Dir-Kohistan, in northern Pakistan, 12 000 sq.km, with 36 percent coniferous or oak scrub forest, has about 113 000 residents (1998 census) of three ethnic groups: Pukhtoon, Kohistani and Gujar. One of the least developed areas of Pakistan, Dir-Kohistan has an agrarian subsistence economy, extremely low literacy rates (women less than 1 percent), and little infrastructure. Traditionally, forest resources were allocated by the leaders through a system of customary rights and principles that clearly favoured the Kohistani. Disputes were settled through jirga, ad-hoc community councils.

The 1927 Colonial Forest Act, passed by the British, was focused on extraction rather than conservation, and designed to exclude local communities from access to and management of the forests, while partly recognizing customary law by granting some concessions to the Kohistani. After independence in 1947 this legislation was retained, and the forests were regarded as state lands that could be protected or leased to timber contractors. At first, as Pakistan sought to gain control over its northern regions, the forests were largely ignored, but in the 1960s, as their commercial value increased, they were leased to private contractors. The revenue from timber sales was distributed to the government forest department, the contractors (operating costs and a mark-up) and the local community, whose share was based on a calculation of its customary rights. When

local people protested the terms of these agreements, the government agreed to raise the community share from 12 to 60 percent of the royalties. Unfortunately, due to widespread official corruption and the strong-arm tactics of the timber mafia that emerged in the 1970s, local communities received very little as the forests were rapidly cleared.

In recent years, in the valleys in which the Gujars and Pathans are in a minority, they have invoked the hereditary provisions of Islamic law to claim a share in the royalties, regarding it as less biased than customary or statutory law. It is also more generous towards women, and thus has an appeal to the half of the local population that has been denied any legal standing for centuries.

This complex background of diverse legal systems, official corruption and criminal activity (including trade in opium derivatives) helps to explain why competing claims over forest resources have rarely been resolved. Moreover, population growth has sharply increased the gap between livelihood options and community needs.

Dir-Kohistan is today one of the most conflict-prone regions of Pakistan, a situation inviting, and reinforced by religious extremism and transnational drug-related criminal activity. Under these turbulent conditions it is very difficult to balance livelihood and conservation needs, even though sound management programmes have been devised based on extensive stakeholder consultation. While there are some positive signs, such as the recent establishment of the first girls' school in Dir, the future of the forests and the people appears quite alarming. It is essential that land disputes be settled in ways beneficial

to the local communities; this requires a legal system that is affordable, compatible with elements of customary and Sharia law, and trusted.

The project site in **Koraput district, India**, is part of the Eastern Ghats, a hilly region of almost 50 000 sq.km in southern Orissa, where tribal communities constitute over 60 percent of the population. The people have been impoverished, unlike elsewhere in Orissa and India: from 73 percent living below \$1/day in 1983 to 85 percent in 2000. The limited employment options and severe and rapid environmental degradation in Koraput district make the people's livelihood very insecure. This exacerbated by a legal system that is poorly understood locally, rife with contradictions, frequently ignored, and often in support of land use and tenure claims clearly at odds with the actual situation and the interests of the local communities.

The project team prepared a land use map of the study site and found major discrepancies between de facto land use and de jure land tenure. In particular, large areas traditionally under shifting cultivation by the tribal communities have been officially categorized as State-owned Forest Land and Revenue Wastelands, without resource rights to the cultivators. Many people are not even aware that they have no legal claim to the land they are cultivating. Government does not even acknowledge shifting cultivation as a legitimate land use, even though it is estimated to be practised over between 5 and 20 percent of Orissa. The legal instruments governing land in the area allow only land that has been in possession for 12 years to be settled on behalf of the cultivators, thus dispossessing historically embedded tribal communities

of their shifting cultivation land.

The current large investments for bauxite mining, hydroelectric and irrigation projects, the influx of outsiders, existing and potential displacement through development projects, and the complete lack of accountability of the State to the local people are already creating tensions and conflicts. The high stakes in commercial exploitation of these areas have led to State repression and several incidents in which people have been killed by police.

Exclusion-based environmental conservation legislation such as the 1980 Forest Conservation Act and the 1972 Wildlife Protection Act is another major cause of displacement, as Forest Land and Wildlife Protected Areas cover over half of the region. These statutes do not allow settlements and cultivation in land categorized as forest, in spite of widespread shifting and settled cultivation. Effectively outlawing the customary use of over half the land resources of the tribal communities, the formal land tenure system has thus created conditions under which people can be displaced and uprooted without any compensation, and an explosive mix of disempowerment and resentment. For example, almost 70 percent of the case study area was under shifting cultivation on land categorized as Reserve Forest and Government land. Recent efforts to enforce the law have already led to conflicts.

It is desperately necessary to grant legal recognition and land tenure to the people who have been eking out a subsistence living in the region for generations, but who are without any legal protection today, in order to avoid a potential sharp increase in violent conflict.

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FORESTS AND ARMED CONFLICTS IN JAMMU AND KASHMIR IN INDIA: PROBLEMS AND PROSPECTS

By Chetan Kumar

In the Indian forestry sector, forestry and conservation practitioners, development cooperation professionals and researchers have paid little attention to the impacts of armed conflicts on forests and people living in these regions. This can be explained by the diversity of forests and of associated socio-political reasons for conflict, which obscures the relationship between the two. The key problems are hardly understood due to the anecdotal nature of evidence and lack of empirical research. This restricts the prospects of drawing the attention of decision-makers and development cooperation agencies to the issue.

The forested regions of India cover almost one-third of the total land area of the country. However, forest cover varies a lot between states. For instance, while some states in the northeastern part of India have over 50% geographic area under forests, other states in the north have only 5 to 8% forest cover.