



LEGAL AND ADMINISTRATIVE DEVELOPMENT IN FOREST SECTOR OF PAKISTAN WITH INTERNATIONAL PERSPECTIVE

¹ASIF KAMAL*, ²HAMIDUL HAQ, ³PROF. MAYINGJIE

*¹ Guanghua law school, Zhejiang university P.R China. asifkamal@zju.edu.cn

²Islamic International University Islamabad Pakistan

³School of Law , Ocean University of China, Qingdao P.R China. mayj@ouc.edu.cn

Abstract

Plants being a blessing from divine nature have a very vital role in human life. Many countries are growing green which affecting the environment positively and has a positive influence in every field of life which contributing to mental and physical health. Pakistan is still having a lowest forest cover of only 5.2 % and high rate of deforestation 2.1%. The analytical comprehensive study of forest sector of Pakistan reveals that forest policies, laws and implementation have a major role in the sustainable protection and reservation of forest. This current research is aimed to find out the main factors that have become the reasons of degradation of forests in Pakistan. And also proposed new strategy benefitted to poor peoples that identifies obstacle faced by them and helps ensure a fair allocation of resources. The history of legal reforms about the Pakistani forests is evaluated in a reasonable detail and the gaps and flaws responsible for the successive degradation of forest are addressed. Pakistan's experience demonstrates the inefficiency of developing new legislations without the matching capability to execute them. Even the best legislation and policies are ineffective if there is no political and administrative will. Excessive public sector involvement, lack of defined property rights seems to be major concerns that provide clues for other current and future efforts. Legal reforms at Institutional level are only possible in strong political stable government.

Key words; Pakistan, forest laws, administration, degradation, legal reforms

INTRODUCTION

The first policy on forests was announced in Pakistan in 1955, followed by 1962, 1975, 1980, 1988, 1991 and 2002. However, forest people have opposed these policies to their rights. The 2002 Khyber Pakhtunkhwa forest ordinance currently in force in the province has been criticized as exploitative by people from the forest regions of Dir, Kohistan, Swat, Hazara division, FATA and the central and southern KPK districts. For the last twenty years, Pakistan's environmental policy has seen considerable changes. The management of biological and other natural resources along with the fight against pollutants have advanced more and more. The practicing legal instruments related to environmental law in Pakistan is based on 125 years old legislation¹. The law has a broader domain ranging from species to sectors to activities. The forest sector of Pakistan governs the use or limitations of forest resources to contribute to the national security. The utilization of forest resources to support state security in Pakistan is governed by the forest sector.

Despite having significant legislative achievements, Nevertheless, Pakistan lacks a clear national legislation that may ensure management of forest as eco-systems or landscape, preservation of wild fauna and flora, and rare species' protection. The forest act 1927,² remained in effect until 1991, with the exception of northern Baluchistan (where the Baluchistan forest regulation of 1890 applied). The laws were inapplicable in northern-areas of Pakistan and in 1991 several notices were passed and

¹ IUCN Pakistan (2005). Environmental Law in Pakistan—Federal. IUCN Pakistan, Environmental Law Programme, Karachi, Pakistan. 78 pp. available at: <http://www.iucn.org/dbtw-wpd/edocs/ELC-016-1.pdf>.

² The forest act, 1927 (Act XVI of 1927) Available at; <http://extwprlegs1.fao.org/docs/pdf/pak3333.pdf> & Rahman, Laskar Maqsoodur. "The Forest Act 1927." (2000).

consequently, the laws were included to entire northern regions. However, the recently combined regions of KP (Ex-FATA), that constitute 2.76 million hectors of land, are not considered by the legislation. Even the laws are not applicable in Khyber Pakhtunkhwa but they established a forest ordinance in 2001. The Provincial Legislative List (PLL) for the Indian Government Acts 1935³, and related issue of forestry include 1956 constitution However, it was not included in centrally legislatives list of 1973 or 1974 constitutions. As the forestry is the matter of provinces and therefore, the province legislatures might well have amended the 1927 Forest Act. or may they can formulate laws for their particular provinces, as the Khyber Pakhtunkhwa province has done⁴.

Evaluation of Pakistan's forest policies

The phrase "forest policy" is frequently shown in a variety of situation, for example in an overarching declaration of the overall objective, or common objective of the allocation of forest resources for a region to a detailed definition of a planning process with clear goals for a specified area [1]. In the current study, "forestry policy" is considered for particular forest policies adopted at different times by Pakistan's Government. The following mentioned section gives a short overview of forestry policies of the past.

The forest policy 1894

Pakistan achieved its sindependence in 1947,⁵ and as a result, India's wood supplies were blocked and Pakistani forests were under additional stress to provide timber. After independence, Pakistan did inherit the British Government of India's⁶ previous forestry policy of 1894 [2]. For the British Colonial rule, forest management in the India was a critical problem, that regarded forests as natural resources that may result in considerable financial gains [3].

The British started settling the country in the 19th century, following the Indian subcontinent's colonization. One-fifth of region of Indian dry-land was nationalized as a result of Government expanding its authority on forests by the Indian Forest Act of 1878 [4]. Punitive measures have been imposed against violators under this act, and a forestry department has been established to monitor forests and control tree-felling in regions within government control [5]. In 1894 's Indian forest policy the spirit of this act is maintained. Traditionally, forestry service has placed greater focus on government control and regulation decrees on the demands of populations in and nearby the forest [6]. Consequently, the standing forest resources public rights were banned. The Government of Pakistan accepted and maintained the 1894 'Indian Forest Policy', that set down rules for the preservation of forests, until 1955.

A modest, well-maintained forest estate was created as a result of this strategy, but it did not allow for the growth and extension of the forest. The involvement of forest communities was also lacking, and forestry rights and concessions were allowed to increase to the extent that the appropriate needs could not be fulfilled if forest growth is not compromised. Such strategy was the result of the trained and skilled colonial-traditional administrators' and foresters' normative authoritarian mindset [7].

³ Government of India Act, 1935 and Government of Burma Act, 1935. Government of India Act 1935. Wikipedia, https://simple.wikipedia.org/w/index.php?title=Governmentof_India_Act_1935&oldid=6456958.

⁴ IUCN Pakistan (2005). Environmental law in Pakistan. Part 1: federal. IUCN Pakistan, Environmental Law Programme, Karachi, Pakistan. 78 pp. <http://www.iucn.org/dbtw-wpd/edocs/ELC-016-1.pdf>.

⁵ The partition of India in 1947 eventually accompanied the creation of two independent dominions, India and Pakistan.

⁶ The history of the British Raj refers to the period of British rule on the Indian subcontinent between 1858 and 1947.

“This form of colonial governance was effective only so far as the administration did not misuse its power and community needs for forest products were relatively limited [8].

Forest Act, 1927

Indian 1927 Forest Act⁷ gives provincial government the authority to preserve the ownership of public or private forest property and offers a wide variety of legal tools for cultivating various types of forests [9]. Any human-type activity or animal engagement that might endanger the forest's restricted territory are prohibited by law (Section 3)⁸.

Section 26 forbids certain forms, graze, trespass, clear land, remove trees, or gather forest products. Similar restrictions apply to shooting and water pollution, which are also covered under section 26⁹. Anyone convicted of participating in such actions may face a five hundred rupees fine or 6 months in prison. Additionally, the guilty parties would indeed be required to make up of the losses.

Section 28 grants rights to villages in a protected forest termed as a village forest, Although the fact that the government has complete ability to create laws and guidelines for these kind of forests¹⁰. Section 29 describes that public lands and forests that have not been designated as restricted preserved territories¹¹. Similar actions such as declaring trees or groups of trees, restricting all or a portion of a forest, and prohibiting mines, cutting, and removing forest products are covered by section 30¹². If the remaining part of the forest is enough and feasible in the area for the appropriate performance of the privileges stopped in that area, the society's rights in those forests might well be suspended, according to Section 30(b). This makes it clear that while making any decisions on the removal of private forests, the government must have the trust of the rights owners¹³.

Section 35 of the Act gives the forestry departments people authority to regulate commercially held forests in particular cases, such as protecting them from disasters or floods, conserving soil for future use, protecting transportation, maintaining waterways, and providing facilities for public health¹⁴. Under the above circumstances, the government is authorized for the management of the impacted forestry areas and may obtain a authority of these properties for the benefit of the local communities (Section 37)¹⁵.

Criminals may be jailed without even a warrant by the police and forest administrations. Similar to this, they have the authority to free the offender on bail (Section 64, Section 66)¹⁶. Section 72 grants further authority for conducting land surveys, granting search warrants, investigating forest offences, and compelling the attendance of eyewitnesses and documenting proof¹⁷. Section 79 of the Act imposes a common obligation to present evidence regarding forest violations in the applicable regions and to safeguard or put out fires¹⁸.

⁷ Supra note 5, section 3.

⁸ Supra note 5, section 3.

⁹ Ibid, section 26.

¹⁰ Supra note 5, section 28.

¹¹ In the protected forests local people are entitled to a 60 percent share in the sale proceeds.

¹² Supra note 5, section 30.

¹³ Ibid, section 30(b).

¹⁴ Full documents about section 35 of the Indian forest act 1935 is available in the site below,

<https://indiankanoon.org/doc/1344234/>. Last visit December 15, 2018.

¹⁵ Supra note 5, section 37.

¹⁶ Vide Gujarat Act 15 of 1960, sec. 6 (h) (w.e.f. 8-12-1960).

¹⁷ Supra note 5, section 72.

¹⁸ Ibid, section 79.



National forest policy 1955

In 1955, the Government of Pakistan issued its initial Forest Policy goals. The Central Board of Forests, which had been founded, offered the initial policy's instructions in 1952. The policy was expected to expand the forest part of the country. The land around the canals was set aside for plant cultivation after the invention of the canal irrigation system. The provincial forest departments have been given unused governmental land to grow forests. Linear plantations on roadways, rivers and railway were extensive. New irrigated and continues plantings have been commenced¹⁹.

However, since the policies did not solve issues of the mountains and scrubs forests, it deteriorated further. Forests were scarcely capable of meeting the demands of the right holders for the grazing of wood and animals. The policy also ignored the immediate need for deforested mountains and also for the management of rangelands and watersheds. Forest resources, especially in the plateaus, quickly deteriorated and was realized that the policy was insufficient. This policy failed to play an effective role in monitoring the policy process and policy implementation [10].

In 1958, for the first time in the history of Pakistan, martial law was inflicted. The chief of army then assumed command of the country and began to work analyzing and amending existing regulations, especially those related to forestry. Due to this, a new forest strategy was implemented in 1962 to substitute the existing one.

National forest policy 1962

The state policies for forest 1962 was developed completely by provincial and federal lawmakers, like the forest policy of 1955. This policy recommended that people to move from the mountainside towards the plain in places with important watersheds and everywhere else consolidate dispersed homes in the villages that are presently situated [11]. Although some recommendations have been enacted, including demographic changes, these were shown to be unworkable since they do not give good impression on local communities' ability to support themselves. The forest area or production has not increased significantly, and the demand for timber as well as other goods has continued to rise [12].

This policy also stressed public forest management and was mostly concerned with the development of forest areas. As set out in this policy, the main aims of forest administration, were to generate income and maximize forest yields. These forest laws support the idea that people have little interest in managing forests and, generally, little interest in preserving public forests, and thus raise the bar for an important task towards forest management [13].

National forest policy 1975

This policy made a significant change from previous. Because members of both government and non-governmental organizations were part of the drafting committee. This plan was quite populist because it acknowledged that the 'guzara forests' forest management should be invested by the landowners. The supervisory responsibilities are assumed by the state only [14]. The policy endorsed that cooperative companies be formed by owners, but also advised that forest planting be performed completely by public sector companies. The only policy that has been people friendly is that of 1975 [15].

National forestry and wildlife policy 1980 [16]

The 1980 national forestry and wildlife policy was closely associated with the 1980 national agriculture policy. Given an emphasis on the insufficiency of the forest land, the lack of fuelwood and the terrible situation of the wetlands and range-lands, a set of proposition on future forest land was provided, the proposed development measures included.

¹⁹ Forest Sector Master Plan, 2003, National perspective. Ministry of Food, Agriculture and Cooperatives, Government of Pakistan, Islamabad, Pakistan.



- The harvesting of rapidly-growing species and fuelwood planting beyond the public forests.
- The engagement of people in reforestation and the sustainable nature through motivation, organized provincial and national development.
- The establishment of conservation areas, administrative forest planting on scientific lines and the manufacturing of medicinal plants in particular field.

There have never been reasons for and methods to achieving these objectives and there have been no proper incentives for the policy. With increased pressure of population and inadequate replanting initiatives., resources continued to deteriorate [17]. In 1988, National Agriculture Commission was established which provided recommendations regarding forest. The majority recommendations given by the Commission were eventually included in 1991 forestry policy.

Pakistan forest policy 1991

The role of assistance NGOs, which were crucial to Pakistan's development efforts in the 1980s, is a major factor in the resurgence of financial importance in forests as a separate issue. The 1991 policy was significantly influenced by financial supporters' agencies in execution of the forest scheme at grassroots level without any help of forest departments. This policy was developed following a consultation session with different people. Despite the fact that the methods to accomplish such aims remained unclear, it advocated for numerous purposes and considerations of social and environmental objectives in particular [18]. The primary aims of the whole policy, reported in 'National Agricultural Policy', were to address the requirements of environment and interest-wood, fuelwood, forage and other goods by increasing the forested area from 5.4% to 10% by 2006, to support joint forests initiatives, and maintaining biodiversity and natural ecosystems through both the sustainability of natural forests replantation and the improvement of wildlife habitat [19].

This policy contained forest preservation guidelines. While establishing public ownership and therefore establishing a small public forested area managed by local forest department, the regulation probably allowed officials of forest departments vast legal powers to determine whatever is considered reasonable forest requirements. Additionally, this policy also highlighted the colonial form of governance²⁰.

The army took over the government once again in October 1999 and Parvez Musharraf became the country's new President and He announces his seven-points agenda programmed immediately after the coup. One such point was the transfer of power to the grass root level. "General Musharraf 's military coup added a further dimension to the already complex forest reforms". The new president has revised forest policy again, resulting in the new National Forest Policy for 2001 [20].

Forestry sector master plan 1992

In 1992, the 25-year Forestry Sector Master Plan (FSMP) was established²¹. It is a comprehensive document that offers a broad strategy for the timber industry and defines priorities over the course of the plan in order to better prioritize future sector support. The broad objectives recognized in the plan are to shelter, maintain and reintegrate woodlands, increase the availability of fuelwood in plateau watersheds and coastal farms and recover used lands and production to tackle increasing poverty. The plan's inherent goal is to provide specific solutions to specific problems in the sector, and increases the government's capability to manage forests significantly. [21].

²⁰ "SAFI: 2000, Charter of Demands. Sarhad Awami Forestry Ittehad. Sungi Development Foundation, Islamabad, Pakistan.

²¹ Pakistan, Ministry of Environment, Local Government and Rural Development, *Forestry Sector Master Plan* (Islamabad, 1992).

National conservation strategy 1992

The National Conservation Strategy (NCS) ²² seeks to handle all of the financial issues related to the sustainability paradigm. The policy does not restrict itself to forestry. In fact, the historic document on the implementation of environmental issues in all national policies is taken into account. The NCS recommendations remain very applicable today to the policy-making of the government [22].

Cutting of trees prohibition act 1992

The law, which relates to border protection, bans tree cutting and establishes ‘demarcation zones’ close to Pakistan’s international borders. Cutting down trees in such locations requires approval from the appropriate officials. According to this law, the province govt has complete authority of creating regulations and defining boundaries in border regions. Govt. officials who have been given permission may inspect and document the land²³.

Sarhad provincial conservation strategy 1996

The Sarhad Provincial Conservation Strategy (SPCS) resulted directly from the NCS consultations. Similar to the ‘NCS’, the ‘SPCS’ is a policy particular to the NWFP and aims to integrate the sustainability principles into the regular development and execution of provincial policies. The SPCS gave the motivation to many improvements proposed in the forestry area over the last decade²⁴.

Hazara community participation rules 1996-97

The regulations were adopted in 1996-97 and the were 1st revision of the 1936 ‘Hazara Forest Act’²⁵. These regulations were developed to encourage the involvement of the community for managing protected and reserved forests with the establishment of a mandate and guidelines for a common approach to forest management [23].

The NWFP forest commission act 1999

The NWFP Forest Commission Act was designed in 1999 as part of the reform process to create an autonomous commission to monitor forest departmental work under provinces and also to assure the correct implementation of the reform process of various recommendations. To make sure that all stakeholder should participate, a forestry round table was also to be set up under the Act ²⁶.

National forest policy 2001

In 2001, Pakistan formed its national policy regarding forestry. It applies to renewable natural resources (RNR) Forests, rangelands, biodiversity, watersheds, habitat and wildlife in Pakistan ²⁷. These policies aim to eradicate major reasons for the reduction of RNR by actively involving all relevant agencies and stakeholders to achieve sustainable resource development. It is a policy framework that provides guidance to state about how to manage RNR at federal as well as province

²² The Pakistan National Conservation Strategy (NCS), approved by the government on March 1, 1992, provides a broad framework for addressing environmental concerns in the country.

²³ The gazette of Pakistan, August 1992, extra. Available at: http://www.na.gov.pk/uploads/documents/13342884_81985.pdf.

²⁴ GoNWFP and IUCN, 1996. Sarhad provincial conservation strategy. Sarhad Programme Office, IUCN–The World Conservation Union Peshawar, Pakistan.

²⁵ India, The NWFP Hazara Act 1936 (1936)”.

²⁶ The NWFP Forestry Commission Act 1998 (Pakistan 1999).

²⁷ Government of Pakistan: 2001, National Forest Policy 2001. Ministry of Environment. Islamabad, Pakistan.

levels. Provincial and regional governments could form their own laws and regulations according to their own conditions.²⁸ The main purpose of these policies are to encourage the RNR's sustainable development of Pakistan, to maintain and rehabilitate its environment and to increase the stability of its remote communities, particularly females, minors, and other marginalized people. as per Govt. of Pakistan "This policy shall encourage the provincial governments to create, effectively managed protected area networks in areas under their control seeking the needed financial and technical assistance from the federal government."²⁹

Provincial forest policy 2001

In accordance with Pakistan's constitution, the provinces have the authority to execute their own forest programs within the framework of the national forestry strategy. In 2001, the NWFP province (as it constitutes 40 percent of Pakistan's existing forest land) [24] launched new forestry policy, where the new community-based forest management strategy reached a legalized level. The need for domestic wood fuel, constructions material, and illegitimate exploitation has all been identified as major concerns. This was for the very first time, that the policy dealt with indigenous forests as well as with lands, wastelands, wetlands and agriculture forests. This policy could be pioneer in its terms throughout Asia [25]. The NGO Sarhad Awami Forestry Ittehad (SAFI) ³⁰, however, criticized the change in policy as being entirely based on donations, which is paying just attention to contemporary realities, and failing to modify how the forest department views the local people [26].

The Khyber Pakhtunkhwa Forest ordinance 2002³¹

This regulation is for the Forestry and natural resources protection, conservation, management and sustainable development in the NWFP. The ordinance consists of 121 articles divided into 13 chapters. all previous laws which also includes Forestry Act 1927 and Hazara regulation are replaced with this ordinance. It describes the steps involved in defining protected and reserved forests³². According to paragraph (1) (c) of the ordinance, the government must form a Forest Settlement Board to look into and resolve any rights that are allegedly asserted in favor of any individual on or over any land included within such limits or forest produce therefrom. However, in the context of the broader reference to participation, it is something new in compared to the forest legislation of 1927[27].

Forest administration in Pakistan

In Pakistan, majority of forests owned and managed by government at province level. The subsequent classification of forests is based on the rights of ownership allocated for all forests and includes Reserved forests (named forest owned by state in Baluchistan); resumed forests, Guzara forest or community forest, protected forests and unclassified forests [28].

Reserved forests are categorized or classified in accordance with their ecological sensitivity and therefore do not permit private property rights. Due to their ecological and geological significance, these areas have been reserved since colonization days (1886) and are abundant in both, biodiversity and in good standards wood [29]. Protected forests give local communities more rights and including restored land. The forests named 'Guzara' are commonly maintained and manage by forestry

²⁸ Ibid, GoP 2001.

²⁹ Ibid, GoP 2001.

³⁰ SAFI is a membership based people's forest organization working in KPK. SAFI represents and protects interests and rights of its members which include forest owners.

³¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³² The Khyber Pakhtunkhwa forest, ordinance 2002, 10th June, 2002. Available at <http://kpcode.kp.gov.pk/homepage/lawDetails/1221>.



department and can be described as regulated commons [30]. The forests own by government in Baluchistan and Azad Jammu Kashmir are typically utilized in fuelwood and shelter construction materials [31].

The federal government in Pakistan govern the forest policy with the help of the forest inspector general. Never less, the forest management is mandated to province so the provincial forestry departments manage forests and forest land ³³. The 1927 Forest Act³⁴ is applicable to all provincial forests and describes forest classification. The Act provides extensive descriptions of forest categorization, particularly for reserved forests. The KPK forest ordinance 2002 is the only provincial forest law that has updated the existing forest legislation. The law continues to be harsh despite the addition of various new elements, such as new collaborative forest management. Provinces use forest work planning to preserve and safeguard forests. This planning tries to cover ten years (but could be up to twenty-five years) and are planned in the forest conservator's guidance by the officials of the division of forest. The above programs made some decentralization possible and largely regarded as a significant period towards improving forest governance [32].

The first forestry policy in Pakistan recognized the prerequisite to increasing the forest lands in 1955. For accomplishing this task, forest plantations were reserved for the irrigated territories all around the canals. In order to expand the state's forest area, the federal government also officially distributed unused properties to regional forests agencies. An executive order restricting the large scale cutting of trees was established as a result of the unregulated tree cutting by forestry contractors in 1993. This order was initially approved for two years and prolonged by consecutive governments till 2001 to keep safe many of the current forest resources. The policy in 2002 was adopted to use sustainable developments and management of forests. This technique encourages the sustainable growth of RNR in Pakistan [33].

This legislation, in particular, aims to decrease poverty through the responsible natural resource utilization and prevent governmental involvement in the field of forestry and wildlife. This also works to include or involve all interested parties, key players, local groups and NGOs in the policy's performance measurement and assessment [34]. The success of such a strategy depends entirely on efficient and effective plans and programs being implemented, and that is the federal office responsibility. The improper planning and execution of plans and policies and the absence of sufficient laws were Pakistan's two key barriers in efficiently and effectively sustainable reforestation [35].

Pakistan's forest growing policies have been unsuccessful to date. The unlawful cutting, timber mafia, fuelwood and influence of personals significantly impacted the ration of deforestation [36]. And these issues in many forums have been highlighted. Though, the transferring of forest land for other developmental purposes is an important aspect which has been neglected.³⁵ In order to assess the potential causes for the policy's failing, stakeholders and the Forest Department met in 2008. The problem of shifting the land from the forestry department to other agencies is of serious issue for the DFO, who is mainly responsible for the implementation of forest work plans [37] Another major problem pointed out that is affecting Pakistan's forestry lands, is the consequences of urban planning and managerial and organizational laws that are using forest land for different other causes [38].

Forest policy formulation

For the formulation, consultation and implementation of policies, no specific procedures are required in Pakistan. Earlier, developing forestry policies was a one-time endeavor started due to individual's interests or a consultation procedure involve multiple parties. Forest policy was based on senior

³³ Pakistan, Ministry of Environment, Local Government and Rural Development, Forestry Sector Master Plan (Islamabad, 1992).

³⁴ Supra note 5.

³⁵ "SIDDIQA, A. 2007. Military Inc.: Inside Pakistan's military economy. Pluto Press, London, England. 292 pp.



officials' technical knowledge and practical experience up to 1991 [39]. Since the definition of "policy" is a set of guidelines towards accomplishing a specific objective, hence creating policies should be a dynamic process that involves participants across the multiple fields, either directly or indirectly. Forest policies were either formal, as an official announcement published by the government, or informal, as ad hoc rules or regulations released sometimes by the politicians.

Pakistan's initial policies were issued in 1955 by the 1952's central forest board.³⁶ With the emergence of western Pakistan provinces into external factors and one unit, the federal government issued a policy statement in 1962. The Forest Policy of 1975 was adopted as part of the agricultural policy by the Council of Common Interest [40]. The forest inspector general initiated the 1980 policy through consultation with the provincial governments and published as an element of the 1980 National Agriculture Policy after approval by the federal cabinet.

The government set up a National Agriculture Commission in 1988, which made recommendations for forestry. In March 1989, the Forest Inspector General, with the assistance of the USAID program on forestry, conducted an international symposium on forest policy in Karachi. Based on the seminar's recommendations, a prototype forestry plan has been created and given to the attendees. Afterwards, The Prime Minister talked about the plan during a conference for farmers. Consequently, In May 1991, the proposal has been approved and released publicly. The National Assembly debated and approved the key parts of the forest policy (1991) during the budget session in June of that year [41].

Formalizing of forest policy formulation

The formalization of policy has been the Environmental Ministry's responsibility, the Inspector General of Forest (OIGF), local govt and regional development, and the PFDs since 1994. The IG plays a vital role in collaboration when the policy leadership or the minister issue a directive to involve all PFDs through consultations involving interprovincial meetings, seminars and workshops. Provincial governments review a draft policy prepared by the OIGF before finalizing by the FBB. The policies formulation involved the following steps [42];

- Federal Cabinet Directive is revising forest policy to ensure administrative sustainability of forests and to prevent illegitimate harm.
- The establishment of a practical subcommittee to draft a revised forest policy by the ministry.
- Interprovincial workshops involving foresters from all PFDs to review the technical sub - committee's draft policy.
- A national across the board session to examine the proposed draft and take suggestions into consideration.
- Publicity of the proposed draft into the media by the cabinet minister.
- Request about the federal ministries' opinions on cross-sectoral linkages.
- A finalized version of the draft that will be submitted for approval to the Federal Cabinet.

Stakeholder involvement

The idea of stakeholder involvement has developed in the last decade during the implementation of social forestry projects supported by donors. Prior to 1991, Most of the forestry policies were drafted by experienced forest persons with little or no contribution from other parties. Early forest policy was therefore normative and autocratic in its approach, with a focus on technical problems.³⁷ Since the establishment of National Wildlife Conservation Council (NCCW) in 1974, it has played a key role

³⁶ Wani, B. A. (2002). National Forest Policy Review. Ministry of Environment, Local Government and Rural Development, Islamabad, Pakistan.

³⁷ Wani, B., 2005. National forest policy review–Pakistan. Ministry of Environment Local Government and Rural Development.

in promulgating provincial wildlife legislation.³⁸ The NCCW meets two times a year at the chairmanship of the Federal Ministry for Environment. The NCCW has many stakeholders typically discuss problems linked to perseverance of biodiversity and has launched trophy hunting programs to support community based animal conservation initiatives [43].

A core group of specialists must be set up at the federal level which representing different sectors to assist the OIGF office in regularly reviewing the policies that have impact on forest policy.³⁹ In accordance with the broad goals and guidelines outlined in national forest law and regulatory obligations, all province administrations are currently developing their own programs that are appropriate to local circumstances. In the KPK, a multi-stakeholder forum was set up for a community debate on the conservancy and administrative issues of forests.

Forest policy implementation and impacts

Previously, forestry laws were developed focused on control measures and described regulations and financial penalties, while lacking clear vision and knowledge of local issues, and how humans value natural resources. The progress toward achieving the objectives of forest policy is hindered or slowed due to lack of proper knowledge of environmental challenges and also because of low priority and inadequate budgeting for forest industry. Consequently, previous national forestry policies were considered as guidelines without any legalities.⁴⁰

The absence of local people's feedback to legislators was a significant shortcoming of past policies. Actions according to provisions rarely took place due to the policy itself. A fundamental problem at both provincial as well as federal levels is the absence of institutional frameworks for regulating application in forest sector and introducing the laws required to facilitate for successful implementing policy [44]. The enforcement of laws is frequently hampered due to lack of funding and the less importance given in the national development plan. Additionally, the uncertainty in political system and unsatisfactory law and order situation are the common reasons for poor implementation of forest policies.

International legal aspect of forest

A country is free to legislate and apply their own rules and regulation for their personal benefits and appropriate use of forest lands and resources. Internationally, numerous legal regulations have either direct or indirect link to with local forest of a country. It is important that the concern persons related to forest must have thorough grasp on each conventions elements. However international expertise must be taken into account by each nation while creating and changing forest laws. Nevertheless, this situation is challenging as the due to varying nature and resources as well as legal and administrative framework of each country. Therefore, it is unlikely to adapt any certain legal tools of forest law from one region to another. There is currently no clear practice guideline for assessing and improving the legislation with regards to forest regardless of much researches.

The development of the forest laws was motivated by other types of legislation that are being implemented more often for the management and usage of forests. For example, with increase in environmental challenges the linkages between the forest policies of a country and its basic environmental laws become more relevant [45].

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ National forest policy 2015, government of Pakistan. Ministry of climate change Islamabad Pakistan.

Forest laws in international context

Since the world's natural resources are deteriorating, significant measures have been taken to prevent growing exploitation and destruction of forests⁴¹. In 1992 United Nations Conference on Environment and Development (UNCED), several topics related to forestry were discussed in depth. Ultimately, developing nations refused to regard forest resources as a global system [46], [47]. This led to the creation of a comprehensive series of optional forestry standards expressing a dedication to combat global deforestation and of Agenda 21 Chapter 11, which is devoted to this struggle⁴².

At the UNCED in 1992, 150 nations, including Pakistan, adopted the Convention on Biological Diversity to support the Agenda 21 goals for sustainability. The agreement however played a significant role in encouraging an innovative strategy that takes into account for protection of forests⁴³. Another valuable result of UNCED was the session of the Commission for Sustainable Development (CSD), accepted the necessity about the discussion of deforestation specifically with low-forested nations. [48] Since then, the 'UN Forum on Forests' (UNFF) has pledged to focus on forestry issues in nations with limited forested land in order to save forests, reduce land degradation. It has been recognized through these processes that states with lower forest cover not only face the challenge of reducing deforestation, but much more important is to increase their forested areas⁴⁴.

In entire process of the Tehran Declaration (1999), the FAO legal definition of LFCC as a country with a forest cover of less than 10% was adopted. As per the FAO (1999), 70 countries around the world, including Pakistan, fall under the LFCC category.⁴⁵ In 2000, UNEP recommended that the following essential strategy for a restoration of forest⁴⁶:

(a) the preservation of present forests and their distinctive ecosystems, and (b) continuous resource building and measures to increase forest area.

Implication of international conventions and other forest policy initiatives

Pakistan has signed a number of international conventions on biodiversity protection, while the public is not aware of the implications of these conventions and responsibilities. The Ramsar Convention⁴⁷, participated by Pakistan in 1978, is of primary relevance for wetland conservation. Under this Convention, the smart use and protection of marshland and aquatic habitats must be encouraged in Pakistan. Until June 2002, 16 of Pakistan's wetlands are recognized as 'Ramsar sites. Pakistan signed

⁴¹ C.J.P., G.R. Dahal and D. Capistrano, 2012. Lessons from forest decentralization: Money, justice and the quest for good governance in Asia-Pacific. Earthscan.

⁴² United Nations forum on forests (UNFF). 2000. History and milestones of international forest policy. Available at: <http://www.un.org/esa/forests/about-history.html>.

⁴³ Convention on Biological Diversity (UNCBD). 2008. Guidelines for incorporating biodiversity in EIA and SEA. www.cbd.int.org.

⁴⁴ FAO 2002. Report of the twenty-sixth FAO regional conference for the Near East. Tehran, Islamic Republic of Iran, 9-13 March 2002. 53 pp.

⁴⁵ The state of food insecurity in the world 1999. Available at: <http://www.fao.org/NEWS/1999/img/SOFI99 - E.PDF>.

⁴⁶ UNEP annual report 2000, Available at: <http://wedocs.unep.org/handle/20.500.11822/7731>.

⁴⁷ This is an international treaty for the conservation and sustainable use of wetlands. It is also known as the Convention on Wetlands. It is named after the city of Ramsar in Iran, where the Convention was signed in 1971.


several international agreements such as the ‘Bonn Convention on Migratory Species’ (CMS) since 1987 and ‘the International Trade Agreement on Endangered Species of Wild Fauna and Flora’ (CITES) since 1976.

In order to comply with international accords, provincial governments must implement forest policy provisions related to conservation of wildlife and biodiversity. The protection of forests and biodiversity is not yet sufficiently understood as being not only provincial but transboundary and global in nature. Pakistan has developed a Biodiversity Action Plan (BAP) to address global biodiversity conservation concerns under the Biological Diversity Convention (CBD) that gives an idea to raise the awareness in local peoples about the sustainable biodiversity management. In the same way, the implementation of other protocols, such as the Climate Change Convention, may influence on forest policy of Pakistan, as they are now regarded as environmental issue.

Important Environment and Climate-Related treaties and convention Pakistan has acceded to ratified.⁴⁸

Sr. No	Treaties/Conventions	Status (Date of Ratification/Accession /Signature)
1.	Vienna Convention for the Protection of the Ozone Layer	Accession on 18 December 1992
2.	Montreal Protocol on Substances that deplete the Ozone Layer	Accession on 18 December 1992
3.	Convention on Biological Diversity	Ratification on 26 July 1994
4.	United Nations Framework Convention On Climate Change	Ratification on 1 June 1994
5.	Convention of the United Nations to Combat Desertification in Those Countries Experience Serious Drought and/or Desertification, especially in Africa	Ratification on 24 February 1997
6.	Kyoto Protocol to the United Nations Framework Convention on Climate Change	Accession on 11 January 2005
7.	Stockholm Convention on Persistent Organic Pollutants	Ratification on 17 April 2008
8.	Cartagena Protocol on Bio Safety to the Convention on Biological Diversity	Ratification on 2 March 2009
9.	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (Beijing)	Ratification on 2 September 2005

⁴⁸ Ministry of foreign affairs government of Pakistan. Available at: <http://www.mofa.gov.pk/contentlist.php>”.



10.	Convention on Biological Diversity Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Therefrom	Accession on 23 November 2015
11.	Paris Agreement	Ratification on 10 November 2016

Global debate on forest management

Most of the international literature highlights two strategies for managing forestry resources.

- (i) A command and control approach, and
- (ii) An incentive-based framework.

The majority of environmental protection laws in developing nations have particularly focused on command and control approach and depended on efficient regulatory strategies for their progress. [49]. However, it is extremely challenging to implement those policies that effect the environmental issues as numerous stakeholders have different demands and interests [50]. The inability of states to establish command and control system allow progressive shifting toward market-driven mechanism for protection of environment [51]. Oates and Portney highlighted a cost-benefit analysis of establishing legislation to safeguard the environment has led experts to be more likely to utilize incentive-based mechanisms [52]. Significant benefits to encourage forest sustainability (SFM) are indeed considered to result from systems that directly enable local people to take ownership by empowering them [53].

The collective management between government agencies and resource-dependent communities required involvement of from communities to play their part in making policies and their implementation. Although this is generally accepted as conventional knowledge, actual data indicates that one must see closely to context-specific details. Mogaka in work emphasizes that local people must participate in SFM, they must have a strong sense of their own identity, “They must receive greater economic benefits from conserving forests than from degrading them” [54]. Yadama proposed in his research carried out in India stated that for successful joint forest management program (JFM), the power should be transferred to inhabitants of forests and also equip every person of society [55].

Additionally, Gutman proposed that for successful JFM, there is need to shift significant amount of income from wealth population to ruler areas as a compensation to their work [56]. A relatively new co-management concept in global forestry is the public-private partnership (PPP). With public sector failure and international pressure to join with private sector reflected in a number of international conventions, the private sector’s role in forest management has rapidly increased over the last fifteen years. Countries are now seeking to find the optimal balance between private sector participation and government control in order to produce optimal results. Even though a Public Private Partnership often means the transition of a government good to a private organization, this reference emphasizes the much wider nature of PPPs and how they may take many other shapes [57].

Various countries have tried using owner transfers, leasing, and licensing arrangements, or just enabling the private market to participate in forest management methods. Under certain situations, the state only serves as a quiet observer while the private market and people work together directly. For the delivery of forest resources, private industry groups have signed directly contracts with farmers in Indonesia, Ghana, Canada, Papua New Guinea, and India. [58]. Variety of agreements have included support payment plans, collaborative partnerships, and different programs. North describes economic structures in his fundamental work on the subject as a system of laws that govern human behavior in an effort to increase predictability⁴⁹.

⁴⁹ North, D.C. and I.C. Institutions, 1990. Economic performance. New York.

~~~~~

Inadequate enforcement is still regular, particularly when a majority of investors sees a deficit from the successful functioning of the current institutions [59]. The poor implementation could be result of “the fact that enforcement is undertaken by the agents whose own utility functions influence outcomes” [60]. Clearly defending the land ownerships is very crucial for the success of forestry strategies. The manner of utilization of natural resources largely depends on the property rights regimes which govern agent behavior [61] without defined and effective ownerships rights, involvement by companies or society is not possible in SFM [62].

Property rights go far beyond simple owning documents. Instead, they relate to a variety of laws that govern who can access and utilize certain resource [63]. According to MacPherson, property is to be viewed not only as an asset, but as a right “that will be enforced by the society or the state, by custom or convention or law” [64]. Perhaps most important in the Pakistani context are the local community rights, which are frequently confined to small areas of degraded land and limited to tiny number of natural resources.

Forest degradation is linked very closely to the poverty of peoples connected with forestry resources. The connection between poverty and the environmental issues is extremely complicated, despite the fact that many people believe it to be a key factor in forest degradation. While the poverty level in rural areas could be reason of forest degradation, typically because of other “intermediate and root causes” such as financial problems [65]. The dependence of poor people on the resource also ineffective administration of state agencies also contributes to forest deterioration [66].

### **International practices of forest**

Practices regarding forest management varies country to country. Most of the forest land in the U.S and Canada are private property and the considerable amount of state-owned land is systematically leased to private timber producers as a “public good” [67]. The forests in India were classified “wasteland” and consequently ownerless.<sup>50</sup> In Brazil, due to a lack of federal government capability, general public do not have an easy accessibility to forests, On the other hand, forests in Indonesia are state-owned, however, technically speaking, they are considered practically as private own property.<sup>51</sup> Whatever the case it is, the state considers the public forests to be its sovereign property as a national resource. In this context, the preservation of forests is related to the producing woods and products that generates wealth and employment, and primarily contribute to the finance of major areas that are directly and indirectly reliant on the natural resources from these forestry areas [68].

Recently, legislation was done Eastern Europe as they are shifted toward market economy with substantial impact on possession of forests lands, management regulations, and the institutional framework of the forest modernization. New forest laws have also been formed in Western European nations in response to evolving economic challenges, modern cultural requirements, and sociopolitical engagement of interested groups and individuals. Developing forestry laws in European nations demonstrates an awareness of how to manage natural resources in a sustainable manner in light of a certain socioeconomic manner. The possibilities that should be left open for the long term are a reflection of several communities' shifting viewpoints and possibilities. Local conditions determine sustainable forestry and their importance has changed significantly over time. Presently, sustainable management is considered to preserve the environment's inherent capacity and protect forest diversity in its natural landscape. They offer multiple alternatives for increasing timber production, environmental protection and recreational activities. The growing pace of forest cutting

---

<sup>50</sup> Lipschutz, Ronnie D. 2000, Why Is There No International Forestry Law? An Examination of International Forestry Regulation, both Public and Private. Available at: <https://escholarship.org/uc/item/11m1m76d>.

<sup>51</sup> Ibid, Ronnie 2000.



for agricultural use, harvesting for export markets, usage as fuel is extremely danger for the forests to play their part in environmental changes [69].

Public use of forests has been a cornerstone of long-term environmental projects for more than a generation. Customary legislation that had previously been codified was used in the 14th century to regulate how woods were managed according to the needs and preferences of the period. Since the 16th century, numerous forest and forestry ordinances have been developed. Concretely better policies were needed to suit local demands, provide access to energy and raw resources, and improve outputs. The goal of creating a legal requirement for a continual flow of wood products was to prevent resource exploitation and exploration. Activities involving forests emphasized their enduring qualities and grew the link with them. The management, planning, and actions for regrowth and replanting are also aided by it. As we currently understand sustainability, forest regulations eventually made it possible to use renewable natural resources for that purpose [70].

### **Pakistan's experience in forest laws and legislation**

Pakistan's experience in forest sector can be considered as a classic case of implementation failure stemming from a lack of political will, this study only highlights the one aspect of the relationship. Implementation could be improved in relatively easier avenues, which may positively impact the "will" factor, in turn allowing a more concerted effort to confront the graver issues.

The government of Pakistan's lacks institutional arrangement, inter-tier coordination and accountability. Specifically, within the forest sector, this is seen in a timber mafia that has good ties with each other and in politics. This can effectively oppose any ideas or movements meant to address the current flaws in the forestry management system. Due to the limited authority of Forestry department. It is difficult to implement laws and policies that has been passed to protect natural resources. Moreover, the unrestricted authority given to each office has encouraged massive corruption. As an example the forest magistrate, has the exclusive power to penalize offenders. The forest officials responsible for overhauling the system have little incentive to resist the timber mafia and soon collude with these actors. Finally, Pakistan can be characterized as a feudal society where land redistribution is a non-starter. Since communities stand to gain tremendously by resolving property and resource rights issues, the vested interests continue to deter any such attempts by choosing those driving the reform agenda.

Pakistan's improvement to forest management policies reflects Senge's proposed framework [71]. He focuses on the idea of "burden shifting" on a significant issue that arises in organizations and generates warnings for consideration attention. He argues that as this issue is either confusing or expensive, therefore it is extremely challenging to handle in such circumstances.<sup>52</sup>

Repercussions of the inadequate governance system showed more particular irregularities. In Pakistan, various programs were successful without the help of government institutions, therefor we can say that public sector will play a negative role since it has established interest in keeping the unfavorable governance situation [72].

By the same token, small, isolated success stories cannot necessarily be reproduced on a national scale. In Pakistan's context, these merely indicate the propensity of vested interests to provide the reform process space to act when such initiatives do not impact their larger interests. As soon as such program come into the mainstream and begin to threaten the status quo, the perverse governance environment allows vested interests to thwart the initiative [73].

One lesson with wide applicability is nuance in the notion of community involvement. Often, proponents of participatory forest management practices treat communities as a homogenous body. Quite to the contrary, this analysis suggests that under a perverse governance context, community-based initiatives end up benefiting the handful of community elite, whom are often either part of

---

<sup>52</sup> Peter M. Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization* (New York City: Random House Inc., 2006).

the mafia or politically-connected figures who enjoy immunity from law at virtually all levels. The larger community often gets left out. Ensuring a broad representation from the members in a community is thus an imperative, albeit one that is difficult to attain when programs are run at the behest of a corrupt public sector [74].

Arguably, the heterogeneity within communities is further accentuated in a context devoid of clearly defined property and resource rights. Local communities then have little incentive to preserve forest resources, and their leaders find it easier to collude with the commercial timber contractors. These leaders will receive handsome returns, while the rest of the community suffers. They do not receive royalties due to institutional bottlenecks, nor do they gain from the illegal harvesting. In turn, degradation negatively impacts the poor, courtesy of the “poverty-environment nexus” [75].

### **Forest policies of Pakistan**

The forestry laws in Pakistan are mostly focused on forest conservation but the livelihood of local communities has been ignored at a greater extent. Even the implementation of forest policies is largely lacking. Involvement of local communities is also not considered. Similarly, the sociocultural factors are also ignored. The roots are traceable back to the colonial era [76].

The extended forest policies from 1955 and 1962 until 1975 were more concerned with the preservation of community forests and, as a result, increased the amount of land under the authority of the forest department, expanding nature and raising income. The policy resolution of 1894 solely portrayed for the public benefit the state-owned forests’ management, which ultimately resulted in restricting and regulating the local forest dwellers’ rights. In the first national forestry policy of 1955 and 1962, the same colonial approach was observed by giving the forest department greater power. The 1962 policy not only suggested an increase in penalties, but also demanded teaching powers from forest officials. In the forest policy of 1975, however, the forest-dwelling people were recognized as stakeholders for the first time. But unfortunately, this policy has been observed as being more political than public service concerned as the forest officials acted the same way as they were doing while having powers as set by previous policies. The powers were more likely exhibited as that of policemen and the check and balance was largely lacking [77].

The forest policy of 1980 was designed under the martial government authority. While similarly the policy acknowledged the significance of local people’s role in the participation of plantation, it still restricted local people’s rights by creating national parks and putting more property under state control. In 1991, a democratic administrative government presented a “donor-driven” policy which focused sustainability of environment.

The previous policies are also evaluated in terms of political objectives. The study shows that the previous policies were less or more associated with the government's change in order to achieve government's political goals. The forest policies of 2001 and 1991 were declared participatory, however, civil society considered these policies to be “donor-driven”. The real conditions and demands of local people on the ground were not taken into consideration. In fact, achieving objectives of policy initiatives are only possible when the sustainable livelihood of real stakeholders is encouraged [78].

Lack of significant human element and importance on “pro-conservation” at the employment expense of native people have continued the problematic situations of Pakistan's natural resource management policy in recent decades. In addition, the dilemma in Pakistan is a non-participatory culture. The trends are now changing and nowadays the concept of conservation versus development is no more under discussion in the world. Instead, a new concept has raised i.e., “conservation as well as development” [79]. The supporters of this strategy, which include numerous governments, donor agencies, and international financing organizations, are now trying to relocate themselves in a situation that contributes to progress deprived of damaging the natural resources’ preservation.

From the forest policy of 1894 to the present, Pakistan's forestry policy has progressed a long way. However, good governance is always necessary for any pro-poor development, but it is unfortunately lacking like other developing countries. Although it has become standard practice in the recent past to engage experts when developing new policies, it was kept confined to professional circle folds.

Consequently, the policies were strengthened on technical grounds but lacked elasticity in general life situations. Sometimes, they are in a circumstance where state policies are either detrimental to their livelihood methods or do not support them. In this instance, regulations even fall short of the hopes of the people who are forced to carelessly use the natural resources in order to ensure their survival. Both the development and conservation objectives are thus partially achieved [80].

### CONCLUSION

In Pakistan, it has been experienced that developing new forest policies without the capacity to implement them on ground are ineffective. A reforms in this sector is nearly difficult under the current governance infrastructure as traditional command and control setup has built personal stakes of individual until a clear move is taken to address the fundamental cause of issues. An institutional change appears to be nearly difficult in an absurd governance situation where the traditional command and control set-up has created personal stakes for individuals to maintain the system unless a serious commitment is made to address the underlying causes without thinking about self-political benefits..

Excessive public sector involvement, lack of clearly defined property rights, and community heterogeneity all seem to be major concerns that provide clues for other current and future efforts. However, measures designed to incorporate these aspects in a reform program cannot be divorced from the larger governance context. Since the latter tends to be context-specific, any lessons need to be adapted carefully. For instance, the kind of actors that need to be co-opted or eliminated from a reform framework may vary greatly. In Pakistan, influential community members from ethnic tribes may be the source of challenges for change, while in other countries this may not be the case. Even the condition for decreased public sector presence needs to be interpreted with caution. In countries with feudal backgrounds, the public sector is often constrained in terms of redefining property rights and is thus rendered ineffective in sectors involving land ownership issues. This may not be true for countries where property rights are unclear but the cause is something other than a feudal hold.

Pakistan as well as countries exhibiting a similar governance context, there may not be any viable option left to overhaul forest management from within the sector. Under the existing set-up, the ultimate answer to the problems of the forest sector lies in targeting the governance context per se, itself a cross-sectoral issue that requires a major structural shift in the country's overall institutional functioning. Failing such a holistic approach, one can well envision a self-perpetuating vicious cycle of failed attempts at reform leading to further strengthening of the vested interests, in turn making it even harder to dent the traditional set-up.

Perhaps the only recourse available to countries plagued by severe institutional crises is to seek an option that can sidetrack the governance bottlenecks without attempting to upend the current system. Reliance on market-based forces could provide respite. A measure to render imported substitutes of domestic timber competitive in the market could undercut the primacy of the mafia and make timber harvesting within the country cost prohibitive. This is by no means a substitute for institutional reform, which is a necessity in the long term. The business solution proposed must be affordable and simple to execute and must be capable of providing positive impact on economics, environmental protection and wellbeing of society benefits.

The Pakistani government has recently started taking initiatives in the direction of reducing import levies on wood. Recently, the government of Pakistani has taken initiative for justification of import taxes on forest items. However, significant reductions have occurred due to the rapid increase in the wood demand after the earthquake in 2005. Additionally, the downward trend in tariff brought on by international reduction agreements. As a result, the decrease in duties has primarily overlooked the larger duty structure. despite the entire elimination of taxes on certain types of imported wood, the overall charges are still above 20%. This renders some major varieties of imported woods are replaced



with non-competitive particularly in all major markets across Pakistan except in the port city of Karachi.<sup>53</sup>

While detailed cost-benefit analyses of this policy option are still being conducted, it is particularly attractive in the context of this discussion given that the timber mafia which dominates policy decisions in the forest sector has virtually no presence among the trade and revenue lobbies. These lobbies are thus likely to support rather than hinder any move toward increased timber imports.

One obvious spin-off from a focus on a market-based strategy is the gradual loosening of the hold of the timber mafia and the elimination of perverse incentives for the Forest departments. The potential for a more transparent forest management regime within the confines of the limitations imposed by the overall lack of institutionalization could open up under this scenario, in turn favoring community centered and co-management approaches. However, the implications of the market-based alternative, needs to be carefully analyzed before being fully implemented. This represents a useful topic for future studies.

### RECOMMENDATIONS

The following are the recommendations suggested with regard to forest policy:

- 1) Forest policy should provide the grounds for academic persons related to forestry and social sciences to carefully conduct research on the policies and make sure that the people at the grassroots level and civil society organizations are involved.
- 2) The center point of forest policy and development should be public at higher levels as well as public level. This is crucial for the accomplishment of goals like poverty alleviation, financial changes and sustainability. Forest policy shall make sure that the poverty among forest inhabitant should be reduced with some strategic plan for example. through technical trainings other forest products, education, health and development of infrastructure, etc.
- 3) In future, provision can be made in policies to identify, train and involve volunteer forestry managers who will always join the administration in forest related works.
- 4) In Pakistan. Provincial Governments are responsible for the executive execution of forest policies; However, federal government has the policy to meet the requirements of international obligation and moments of the forest products to and for, at federal level the portfolio is termed climate change. As the provinces have complete freedom forestry and lack a cooperation with federal government, the forestry industry completely lacks cohesiveness and consistency. Therefore, it is recommended that the steps be taken to enhance provincial and federal cooperation.
- 5) The lack of political will is indicated by frequent changes in forest policies. Mainly these laws are formed without the involvement of local population by the selective legislators of government friendly NGOs. Such policies are modified with the transition of governments. To ensure that the forest administration remain sustainable, the polices should not change with the change in regimes.
- 6) When making the policies it should be adaptable enough depending on the local condition. Thus, it is recommended that forest management at district level must be decentralized so that forest management can be carried out in accordance with the prevailing regional conditions.
- 7) Policies that involve individuals in a way that they are compatible with their present living methods and the social structure are the only way to ensure livelihood. The focus should be on the inhabitants as opposed to the things they utilize or the authorities that provide them. This approach would not only encourage active participation from all parts of society for the conservation and sustainability of forest but also it will guarantee livelihood opportunities. In this particular sense, it should be considered that the job and income of the people are as vital government revenue.
- 8) Furthermore, Awareness and advocacy campaign is required for protecting and preserving e forest area, and 80% royalty should be distributed equally.

---

<sup>53</sup> Moeed Yusuf, "Forest Management in Pakistan: An Institutional Analysis" (Presentation at the 12<sup>th</sup> Research and Training Workshop, South Asian Network of Development and Environmental Economics, 5 July 2006).



- 9) The future legislation should include mechanisms for the coordination and collaboration of volunteer groups, who would work alongside the government to maintain the forests.

#### BIBLIOGRAPHY

- [1] Fraser, I. A. (2002) Making Forest Policy Work, The Netherlands. Kluwer Academic Publishers. Forestry Sciences 73, 7-10.
- [2] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [3] Qazi, I. A. (1994) Pakistan: country and forests. Handbook of Forestry 253.
- [4] Banuri, T., Marglin, F. A. (1993) Who will save the forests? Knowledge, power and environmental destruction. Zed Books.
- [5] Hasan, L. (2001) Analysing institutional set-up of forest management in Pakistan. Pakistan Institute of Development Economics (PIDE), Research Paper 182.
- [6] Chapagain, D. P., Pyakuryal, K. N., Pokharel, B. K. (1998) Land Policy, Land Management and Land Degradation in the HKH Region. Nepal Country Paper. Kathmandu: ICIMOD.
- [7] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [8] Khan, S. R., Naqvi, A. A. (2000) The environment-poverty Nexus: an institutional analysis. Sustainable Development Policy Institute.
- [9] Rahman, L. M. (2000) The Forest Act 1927.
- [10] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [11] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [12] Chapagain, D. P., Pyakuryal, K. N., Pokharel, B. K. (1998) Land Policy, Land Management and Land Degradation in the HKH Region. Nepal Country Paper. Kathmandu: ICIMOD.
- [13] Ali, T., Shahbaz, B., Suleri, A. (2006) Analysis of myths and realities of deforestation in Northwest Pakistan: implications for forestry extension. International Journal of Agriculture and Biology 8(1), 107-110.
- [14] Hasan, L. (2001) Analysing institutional set-up of forest management in Pakistan. Pakistan Institute of Development Economics (PIDE), Research Paper 182.
- [15] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [16] Shahbaz, B., Ali, T., Suleri, A. Q. (2007) A critical analysis of forest policies of Pakistan: implications for sustainable livelihoods. Mitigation and Adaptation Strategies for Global Change 12(4), 441-453.
- [17] Shahbaz, B. (2009) Dilemmas in participatory forest management in Northwest Pakistan. A Livelihood perspective, 25.
- [18] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [19] Shahbaz, B., Ali, T., Suleri, A. Q. (2007) A critical analysis of forest policies of Pakistan: implications for sustainable livelihoods. Mitigation and Adaptation Strategies for Global Change 12(4), 441-453.
- [20] Geiser, U. (2000, September) Working on power: actors' practices of improving control over forest resources in North-West Pakistan. In Proceedings of the Conference on Modern South Asian Studies, Edinburgh.
- [21] Suleri, A. Q. (2002) The state of forests in Pakistan through a pressure-state-response framework.
- [22] Hanson, A. J., Bass, S., Bouzaher, A., Samdani, G. M., Zehra, M. (2000) Pakistan's national conservation strategy: Renewing commitment to action. Government of Pakistan Ministry of Environment, Local Government and Rural Development, Islamabad.
- [23] Steimann, B. (2004) Decentralization and participation in the forestry sector of NWFP, Pakistan-the role of the state. NCCR North-South Dialogue 7.
- [24] Bukhari, B. S. S., Haider, A., Laeeq, M. T. (2012) Land cover atlas of Pakistan. Pakistan Forest Institute, Peshawar, 140.





- [25] Suleri, A. Q. (2002) Regional study on forest policy and institutional reform; Final Report of the Pakistan Case Study. Asian Development Bank.
- [26] Steimann, B. (2004) Decentralization and participation in the forestry sector of NWFP, Pakistan-the role of the state. NCCR North-South Dialogue 7.
- [27] Geiser, U., Shahbaz, B., Suleri, A. Q. (2013). State forest administration, donor support, and forest realities in Khyber Pakhtunkhwa Province of Pakistan.
- [28] Azhar, R. A. (1993) Commons, regulation, and rent-seeking behavior: The dilemma of Pakistan's "Guzara" forests. *Economic Development and Cultural Change* 42(1), 115-129.
- [29] Ahmed, J., Mahmood, F. (1998) Changing perspectives on forest policy. Policy that Works for Forests and People Series No. 1. Pakistan country study.
- [30] Azhar, R. A. (1993) Commons, regulation, and rent-seeking behavior: The dilemma of Pakistan's "Guzara" forests. *Economic Development and Cultural Change* 42(1), 115-129.
- [31] Ciesla, W. M., Mohammed, G., Buzdar, A. H. (1998) Balochistan's ancient junipers: Bringing sustainable management to dry-zone forests. *Journal of Forestry* 96(4), 34-37.
- [32] Ali, T., Ahmad, M., Shahbaz, B., Suleri, A. (2007) Impact of participatory forest management on vulnerability and livelihood assets of forest-dependent communities in northern Pakistan. *The International Journal of Sustainable Development & World Ecology* 14(2), 211-223.
- [33] Nizamani, A. A., Shah, A. A. (2004) A review of forest policy trends for community participation in Pakistan. *Policy Trend Report* 2004, 28-34.
- [34] Wani, B. A. (2005) National forest policy review Pakistan. Ministry of Environment Local Government and Rural Development, Islamabad, Pakistan.
- [35] Hasan, L. (2001) Analysing institutional set-up of forest management in Pakistan. Pakistan Institute of Development Economics (PIDE), Research Paper 182.
- [36] Ali, T., Shahbaz, B., Suleri, A. (2006) Analysis of myths and realities of deforestation in Northwest Pakistan: implications for forestry extension. *International Journal of Agriculture and Biology* 8(1), 107-110.
- [37] Aftab, E., Hickey, G. M. (2010) Forest administration challenges in Pakistan: the case of the Patriata reserved forest and the new Murree development. *International Forestry Review* 12(1), 97-105.
- [38] Wani, B. A. (2005) National forest policy review Pakistan. Ministry of Environment Local Government and Rural Development, Islamabad, Pakistan.
- [39] Wani, B. A. (2002) National forest policy review. Ministry of Environment, Local Government and Rural Development, Islamabad, Pakistan.
- [40] Wani, B. A. (2002) National forest policy review. Ministry of Environment, Local Government and Rural Development, Islamabad, Pakistan.
- [41] Wani, B. A. (2005) National Forest Policy Review-Pakistan. Ministry of Environment Local Government and Rural Development.
- [42] Wani, B. A. (2005) National Forest Policy Review-Pakistan. Ministry of Environment Local Government and Rural Development.
- [43] Wani, B. A. (2005) National Forest Policy Review-Pakistan. Ministry of Environment Local Government and Rural Development.
- [44] Wani, B. A. (2002) National forest policy review. Ministry of Environment, Local Government and Rural Development, Islamabad, Pakistan.
- [45] Christy, L. C. (2007) Forest law and sustainable development: addressing contemporary challenges through legal reform. World Bank Publications.
- [46] Chatrchyan, A. M. (2009) Logjam: Deforestation and the Crisis of Global Governance. *Global Environmental Politics* 9(1), 144-146.
- [47] Humphreys, D. (2012) Logjam: Deforestation and the crisis of global governance. Routledge.
- [48] Humphreys, D. (2012) Logjam: Deforestation and the crisis of global governance. Routledge.
- [49] Yusuf, M. (2009) Legal and institutional dynamics of forest management in Pakistan. *McGill Int'l J. Sust. Dev. L. & Pol'y* 5, 45.
- [50] Congleton, R. D. (1996) Introduction and overview of the political economy of environmental protection. *The Political Economy of Environmental Protection: Analysis and Evidence*, 3-28.





- [51] Kay, C. E. (1998) Are ecosystems structured from the top-down or bottom-up: a new look at an old debate. *Wildlife Society Bulletin*, 484-498.
- [52] Oates, W. E., Portney, P. R. (2003). The political economy of environmental policy. In *Handbook of environmental economics* (Vol. 1, pp. 325-354). Elsevier.
- [53] Howard, C., Meijerink, G., Hoe, H. (1997, October) Incentives for improved forest management and tree planting. In Paper Submitted to the XI World Forestry Congress, Antalya, Turkey, October 13-22.
- [54] Mogaka, H. (2001) Economic aspects of community involvement in sustainable forest management in Eastern and Southern Africa (No. 8). IUCN.
- [55] Yadama, G. N., Pragada, B. R., Pragada, R. R., Cheng, T. L., Durst, P. B. (1997) Forest dependent survival strategies of tribal women: Implications for joint forest management in Andhra Pradesh, India. RAP Publication (FAO).
- [56] Gutman, P. (2001) Forest conservation and the rural poor: A call to broaden the conservation agenda. WWF Macroeconomics Program Office.
- [57] Khan, S. R., Pracha, A. S., Shaheen, N. (2007) The quest for sustainable forest management: exploring public-private partnerships in the forestry sector in Pakistan. Sustainable Development Policy Institute.
- [58] Mayers, J., Vermeulen, S. (2002) Company-community forestry partnerships: From raw deals to mutual gains. International Institute for Environment and Development, London.
- [59] Hasan, L. (2001) Analysing institutional set-up of forest management in Pakistan. Pakistan Institute of Development Economics (PIDE), Research Paper 182.
- [60] North, D. C. (1990) Institutions, institutional change and economic performance. Cambridge university press.
- [61] Tom, T. (1994) Environmental Economics and Policy.
- [62] Yusuf, M. (2009) Legal and institutional dynamics of forest management in Pakistan. *McGill Int'l J. Sust. Dev. L. & Pol'y*, 5, 45.
- [63] Meinzen-Dick, R. S., Brown, L. R., Feldstein, H. S., Quisumbing, A. R. (1997). Gender, property rights, and natural resources. *World development* 25(8), 1303-1315.
- [64] Macpherson, C. B. (Ed.). (1978) Property, mainstream and critical positions (Vol. 214). University of Toronto Press.
- [65] Gutman, P. (2001) Forest conservation and the rural poor: A call to broaden the conservation agenda. WWF Macroeconomics Program Office.
- [66] Ali, T., Shahbaz, B., Suleri, A. (2006). Analysis of myths and realities of deforestation in Northwest Pakistan: implications for forestry extension. *International Journal of Agriculture and Biology* 8(1), 107-110.
- [67] Lipschutz, R. D. (2000) Why is there no international forestry law: an examination of international forestry regulation, both public and private. *UCLA J. Env'tl. L. & Pol'y* 19, 153.
- [68] Lipschutz, R. D. (2000) Why is there no international forestry law: an examination of international forestry regulation, both public and private. *UCLA J. Env'tl. L. & Pol'y* 19, 153.
- [69] Hooker, A. (1994) The international law of forests. *Nat. Resources J.* 34, 823.
- [70] Schmithüsen, F. J., Herbst, P., Le Master, D. C. (2000) Forging a new framework for sustainable forestry: recent developments in European forest law (Vol. 10). ETH Zurich.
- [71] Senge, P. M. (2006) The fifth discipline: The art and practice of the learning organization. Broadway Business.
- [72] Yusuf, M. (2009) Legal and institutional dynamics of forest management in Pakistan. *McGill Int'l J. Sust. Dev. L. & Pol'y* 5, 45.
- [73] Yusuf, M. (2009) Legal and institutional dynamics of forest management in Pakistan. *McGill Int'l J. Sust. Dev. L. & Pol'y*, 5 45.
- [74] Yusuf, M. (2009) Legal and institutional dynamics of forest management in Pakistan. *McGill Int'l J. Sust. Dev. L. & Pol'y*, 5 45.
- [75] Khan, S. R., Naqvi, A. A. (2000) The environment-poverty Nexus: an institutional analysis. Sustainable Development Policy Institute.



- [76] Shahbaz, B., Ali, T., Suleri, A. Q. (2007) A critical analysis of forest policies of Pakistan: implications for sustainable livelihoods. *Mitigation and Adaptation Strategies for Global Change* 12(4), 441-453.
- [77] Shahbaz, B., Ali, T., Suleri, A. Q. (2007) A critical analysis of forest policies of Pakistan: implications for sustainable livelihoods. *Mitigation and Adaptation Strategies for Global Change* 12(4), 441-453.
- [78] Geiser, U. (2000, September) Working on power: actors' practices of improving control over forest resources in North-West Pakistan. In *Proceedings of the Conference on Modern South Asian Studies*, Edinburgh.
- [79] Shackleton, S., Campbell, B., Wollenberg, E., Edmunds, D. (2002) Devolution and community-based natural resource management: creating space for local people to participate and benefit. *Natural resource perspectives* 76(1), 1-6.
- [80] Shahbaz, B. (2009) Dilemmas in participatory forest management in Northwest Pakistan. *A Livelihood perspective* 25.