



INVESTIGATION OF PROTECTION OF IRAN'S FORESTS AND PASTURES REGARDING TO EXPERIENCES AND ADVANCES OF LEGAL AND TECHNICAL KNOWLEDGE

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ABSTRACT

Forests and pastures are resources which human is responsible for protection of them before exploitation of them. For the proper performance of duty, the interaction between conservation and exploitation is inevitable. In other words, the legal principles of nature conservation and sustainable development are provision of stable product for the present generation and sustainable production for future generation. The paper has been tried to consider the protection and exploitation of natural resources using legal attitudes and attention of country rules to technical parameters and human experiences. The detection of attention rate of the country rules to subjects such as research and technical issues, people participation, regional and global experiences and etc. shows that many of the legal capacities still hasn't been activated in terms of technical criteria and many of environmental challenges is due to lack of respect of them.

KEY WORDS: Forest, pasture, legal principles, exploitation, regional and world experiences

INTRODUCTION

Forests and pastures play an important role as nature ecosystem; according to exploitation and human knowledge through the time, the use and exploitation of them have changed (Aghazamani, 1998). This research has studied the positive interaction between protection and exploitation made by precise legal criteria, to preserve and transmit the ecosystem for next generations. Legislation of natural resources has a long background in our country. The 56th article of the law "institute of states and provinces" approved in 1906, for the first time, discussed about preservation of forests. This article mentions that "the rulers must take peculiar care of national forests and protect them." After on, the ratification passed by the government in 1924, the forests were concerned. It says "forests are national properties, there for they should be in government's control". In another part it also says that "In order to preserve the forests, either public or private," the government must have technical supervision. (Forests and Pastures Organization, 2001). Forests and natural resources Protection in forest law enacted in January of 1942 has been emphasized more explicitly. In the first article of this law "the preservation and care of forests" was established. Construction supervision of the Agricultural Ministry was in charge of the operation. In 1942 legislators view towards natural resources expanded. This time, pastures were supported along the forests. First Article of forests and pastures law, which has been approved in July 1959 says: "forestry organizations in Iran that is of care and maintenance of forests and pastures guidance". Year 1962, is considered as a referring point in the forests and pastures history. On January, the forests

became nationalized legally. In the first article of this act is declared: "From the approval date of this decree, all legal fields, pastures, woods, natural forests and forest, even those which were private lands before this date, are known as public property and are considered as governments property". Also the second article continues: Iranian forestry organizations are in charge for revitalization, exploitation and development of these resources. Finally, in August 1967, "Protection and Exploitation of Forests and Rangelands," law was confirmed by the Parliament. In the second article of this Act, The government has been in charge for renewable natural resource conservation task." Iranian forestry organizations are responsible for preservation, recovery, reform, development and exploitation of natural forests, pastures, woods and national forest lands" (Forests and Pastures Organization, 2001). After the Islamic Revolution of Iran in February of 1979 and confirmation of the Islamic Republic Constitution. 45th Article of the act, in confirming previous legislation mentions: "The public property, such as wastelands or abandoned fields, mines, seas, lakes, rivers and other public waterways, mountains, valleys, forests, canebrake, natural woods, pastures that are not private, properties without heirs and public aggressors properties refunded by the government are in governments control" (Ebrahimi 2001). The laws 50th principle says: "In Islamic Republic, protection of the Environment which future generations should have a growing social life in it is considered as public task, Therefore, economic activities and etc., with environmental pollution or irreversible degradation, is prohibited". The similarity of this principle to the of the Stockholm Declaration first principle, clears the

possibility of writers great influence from this statement. (Ebrahimi, 2001). Also in October 1992 maintain and protection of natural resources and countries forest reserves law, as another basic rule was confirmed. In first article, some species of forest trees and declared which are recognized as forest reserves are protected and are under panels support (Forests and Pastures Organization, 2001).

MATERIAL AND METHODS

Samples of forest and pasture natural resources, (National Land)

Forests and pastures are related. Have brought them together due to this continuity that the legislative provisions relating to the national wealth and have introduced single organization to manage and exploit of those. As many natural resources have been applied to forests and pastures, so, now the offices of Forest and pastures have been called to the office of Natural Resources (Seraji Kermani 1997). Regulations implementing the national forest law, enacted in 1963, in first article related to concepts of said terminology in national laws and regulations. Similar to the definitions are given in first conservation and exploitation of forests and pastures article which approved in 21 August 1967 and its subsequent amendments (Takeshdooz, 1998).

According to mentioned legal texts, types of natural resources under the tenure of forest and pastures organization are given below:

1. Forest or national grove
2. Pasture (wooded and non-wooded)
3. Forest lands
4. Nurseries
5. Desert

LEGAL STATUS OF FORESTS AND PASTURES IN THE MIDDLE EAST AND NEAR EAST

Forest land ownership and tenure rights

Most forests in this region are state; Despite is the considerable differences between countries regarding the legal basis of ownership of forests (Briales, 1996). Natural forest situation in the Near East region is not well defined, this diagnosis is objected of the population that live close to the forest even where which forests have been identified as part of Iran, Jordan and Sudan. Forests are raped in order to trade in timber and agriculture (Muharremietal, 1996). Although laws exist to protect them in the various countries but these laws are rarely implemented effectively due to lack of manpower equipped and trained for their implementation. The laws of these countries have less attention for monitoring of private forests and agricultural lands. For most governments, the importance of forests is much less than agricultural crop land (Klose, 1979). A new concept is the idea of collective ownership of natural forests that still not exists in some region countries (Arenhovel, 1996). For example, although the central government in South Africa has been declared the natural forest as public property but traditionally accepted which people that live near forest right to use forest for their needs and their livestock. In Jordan, owners of agricultural lands with forest trees are allowed to be cut the trees if they are annoying plantation

and elsewhere can transfer, Provided that movement is performed in the trees planted period and plant fruit trees instead of trees to be suitable with soil conservation. Expropriation of private forests in Turkey in 1945, have created a severe reaction in some parts of the country to fire and illegal cutting of forest trees (Eckhardt, 1998).

The exploitation of land and forest products

Regardless of legal ownership, exploitation of forests and the easement rights of them are very varied among the regional countries. This difference is rooted in the history of each of these countries. National reports show that the forest lands in the area are various rights. Some of these rights by law established and others are brought by custom. In many countries the use of forest range is possible in order to collect firewood and livestock grazing and timber harvesting and agriculture as well as limited personal use and for daily needs (Such as Cyprus and Libya) (Kilary, 1980). For example, in Afghanistan, despite all the natural forests and pastures are considered part of government property people are planted in poor soil in their dispute for food production, they have used of fragile pastures for irregular livestock grazing, deforest their land until it is completely depleted. The government have not specific program for the conservation management of natural resources (Klose, 1979).

Legal status of ownership and operation

National legislation on forests in the region affected by political, historical, social, economic, cultural and religious factors. The people of these countries have as their own especial language, behavior, customs and habits, also have their own legal norms. In many of these countries must be considered historical context of colonial and the influence of factors such as religion of Islam in these countries about forest laws (Eckhardt, 1998).

Forests in some of these countries are classified in terms of legal ownership:

For example, in Sudan, according to law 1989 forests are divided to three categories; national forests reserve, regional forest reserves and other forest reserves and National Forest Company has the task of managing the national forest reserve. The forests in this country have divided into two main groups in terms of exploitation goals: protection forests and production forests. Protected forests are not exploited in any way and government's policy is which protect them. Only be productive forests are exploited (Miller, 1996).

Pakistan forests are divided into two major categories: public (State) and private forest wars that State forests are divided into several categories based on support and legal protection includes: (Chakravarty, 1996)

- Forest reserve which is dedicated their ownership to government and exploiting of them is strictly prohibited.
- Protected forests, which may be exploited by the private section.
- Classification of forests to the order mentioned is usually the cause of scientific and technical and laws and legal rules also are followed scientific and social interests. So if apply the scientific criteria for such classification in a sample ecological environment, is not correct the dependence on the old rules.

The relationship between national provisions and laws and some parameters of experiences and technical knowledge

In this regard parameters such as forest ecology and forestry, exploitation of forest, pasture management, parks and protected regions, deserts and desertification, harmful natural factors, participation, regional and international experiences are selected and each one will be split into smaller subsets.

From total State laws and regulations, are 100 items which so associated with forest and pasture subject and have been implemented each of the above parameters with the provisions of the laws and regulations and has been studied their relationship.

As shown in Figure 1 the amount of focus and approach of each of the provisions of law relative to the parameters mentioned experience and technical knowledge is expressed as percent.

RESULTS

The relationship between national provisions and laws with some parameters of experiences and technical knowledge:

The relationship between national provisions and laws with some parameters of experiences and technical knowledge (parameters such as forest ecology and forestry, forest exploitation, pasture management, parks and protected regions, deserts and desertification, harmful natural factors, human participation, regional and international experiences) are shown in Figure 1.

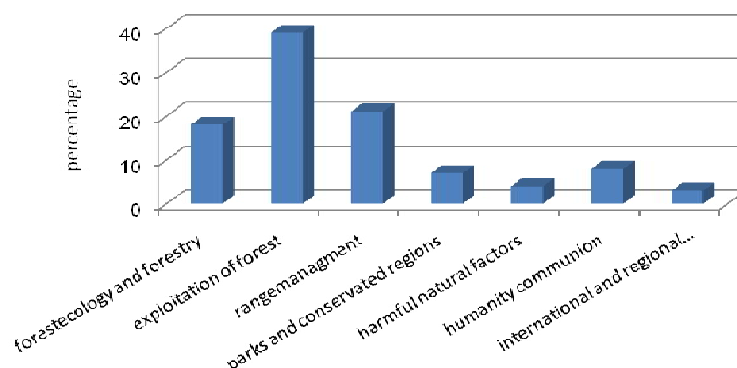


FIGURE 1. The relationship between national provisions and laws with some parameters of experiences and technical knowledge

According to Figure 1, most attention of “natural resource laws and regulations” in Iran has been to “forest exploitation” (39 percent) and the least was the “Regional and international experiences” (3 percent).

Forestry and forest ecology

Figure 2 is based on Iran’s rules of natural resources; in the topic “Forest Science and Forestry”, most attention goes to “classic forest ecology” (31 percent) and the least goes to “social forestry” (0 percent).

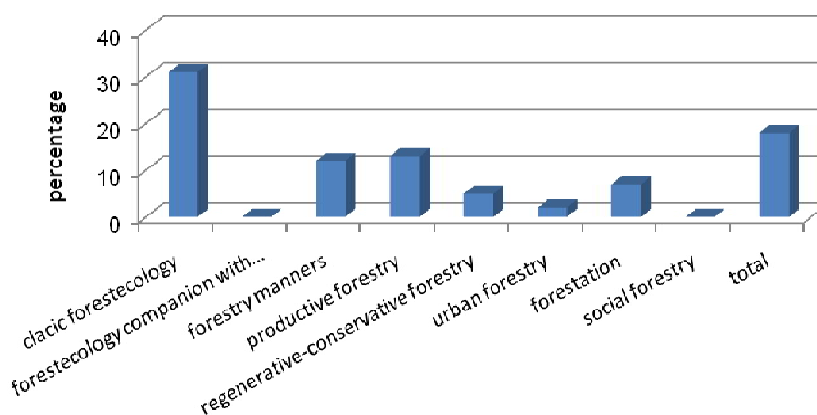


FIGURE 2. Percent of forestry and forest ecology laws

Exploitation

According to Figure 3, Iran’s natural resources rules in “exploitation” field has more attention on “traditional

Exploitation” (48 percent) and least attention in the “forest’s roads” (10 percent).

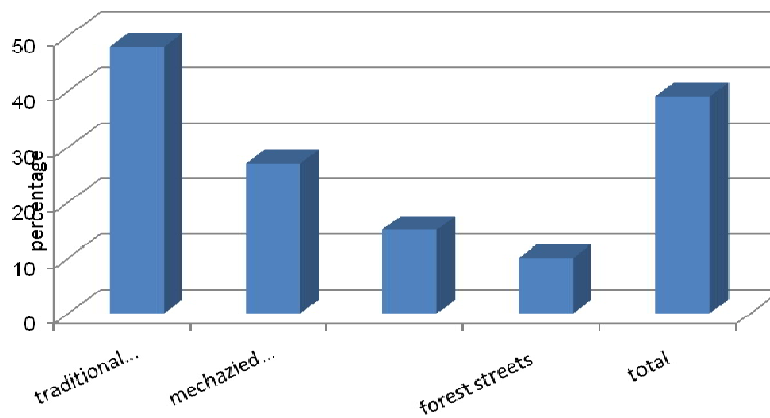


FIGURE 3. Percent of exploitation laws

Pasture management

According to Figure 4, Iran's natural resources rules in topic "pasture management" most attention is to "pastures

and livestock " (30 percent) and least attention in "reserves genetics " (1 percent).

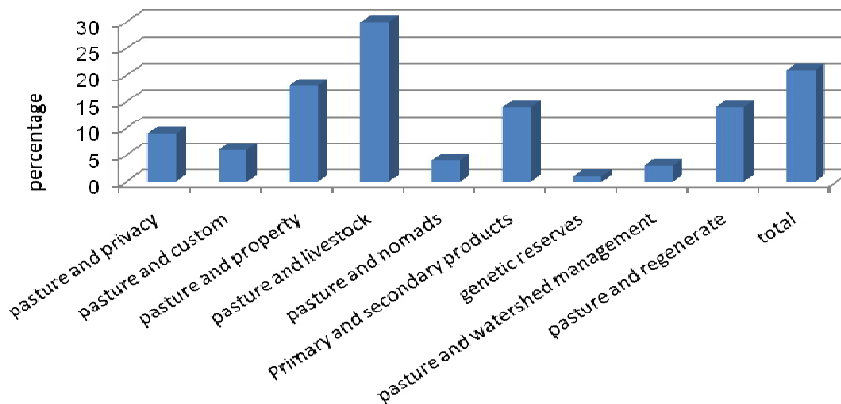


FIGURE 4. Percent of pasture management laws

Parks and protected regions

According to Figure 5, Iran's natural resources rules in field "parks and protected regions "most attention is to "parks and regions" (40 percent) and least attention in "reserves genetics "(30 percent).

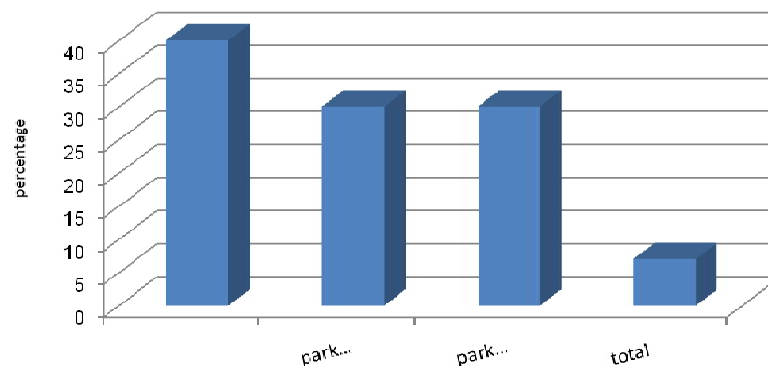


FIGURE 5. Parks and protected regions laws

Harmful natural factors

According to Figure 6, Iran's natural resources rules in the "harmful natural factors" topic has great attention to

"pests and diseases" (56 percent) and least attention to "earth quake" and "thunderbolt" (each one 0 percent).

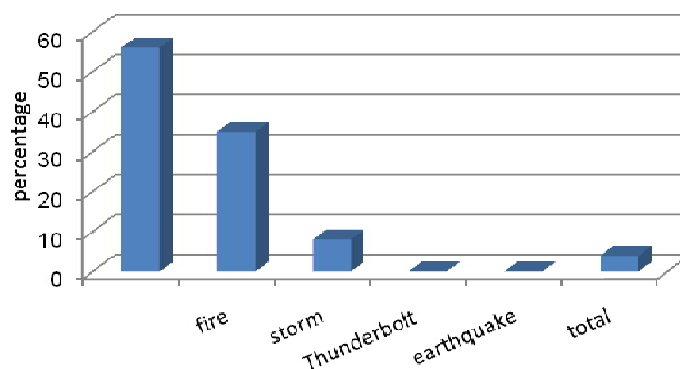


FIGURE 6. Harmful natural factors laws

Participation

Iran's natural resources rules in "Participation" topic has paid most attention to "traditional partnership system" (47

percent) and least attention to "traditional forestry" (0 percent) (Fig. 7).

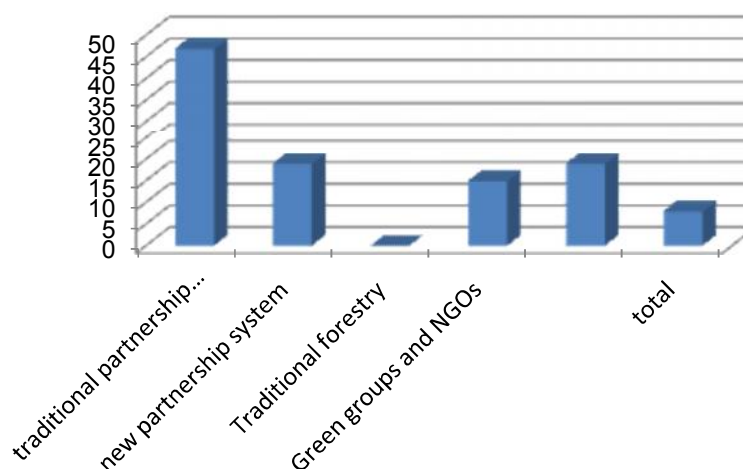


FIGURE 7. Participation factors laws

Regional and international experiences

According to Figure 8, Iran's natural resources rules in "regional and international experiences" topic has paid

most attention to "70s development" (47 percent) and least to "third millennium foresight" (0 percent).

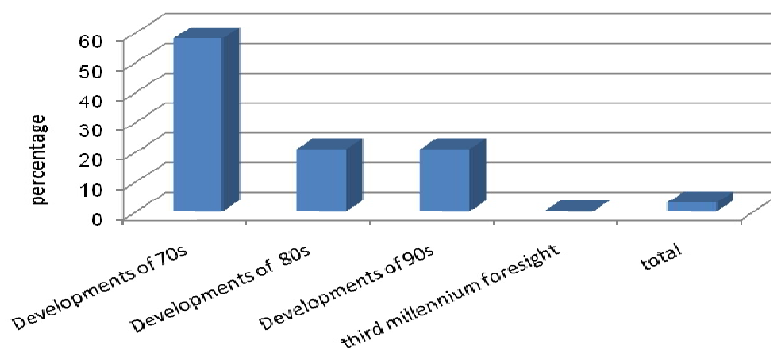


FIGURE 8. Regional and international experiences factors laws

CONCLUSION

According to studies, the following conclusions can be inferred from this study:

1-Forests and grasslands are part of public property and such properties are of special rules. Public property should be distinguished from the specific property.

Public property is ready for direct use by all people or has been assigned to public interests and national benefits and government can management those properties because of the province which has on public, this State property has different that does not specifically owner and basically has not private ownership with exclusive property of the state.

2-Private ownership is not available for public property that also encompasses the country's forests and pastures.

Three important results can be inferred of this feature:

- a) Government cannot deliver public property unless a special law has allowed because possible transmission to people are not inconsistent with the ownership.
 - b) Public property cannot seize for the benefit of the lenders because they would not benefit from seized property that not salable.
 - c) There is not time about ownership of public property and they cannot indirectly owned excuse their continuous occupation.
- 3- Also about the nature of the forests and pastures should say the government right is kind of limited ownership that should be applied according to the laws.
- 4- Civil responsibility that means undue compensation from individual behavior based on "fault". First article of civil responsibility law confirms this interpretation. There is based on different responsibilities about forests and pastures and generally environment which conservation of these resources are basic principle in there. Article 50th of the Constitution in this regard is provided: "in the Islamic Republic, public duty shall be considered environmental Protection that the future generations should have a growing social life in this environment. Therefore, economic and other activities that comes with irrecoverable environmental pollution or degradation, is prohibited". The concept of this principle that the licensing of economic and other activities that comes with irrecoverable environmental pollution or degradation depends on compensation and environmental restoration and decontamination even if the activity is not coupled with an error and fault. On this basis, the root of environmental compensation based on "responsibility on risk created" and is considered exceptions to the principle of responsibility based on fault and in formulating new laws has noted to this point that lies in the Constitution and not deviate violation.
- 5- Laws and regulations concerning natural resources and natural ecosystems in general, require review and revision. The regulations are not suitable regarding the technical, legal and the use of human achievements and experiences in the location and should be optimized for better protection and more effective use of science and knowledge and attitude change.
- 6- The lack of a professional organization is very sensible for management of natural ecosystems (forests, pastures, wildlife and etc.) and further study to be done in relation to the management of ecosystems and creation of specialized organizations.

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