



INVESTIGATION OF RECOGNITION PROCESS OF NATIONAL RESOURCES AND EXCLUDE LANDS IN THE BASIN 45 OF GOLBAND

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ABSTRACT

In the research has been tried to find the problems and difficulties caused by the law passed by analyzing diagnosis process in departments and related organizations in basin 45 of Golband. In this process referring to departments and related organizations and preparing reports from lands Audit office and the forested and also considering files investigated and in process of execution we faced problems existing in diagnosis process such as unlimited time protest against. Law execution related to lands distinction related to article 56 and problems which this rule and other has caused in order to complete organization goals in reservation, restoration and expansion of natural resources of country and also we can name in distinction of country national lands situations because being rule executed. All existing rules related to lands audit are counted and work process is defined clearly and they are concluded and are cleared suggested solutions in which the most important solution in order to decrease the problems in diagnosis process is to cancel the single article rule. Other suggestion is enough time in order to consider the limited law and equal to other certified court.

KEYWORDS: Article 56 (unit Article), basin 45 of Golband, exclude lands, national resources

INTRODUCTION

Although the natural resources have outstanding value in the human community, but the natural resources are exploited excessively and are ruined in some areas (Mossadegh, 1997). lack of basic statistics of the amount of natural resources (forests and rangelands) has created the difficulties in planning and investment in various sectors of agriculture, watershed management, rich pastures and the restoration and development of natural resources (Iran's forests and rangelands organization, 2003). Although Nearly 50 years has passed of the nationalization law of the Iran's forests and rangelands and it is currently an executive law, still about 10 percent of the country's natural resources are not identified and implementing of projects especially the specialized projects of Iran's forests and rangelands organization are done in these places. Since a large part of projects has uncertain status viewpoint of state property and implementing of laws and regulations has not been done the full syntax in them. So far 29 percent of state property has been determined in them (Iran's forests and rangelands organization, 2005). Therefore area of natural resources (national resources) has been decreased from day to day. Thus it is necessary that state property will be determined and destruction will be prevented. Thus it must be set in the top of programs in the Iran's forests and grasslands (Iran's forests and rangelands organization, 2004). Various tasks have been performed in this field. Noshahr Natural Resources Department (2003) has investigated how the enforcement of schism lands investigation law and has reviewed the problems that this law has created for country's natural resources and has concluded that so this law will be current, members of the Commission of unit article should be learned to note to essence of recognition paper consistent with the year 1963 (Iran's forests and

rangelands organization, 2003). Law of Nationalization of Forests and rangelands was approved by the Cabinet in 1963 that this was a turning point in the direction of social and legal change. At this stage, all natural and forest areas, national forests and grasslands were declared as public property and government estate. Thus preservation, restoration, development and exploitation of these resources were surrendered to Iran's forests and rangelands organization (Sabouhi, 2003). According to unit article law, the farmers of farmland owners and gardens owners in outside of the legal boundaries of cities and villages whom have any protest to implement of Article 56 of Protection and exploitation law of forests and rangelands (approved in 1968) and its subsequent amendments can be referred to a delegation group composed of the responsible of Agriculture Department, responsible of Forestry Bureau, member of the Agriculture Jihad, member of the land transfer group, a judge of the justice, two members of the village Islamic council in appropriate location. This committee was constituted in each city under the Agriculture Ministry and in presence of at least 5 members of 7 members. The judge's vote will be indispensable after the panel's expert opinion (Mohtasham 2002).

The overall objective of this study is investigation of specification process of national resources and individuals excludes. another goals of this study is Summary Overview of specification process the administrations and how to identify of relevant tasks and to create a coordination between Commission members and specification groups and to present of appropriate solutions for increasing the accuracy in this important task. Another goal of this research also is the investigation of the executive dimensions of laws related to the topic of administrative law (Article 56) and unit article and effect of unit article law on economic, social and environmental

issues and implement of forestry plans and also provision a suitable solution to decrease the problems due to this law.

MATERIALS AND METHODS

Investigation of national resources and excludes in the study area (Basin 45 of Golband)

Forest of Basin 45 of Golband area was planned as comprehensive design in 1982 that it was divided to four sub-watershed (section) and 10 forest series:

- Mashlak sub-watershed including three series namely Larmchal - Tooskachal - Learsar
- Shoorab sub-watershed including four series namely Shoorab, Jamand - Darnolordeh - Behsara
- Korkoroud sub-watershed including two series namely Khanykan and Lalys
- Neirang sub-watershed including one series namely Neirang

The total area of Basin is 36855 hectares. This basin is limited to Sea from North, to the Basin 46 from East, to the basins 43 and 44 from south and to the basin 43 from West. Forests of this Basin like other Iran's northern forests have been for owners who were responsible for managing and exploiting it before nationalization of Iran's forests. These forests were announced as national forests after nationalization of Iran's forests. 138,823 hectares of these forests are as exclude lands and 6.56 hectares of these forests are as objectionable lands due to implementing of the unit article law.

Areas which are in priority of enforcement of this Law:

- Well-exposed areas and regions that are destructed.
- Lands with value of urban marginal and rural areas.
- Areas that are under the special sensitivity and are discrepant among people and other organs.
- The land that the national macro plans should implement and exploit in them for regional, economic and social development.

The Executive method

The identification of areas

The Areas identification includes the following steps:

- Refer to documents and to identify the name of the location, minor and major number of notation section plaque and name of beneficiary persons in notation document.
- Necessary information collection about the farmlands and legal ownership of persons due to implementation of land reform laws.
- Study of trespasses documents and preparation a list of violators after the nationalization law of forests and rangelands according to the violation, destruction and trespasses type, and date of them.
- action of The diagnostic agent (head office or expert) to assess the natural resources in terms of vegetation based on one of the noted definitions in Article One of law of the protection and exploitation of forests and rangelands.
- Preparation of a map in accordance with nature and identification the position of Farmlands, constructions and gardens excludes in this map.

Mapping method

Location of Study Area was Identified and presented to mapper person. The national regions and excludes regions were Identified according to four limits by mapper person. Area Map was draw based on instructions. Then it was signed.

Head of natural resources bureau or diagnostic expert should conform the provided map with nature again and confirm the map after confidence. Finally Head of natural resources bureau or diagnostic expert can prepare the diagnostic sheet using the prepared map, recorded documents of Agriculture documents Department, violations background and other factors. Diagnostic sheet can be published in advertisements after confirmation of Lands Audit Technical Council of province and General Director of Department.

How to set the diagnostic report

Implementing of diagnosis and Identifying of national resources and excludes regions is incumbency of the General Directors of natural resources in Iran that they implement this important task using the experimental and scientific capability.

The advertisements publication of diagnosis the national resources

At this stage, diagnosis the national resources was prepared to publish afterwards several plaques diagnosis sheets were considered by Lands Audit Technical Council and were confirmed by General Director of natural resources Department of related province.

Legal certainty of the diagnosis national sources

- If there aren't any protest to the published advertisements of diagnosis national sources within the legal deadline (six months) since the publication of advertisements in widely circulated newspapers or written notice, the advertising will acquire the legal certainty and gain the national legal ownership document and it named to Iran Islamic Republic or Iran's forests and rangelands organization representative.
- If there are the protest to published advertisements of diagnosis national sources within the legal deadline (six months) since the publication of advertisements in widely circulated newspapers or written notice, the law of investigation of dispute national land will consider based on legal regulations of unit Article.
- Completion of document and presentation of protested land map by protester.
- Investigation of protested land map by mapper person of Natural Resources Department in terms of national or excluded lands, area and etc. (map of implementation of Article (56)).
- Invitation of members and protesters by Secretary on the certain day and investigation of land location with presence of Commission members and protester.
- Verbal statement of reasons and documentation of nationalization of land based on recorded definitions in related documents by forester (Head of the Natural Resources Department) as representative of natural resources in the study area.
- Regulation of session record of the study area by Commission members.
- Formation of judicial session by written invitation to Commission members and judge and protester at Natural Resources Department in the given day.

- Emission of agreement or opposition verdict of Natural Resources Department or protester.
- Emission verdict of Commission's judge is objectionable in public trial of cities. Verdict of General Court is revision able in province Court but after pass of mentioned steps is a definite vote. The final definite vote should be reflected in the map of implement of Article 56 and areas of the map should be modified.

RESULTS AND DISCUSSION

Statistical investigation of considered documents

Results show that about 10 percent of protested land has been decreased from national sources in 2003. As comparison of the past 10 years shows that national resources have reduced about 530138 hectares from 1994 to 2003 due to Emission of unit article. The key point in this comparison is that a significant amount of natural

resources was destructed by this way in addition of the wide destruction and rape of natural resources in Iran annually. The average of increase the excluded lands had been 53014 hectares from 1994 to 2003 that in this case has had 27% reduction regarding to increasing amount of excluded lands about 39174 hectares in 2003 than average of 10 years (Table 1).

Mean of the opposition verdicts had been 1443 votes in 10 years that it has had increase of 143% regarding to number of the opposition verdicts in 2003. While mean of the protested area has been about 1288218 hectares in the past 10 years and the protested area has been about 44345 hectares in 2003. So we can conclude that not only less area has been studied in 2003 (66 percent of mean the past 10 years) but the number of opposition verdicts has been increased about 143 percent (Table 1).

TABLE 1: action amount of commissions of unit article from 1994 to 2003

year	Area of seizure lands	Number of sessions	Number of verdicts				Reduction of Excludes	Increase of Excludes
			total	agreement	opposition	Definite decision		
1989	-	-	5			5	-	-
1990	-	285	119			119	-	-
1991	-	816	272			272	-	-
1992	-	1017	698			698	-	-
1993	-	1103	403			403	-	-
1994	469283	3448	3986	1647	996	1343	6331	90357
1995	287645	8175	3650	1460	839	1351	7866	33014
1996	1223450	10041	4925	1675	1083	2167	18386	49935
1997	3016188	11564	6096	2438	1828	1830	18881	37202
1998	133168	12198	7109	3124	1373	2612	17038	71345
1999	1402362	10096	6285	2838	1406	2041	16530	66286
2000	1388173	9595	6354	2606	1567	2181	5464	73589
2001	1282916	9423	7791	3452	1941	2398	38677	34831
2002	1435538	6689	5565	2337	1335	1893	14025	34406
2003	253280	5146	5655	1720	2064	1871	45897	39174
Total from 1994 to 2003	12692004	89596	58913	23297	14432	21184	189095	530138

Analysis of issued verdicts by the boards of unit article in 2003

Considering that 5655 verdicts including 1720 agreement verdicts, 2064 opposition verdicts and 1871 Definite decision was issued in 1381 based on existence statistics (Table 1) and access and review of all the verdicts in the existence time was not possible, therefore 200 verdicts that about 30 percent of it was agreement verdict, 60 percent of it was opposition verdicts and 10 percent of it was Definite decision verdict were selected from existence verdicts in Archive Office and were investigated. Since the field survey was not possible of areas related to votes, therefore

was referred to the votes text and was investigated the expert opinions. Results show that there is an imbalance because of various opinions by various experts of boards. It is may be due to merger of Agriculture ministry's that should somehow be resolved.

Use of Experts associated with natural resources can be useful for expression of specialized and Expert opinions in dispute lands subject.

Results of investigation on 200 selective verdicts of total offices of Iran's natural resources in 2003 have been shown in Table 2.

TABLE 2 : Results of investigation of the issued opposition verdicts by broads of unit Article in dispute lands subject (200 selective verdicts)

Title	Number	Percent
Lack of use to aerial photos or topographic maps	85	43
Attention to opinion of the majority of board members	175	88
Lack of attention to documentation and records of executive law and the current status of land	145	73
Lack of attention to emission of unit article and attendance to dispute lands of legal boundaries of cities and villages	27	13

Therefore, finally we recommend the guidelines for the professional and expert investigation of the diagnosis for organization protest to return of natural resources due to implementation of national legislation:

- To limit of the protest time and to ensure of work completion in a national area in a period and to prevent of aggression of jobber people.
- To use of natural resources experienced experts as members in the unit article boards.
- Justification of Forester and board members for defense of the citations in the diagnosis sheet.
- To consider the dossier aggression in judicial court in spite of protests of persons in the unit article Commission.
- Stability of commission members per year.
- attention to majority vote not only judge vote in the unit Article broad.
- Homogenization of faculty members with attention to integrate the Ministry of Agriculture and Jihad.
- Attention to the one Article of nationalization law and not considering to the current status of land.
- Public Participation and trust.
- Presentation a proper and legal way to prevent of the verdicts issue in the legal boundary of cities.
- Estimation of correct and basic statistics of amount and type of national resources and excludes lands.

Finally we should note that the implementation of dispute land investigation law detain the government of implementation the protection major projects and it can

involve the large impact on restoration. In spite of this low, there isn't safety for natural resources and aggressive and neglecting of legal nature of the Commission increase day to day. Finally it is suggested that this law be repealed because of the mentioned disadvantages.

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