

The study of Administrative and legal Challenges of the Protected Areas of Zanjan Province

Nejat, S.A.^{1*}, Dabiri, F.²

1 -M.Sc., Department of Environmental Law, Islamic Azad University, Tehran Sciences and Researches campus, Tehran- Iran

2- Assist. Prof., Department of Environmental Law, Islamic Azad University, Tehran Sciences and Researches campus, Tehran - Iran fara.dabiri@yahoo.com

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Introduction

The protection of environment, in which the present as well as the future generations have a right to flourish social existence, is regarded as a public duty in the Islamic Republic of Iran. Economic and other activities which inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden.

To protect environment, as the related rules provide, some areas in Iran that have environmentally prominent aspects are recognized as protected areas to prevent the mankind to encroach in these areas.

These areas are subject to special rules and regulations that are provided in the form of environmental protection and conservation rules, hunting law, etc. Increasing population and industrial development in Iran which are not based on sustainable development, has led to environmental challenges including natural habitats destruction, environmental pollution, uncontrolled hunting and consequently resulting in soil erosion, soil nutrient deficiency, destruction of virgin forests that are a few million years old, animals and plants extinction, decreasing surface and ground water resources, waste of surface water due to pollution etc. These problems actually endanger the physical and social welfare in the community.

This research aims to recognize strengths and weaknesses of management in these areas and present the relevant legal strategies, studying environmental status of the areas protected in Zanjan Province. It covers two protected areas and one wild life shelter, studying legal status of the areas and legal and executive challenges.

Materials and Methods

This research follows a practical purpose, because decision makers, planners and senior and middle managers involved in environmental issues may use the results obtained. The study tries to analyze judgments issued by courts, using current references in the field of recognition of environmental status of the protected areas in Zanjan Province. It also studies legal status of the area by using field method and visiting places and surveying current files from 2006 to 2010 to obtain applied suggestions for applying optimal management in the above-mentioned areas.

Discussion of Results

Protected areas are governed by special rules and regulations called the legal regime for protected areas. The enforcement of these rules and special legal regime do not avoid the general rules to be enforced, but this confirms that this legal regime consists of both general rules and special rules. These rules relate to the jurisdiction of the Department of Environment, hunting, national land degradation, unauthorized livestock grazing, settlement, exploration and exploitation of industries potentials and mines.

The protected areas with the area of 240000 hectares, supported by 21 executive officers, with few vehicles, motorcycles and preventive equipments, have 7 environmental guard stations among which 5 are active and 2 are unused.

These areas include:

- Sorkh Abad protected area: 119,225 hectares

- Angooran protected area: 92,180 hectares
- Angooran wild life shelter: 29,812 hectares

With respect to the issue of hunting, comparing the files from 2006 up to the end of the first 6 months of 2010 shows that out of 209 cases at Zanzan jurisdiction, total 85 cases were related to the protected area of Sorkhabad located at Zanzan jurisdiction. This reflects the commitment of 40% of offences at the area; this is true in Mahneshan jurisdiction and protected areas and wild life shelter of Angooran.

Regarding the destruction of national lands, the number of cases opened since 2007 at Sorkhabad protected area was 0, and in the protected areas and wild life shelter of Angooran, it has a downward trend.

Regarding the authorized grazing, this comparison shows that at the protected areas and wildlife shelter of Angooran like at destruction of national lands, the number of offences committed is more than that of Sorkhabad protected area.

The subject of wildlife attack to farms, livestock and humans at the mentioned areas is a permanent and constant process. Thus, due to the human encroachment on these areas, this challenge is an increasing one especially in wildlife's attack on humans.

Compared with similar researches in other areas of Iran, as stated on the previous chapter of the research, it can be concluded that legal challenges and defects and principally ineffectiveness of some of the rules and regulations of the areas have not been observed in other studies, or basically the researchers have a different attitude to the subject.

Although the wildlife in the protected areas has some advantages, legal and executive challenges result from various causes in these areas, and in some cases irreparable damages are confronted. Thus, the processes of legal cases prove such a wide range turbulent path that is in risk, and the destruction process of the wildlife towards the future can be imagined. Lack of protective facilities and equipments, habitat degradation by farmers, absence of bioenvironmental strong management, absence of skillful and highly motivated human resources, lack of cooperation by people, lack of deterrence and deficiency of some rules and regulations are among problems that are added to environmental problems and numerous financial and intellectual losses, which are suffered by the government and even the resident people. Therefore, the problems and challenges could be solved through applying optimum management as strategies.

Conclusions

Management of the protected areas faces with numerous challenges. Practically, this subject could not be viewed as an idealistic subject, because the protection of these areas is in conflict with the interests and ownership of the local people. Improving the current situation could be an effective step in optimal management. The following are some suggestions as the legal and executive strategies in line with the promotion of protective issues. It seems that fulfilling some of these suggestions may be useful in the executive phase:

- 1) One of the main strategies to reduce the challenges in the mentioned areas is to take possession of lands of currently excluded areas. Fulfilling the strategy by applying the relevant rules is easy since the Department of Environment could purchase and possess the lands located at the limit of the protected areas, according to legal bill of Lands Purchase and Possession within the execution of national general, civil and military plans passed on Feb. 6, 1980 by Islamic Revolution Council of Islamic Republic of Iran; of course this requires costs and expenses that should be seriously pursued at the macro level.
- 2) Encouraging the local communities to keep peace and security, with the purpose of economic and spiritual interest for the communities by general participation which is one of the useful strategies for which necessary awareness on the local residents urging to continue living by protecting the ecosystems (that could be including the issuance of special hunting licenses in the areas for local communities, using brochures comprising advantages and benefits of wildlife preservation, participation programs in rural schools of these areas etc) are required.

- 3) Applying the motivated and talented manpower for the protection of the areas and also at least double increasing of guard forces with management support familiar with the environmental up-to-date knowledge.
- 4) Considering that the degradation and destruction of national lands and pastures and unauthorized grazing in the protected areas and wildlife shelter have environmental consequences. Therefore, it is worthy to consider any of these offences in a separate article with maximum penalties under hunting Act or Islamic Penal Code.
- 5) Insignificant penalties seen in hunting Act has challenged the appropriate deterrent to crimes stipulated in the Act. The enforcement of maximum fines in hunting Act as the Islamic Penal Code could be a solution.
- 6) As discussed in section related to mines, which is one of the most complex issues in the protected areas of the province specially Angooran, the contradiction in the mines rules increases disputes between Industries and Mines Organization and Zanjan Province General Department of Environment; therefore the reforms and changes in relevant rules are necessary.

Key words

Protected areas, wildlife shelter, environmental offences, legal and management challenges

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