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## Legal conflicts among natural resources stakeholders in Iran

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### ABSTRACT

This research examines land disputes between local communities, individuals and the Office of Natural Resources and Watershed Management of Kalat-e Nader County Khorasan Razavi Province, Iran, over the last 24 years. A socio-legal methodology was adopted which included the analysis of legal and management frameworks and the collection of empirical data. It investigates court cases heard at the Single-Clause Commission (SCC) as well as at Special Branches (SBs) for private agricultural land holdings encroaching on public land holdings, which are commonly protected natural areas. According to the results, 551 court cases have been heard by the SCC and 126 at SBs. Moreover, a court case was lodged at SCC and SBs, on an average of every 14 days, with a decision being handed down within a duration of every 1,246 and 386 days, respectively. Furthermore, 67 percent and 69 percent of the decisions were issued in favour of public land holdings by the SCC and SBs. An understanding of these legal conflicts, their trials and outcomes, provides insight into long-term policies for conflict resolution. However, it can be suggested that the SCC needs to be re-established in addition to community-based arbitration to lead towards developing good local governance.

### Introduction

Iran's environmental problems are significant, especially for water, soil, air pollution, land degradation, and the extinction of flora and fauna (Nael, Khademi, Hajabbasi, 2004; Bahrami, Emadodin, Ranjbar Atashi, Rudolf Bork, 2010; Emadodin, Narita, Bork, 2012; Ayoubi, Emami, Ghaffari et al., 2014). This situation has been caused as a result of adverse natural factors, such the impacts of global warming, resulting in irregular and reduced rainfall (Yousefi, Amini, Fathi, 2016). Additionally, human factors such as, culture, conflict and pressures on natural resources and governance systems (Kazemi, 2016; Ghasemi and Karamidehkordi 2017; Taraghi, Montaseri, Zarghami, Mianabadi, 2017) are contributing to the destruction of nature. This paper commences by describing the conflict between

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humans and the natural environment in Iran and the legal frameworks that adjudicates these conflicts. It progresses to further illustrate this conflict through an analysis of the Kalat-e Nader County, Khorasan Razavi Province, of Iran including an audit of the numbers and types of court cases. This socio-legal, cross-disciplinary study adopted doctrinal research and empirical methodologies, together with an extensive desktop literature review.

The conclusion then explores future pathways to protect nature and the sustainable livelihoods of the communities that depend on the provision of natural resources. This study is significant because, to our knowledge, this is the first time that such legal-natural resources investigation has been undertaken in Iran. As land management and natural resources conflicts are an ongoing global issue, the results of this study, may shed new light on legal and management processes, especially those in developing countries.

### ***Human activities and nature***

Human life on earth relies on the provisions of natural resources (Schmidt-Bleek, 2009). Renewable resources, such as forests and rangelands, are one of the economic pillars of Iran (Jordan, Hayes, Yoskowitz et al., 2010). Increasingly agriculture and deforestation have been considered to be two of the main destructive activities in terms of healthy ecosystems (Sabeti, 1995). Today, a variety of factors such as poverty, population growth, changing values, variable education levels and a decline in land per capita are impacting land usage and the care of nature (Usher, 2016; Dovers, Norton, Handmer, 2017). Additional impacts include a combination of disputes, for example, inter-community, and community versus the state (Kolahi, Sakai, Moriya, Makhdoum, 2012). Examples of the causes of these disputes are focused on land rights and access, for example: a lack of clarity surrounding boundaries between private and public lands, community/inter-familial/tribal disagreements, a lack of survey maps and demarcation, and the absence of locally based arbitration to resolve minor cases (Beever, 2015; Green, 2015; Armstrong, 2017). Human activities in this region of Iran have significantly impacted the health of the environment and the provision of natural resources.

The dominant activity of villagers in Iran is animal husbandry which has, in recent times, expanded to such an extent that often the grazing will exceed the carrying capacity of the land (Ansari, Seyed Akhlaghi Shal, Ghasemi, 2009). Many reports have since linked animal husbandry to an increase in the destruction of natural ecosystems, for example the effect of methane emissions on climate change (Miao, Fraser, Sun et al., 2016; Miao, Sun, Cui, Veuthey, 2018; Wei, Wang, Fang, Nawaz, 2017). Closely following animal husbandry is the semi-subsistence cultivation practices of communities, such as beekeeping and horticulture (Salmi, Seydaie, Noori, Rahimi, 2013; Vaziritabar and Esmaeilzade 2016; Khosravi, Maleknia, Khedrizadeh, 2017). In particular, the overgrazing of pastures plays a significant role in the destruction of rangelands (Jamshidi and Amini 2013). In other words, the number of livestock, and a failure to observe the appropriate time for grazing, are some prominent reasons for the destruction of natural ecosystems, including but not limited to forests and pastures (Amiri Lemar, 2012). Thus, it is necessary to control the grazing seasons and number of livestock kept by individuals. Moreover, human factors that also contribute to the destruction of forests and pastures includes; fires, illegal land-use, poverty, trafficking in wildlife, timber trafficking, lack of facilities for land protection

and preservation, and lack of rural communities' education and participation in the development and implementation of natural resource plans (Golchin and Asgari 2008; Ardakani, Zoj, Mohammadzadeh, Mansourian, 2010; Sabouri, Ghobakhloo, Damirchi, Moghaddam, 2012). One of the most critical factors influencing the destruction of natural resources is a lack of resources at the government level such as; economic, legislation, policies, experts, rangers, and facilities and equipment for monitoring and controlling natural lands (Roudgarmi, Anssari, Farahani, 2011; Kolahi, Sakai, Moriya et al., 2013a).

Another potential reason for rangeland degradation, and the lack of emphasis on the environmental importance of pastures, is that landowners and those who work on the land, are forced to continue their routine jobs because of: low income, subsistence dependency on rangelands, and a lack of education and training in the mechanisms of sustainable living (Kolahi, 2013; Kolahi, Sakai, Moriya, Aminpour, 2013b). Poverty leads to the increased degradation of nature and may result in conflict between natural resources stakeholders, that is, the landowners, NGOs, and government (Paletto, Hamunen, De Meo, 2015; Young, Searle, Butler et al., 2016).

One example for how to reduce conflict was suggested by Veisi and colleagues (Veisi, Badsar, Rashidpour, Sa'edi, 2007) who outlined that the creation of community-based management has a number of benefits. It can strengthen kinship ties within a community, improve local people's knowledge about natural resource projects, increase the social status of members, boost communication with government agents, grow the bargaining power of individuals, and develop participatory planning. Thus, the degree of conflict among different parties can be decreased via contemporary management approaches. For example, returning the land to people, and introducing systems to manage community level conflict, so that cooperation between individuals and other stakeholders will facilitate the sustainable management of natural resources (Kolahi, Sakai, Moriya, Aminpour, 2013b; Kolahi, Moriya, Sakai et al., 2014a; Colvin, 2016; Ajayi, 2017; Hossu, Ioja, Susskind et al., 2018).

In connection with these approaches, efforts related to agriculture and sustainable rural development are based on three fundamental drivers: food security, job creation, and income diversification in rural areas in order to eradicate poverty and preserve natural and environmental resources (UNDP, 1994). In this regard, some have claimed that the assignment of national and state lands to current beneficiaries and villagers is essential in order to create sustainable employment and reduce pressure on natural resources (Alibeygi, 2018). However, such suggestions should be carefully evaluated, to avoid land speculation, that is, the purchasing of land with the expectation that its future value will increase, along with changes in the use of natural areas, consequently increasing social-administrative conflicts.

### ***Legal and management frameworks***

The first piece of environmental legislation was written at the time of Hammurabi, the sixth emperor of Babylon from 1792 to 1750 BCE (Charpin, 2012), while the first laws regarding the protection of forests were developed in China in 1122 BCE (Yakhkeshi, 2001). Historically, Iran was one of the leaders in nature conservation. In fact, the first conserved forest in the world was designated and protected by Khashayar Shah in 500 BCE (Yakhkeshi, 2001). Today, less diligence has been paid to the management of natural

resources, resulting in conflicts amongst natural resource stakeholders (Ghasemi, Karamidehkordi, Ebrahimi, 2018; Idrissou, Aarts, Leeuwis, van Paassen, 2018).

The management and practices governing the use of rangelands that existed before Land Reform in 1962 are still partially in use today. These practices adapted 'custom', and the pre-determination of borders for each stakeholder group, as relevant factors in preventing environmental degradation and conflict. These factors can be understood as confirming the necessity to determine the boundaries of rangelands for rangeland management and for individuals and pastoral units. Furthermore, if these factors are adhered to, rangelands and pasture conditions would likely improve so long as the distributions of rangeland systems are conventional and permanent, that is, without annual changes, and in line with custom (Blench and Sommer 2017).

The history of the contemporary legal protection of natural resources in Iran dates back to 1959 with the *Bill of Forests and Rangelands* (1959). This was followed by the *Nationalization of Forests Act* (1963), the *Act of Conservation and Utilization of Forests and Rangelands* (1967, CUFRA) with subsequent amendments in the 1970's. The *Act of Conservation and Protection of Natural Resources and Forest Reserves* (1992) were later enacted in a supplementary form (Amouzadeh-Mahdiraji, 2017). Environmental protections are codified in the Iranian Constitution, however, constraints surrounding enforcement have led to a challenged legal system. Moreover, it appears that these protections are mainly focused on protecting the environment and natural resource areas, not necessarily providing a remedy for land disputes. The Forestry Organization was the national authority that was restructured to become the *Forest, Rangeland and Watershed Management Organization* (FRWO). Subsequent amendments to the law and its regulations show an increase in the level of power and duty given to the FRWO, not limited to being the agency responsible for prosecuting environmental law violations (Taghizadeh Ansari, 1995). The FRWO is responsible for the preservation, restoration, development, and utilization of renewable natural resources, such as; forests, rangelands, woodlands, and forest lands (Ghaffari, 2010; Zendehtgol and Afshari 2015).

### ***The single-clause commission and special branches***

It should be noted that legislators allocated two bodies, to solve legal disputes between people and the government, arising from encroachment activities by communities on publicly owned land. The first authority was the Single-Clause Commission (SCC) which operated until 2011. Subsequently, Special Branches (SBs) were developed in each province to replace the Commission. The SCC was replaced by enacting Note 1 of Article 2 of the *Law on Increasing the Productivity of the Agriculture and Natural Resources Sector* (Amouzadeh-Mahdiraji, 2017).

The SCC was established by the Office of Natural Resources and Watershed Management at each city around the country, based on Article 56 of the *Act of Conservation and Utilization of Forests and Ranges of the Country* (1967) and the *Act of Forests Nationalization of the Country* (1963). The commission was obliged to consider the land disputes within three months at the latest, and the decision of the majority of the members of the commission was final. According to its last amendment (1988 *the Act on Determining the Duties of Disputed Lands Subject to the Implementation of Article 56 of the Act of Conservation and Utilization of Forests and Ranges of the Country*), the members of

SCC has changed to Five and Two persons, including: a head of the Department of Agriculture, a head of the Natural Resources and Watershed Management Department, a member of Agriculture Department (a forest and range expert) introduced by the Director General of the Natural Resources and Watershed Management Department at each province and approved by a head of the Agriculture Organization at the provincial level, a member of the Land Transfer Board introduced by a Director of Land Affairs of the province, a judge introduced by the Chief Justice of the province, and finally, depending on the case, two members of the Islamic Council of the village or nomads of the relevant place introduced by local relevant organizations. However, if there is any objection about the decision handed down, the complainant submits a request to the appeal court at the capital of the province (Amouzadeh-Mahdiraji, 2017).

SB's have been established in the general courts of each capital of the provinces, based on note 1 of Article 9 of the *Act of Increasing Productivity in Agriculture and Natural Resources Sections* (2010). The SCC was obliged to accept any objection until 2011/09/02, and after this date, the SBs are responsible for land disputes. However, SBs invite the official judicial experts to assist with the judge's decision. The judicial experts are selected from agricultural and natural resources graduates after a competitive exam and process (Amouzadeh-Mahdiraji, 2017).

Kolahi and Jannatichenar (2018) stated that one of the main reasons that the number of conflicts between communities and natural resource authorities is rising, is the challenge of distinguishing publicly owned land from privately owned agricultural land. This is due to a lack of information, such as access to aerial photographs, and communities encroaching their farming activities onto publicly owned land holdings, which are often protected natural areas (Shakeri Boroujeni, Bashari, Tarkesh Esfahani, 2016; Asar and Masoudi 2017). In the absence of dispute resolution mechanisms at a local level, these encroachments have led to conflicts between communities and authorities, which in-turn have resulted in a plethora of court cases. The number of court cases has meant the Office of Natural Resources and Watershed Management (hereafter referred to as 'the Office') in Iran has been required to spend a disproportionate amount of time on these types of cases, in turn leading officials to feel dissatisfied with the system (Kolahi and Jannatichenar 2018).

The '*Fifth Five Year Development Plan*' of the Islamic Republic of Iran (2011–2015) paid more attention to indicators of sustainable development of agriculture in the social, economic, and environmental dimensions (FFYESCDP, 2011). The *Plan* focused on these indicators due to wide-ranging factors, such as, the push for sustainable development at the global level and the emergence of severe environmental problems in all areas of Iran. In particular, water crises and droughts, population growth greater than Iran's natural habitats' capacity, the associated increased need for food, and a greater understanding of the importance and necessity of sustainability by Iran's planners and politicians (Afrakteh, Hajipour, Gourzin, Nejati, 2013). Nevertheless, although the fiftieth principle of Iran's Constitution highlights preservation of the environment as a 'public duty' and forbids any destructive activity,<sup>1</sup> the forty-fifth principle defines natural resources as public

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<sup>1</sup>Principle 50: 'Protecting the environment in which the present generation lives and in which future generations shall live and prosper is considered a public responsibility in the Islamic Republic. Therefore industrial activities, and other activities which may pollute the environment or ruin it to the point where it cannot be restored, are forbidden'.

wealth and property (Ramazani, 1980).<sup>2</sup> The Constitution outlines that their management must be in accordance with public compromise. There are numerous other contradictory principles and statutes in Iran. For example, Article 54 of the *Law on Removing Competitively Produced Barriers and Promoting the Financial System of the Country*, which governs legal land speculation (Amouzadeh-Mahdiraji, 2017), with further details presented in Supplementary Materials

(Table 5). Iran's criminal legislation to support the protection, conservation, and utilization of forests and rangelands has focused more on the violation that has occurred, instead of attempting to prevent offences (Ahmadi et al. 2011). Low levels of crime, few criminal convictions, and light penalties for violators have dramatically undermined the preventive role of these laws. Additionally, the inadequacy of the number of rangers, their low salaries and lack of equipment have contributed to the poor enforcement of the law (Hunnam, 2011). Therefore, the FRWO alone is unable to preserve Iran's natural ecosystems because of their vastness as they comprise approx. 83% of the country's land (Kolahi, Sakai, Moriya, Makhdoum, 2012)..

Moreover, the contradiction of natural resource laws with other laws for example, those in the mining industry, play a significant role in companies committing environmentally destructive crimes with the motivation being the development of new mines. The phenomenon known as land speculation is happening legally and illegally and has both environmental and economic consequences.

### **Participatory conservation**

Participatory conservation is the process of governments involving other key stakeholders in the management of resources (Sterling, Betley, Sigouin et al., 2017). This can be done via NGOs or through direct consultation with individuals at the forefront of these issues. However, due to widespread and continued drought for several years, the economic output of the agriculture sector has been reduced, leading to a worsening of rural livelihoods (Ebrahimpour, Alini, Jahannama, 2008; Yavari, Rezagholizadeh, Aghaei, 2011). The drought has also led to an increase in social-pasture conflicts about land ownership (Ghasemi, Karamidehkordi, Ebrahimi, 2018), and less engagement from rural families in the conservation process, through their focus being shifted off of conservation and onto families being able to sustain themselves. For this reason, some believe that the transfer of national and state lands to ordinary local users and villagers is essential in order to create sustainable employment and to reduce the pressure on natural resources (Alibeygi, 2018).

There is a potential conflict between the policies of economic growth and the protection of natural resources. In that economic growth will sometimes be pursued at the sacrifice of a country's natural resources. Therefore, sustainable management of natural resources requires cooperation and coordination of all governmental, non-governmental, and private sectors (Kolahi, 2014).

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<sup>2</sup>Principle 45: 'Public property such as wastelands and abandoned lands, mines, seas, lakes, rivers, and other public waterways, mountains, valleys, forests, swamps, natural groves, pastures without boundaries, inherited land with no heir, unowned property, and public property which has been confiscated from usurpers, belongs to the Islamic government and shall be put to public use. The details and method of use for each one of these regulations will be determined by law'.



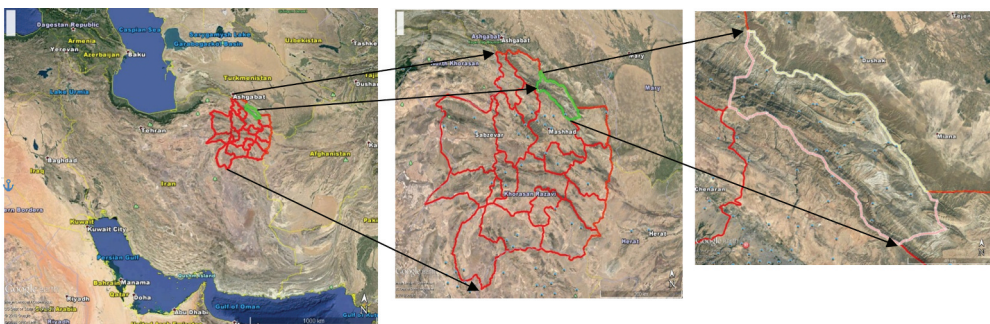
## Methods

This socio-legal study involved analysing multiple sources of evidence, which ensured high levels of confidence in the validity of the study's findings (Layder, 1998). The doctrinal research component examined legal doctrines, their genesis and application (Amin, 1992). For example, this study investigated the application of the law through court cases lodged and heard in the Kalat-e Nader County, Khorasan Razavi Province, Iran. The empirical research (McConville and Chui 2007) component of this paper involved two parts. The first was an audit, which was performed to provide the 'real life' (cultural, social, environmental, legal and management) context for the study. The second empirical research component was to capture case studies to provide in-depth illustrations of the issues. The focus of both the audit and case studies was to deepen an understanding of community and government land disputes. The overall aim of this study was first capturing a detailed understanding of the issues and then to propose resolutions to minimize and manage future conflicts.

The data were collected from all court cases in the study area, during the period from 3 December 1994, to 6 August 2018. The data analysis focused on the type of complaint/violation, the ruling of each case, the type of ruling, and the length of time that had elapsed from the hearing of the case to the ruling being handed down.

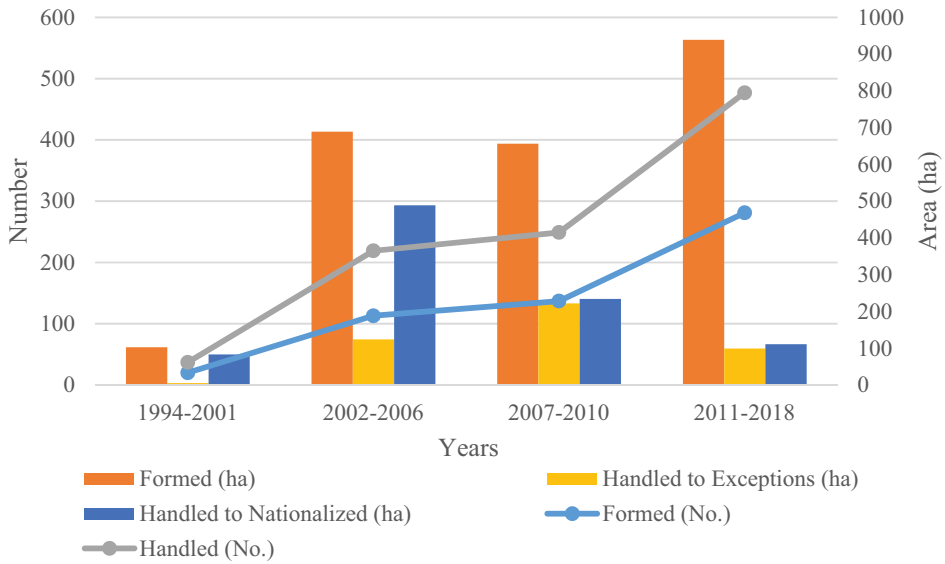
### *Profile of the study area*

The study area comprises all public land holdings which fall under the management of the Office (Figure 1). The area is located in a predominantly mountainous region which experiences cold winters and warm summers, with milder climate variations in lowlands. The highest and the lowest elevations of the area are 3059 metres at Hezar-Masjid Heights and 450 metres at the end of Chahchaheh River, at the border of Turkmenistan. The annual average rainfall is more than 350 mm and the area experiences the highest humidity in the province. In the 2016 census, the county's population was 36,237, comprising 10,708 families, with 18,405 males and 17,832 females. Thirty-two percentage of the population lives in urban areas, 64% lives in villages, and 5% are nomads. Eighty-eight percentage of the population are greater than six-years old and 79% of them are

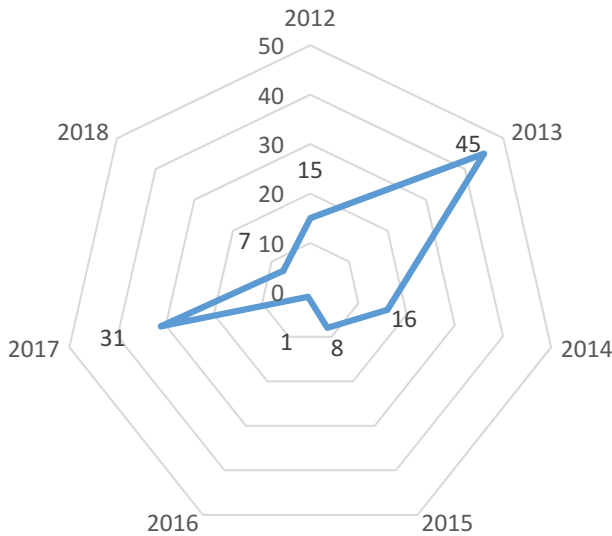


**Figure 1.** Geography of Kalat-e Nader County, Khorasan Razavi Province, Iran.; Green area shows study area, red lines show the counties of the Province, and the arrows show an expanded view of the study area in greater detail. Source: Google Earth.





**Figure 2.** SCC Cases Formed or Handled between 1994 and 2018 (ha is hectares, No. is number of cases, and the data is based on Table 1).



**Figure 3.** Number of cases formed at SBs for Kalat-e Nader County at different years.

literate split fairly evenly between 88% of urban dwellers and 75% of rural dwellers. Tekke Turkmen, Kurdish and Persian are the main languages in the area. The percentage of married inhabitants is 66%. In terms of employment, only 33% of the population have

<sup>3</sup>Failing to remedy defects within ten days.

<sup>4</sup>Cases lodged after 3 September 2011 at which date the SCC had no jurisdiction to hear them.

<sup>5</sup>Cases which have had too long a period to complete the process or failed to provide required documents.

<sup>6</sup>Cases which have had the final decision handed down.

<sup>7</sup>Cases which have an issue regarding the implementation of the regulations.

<sup>8</sup>Private lands.

**Table 1.** Specifications of all court cases formed at SCC for Kalat-e Nader County by years.

| Number, area, and status of the cases | Time (Years) |           |           |           | Total |
|---------------------------------------|--------------|-----------|-----------|-----------|-------|
|                                       | 1994–2001    | 2002–2006 | 2007–2010 | 2011–2018 |       |
| Formed (No.)                          | 20           | 113       | 137       | 281       | 551   |
| Formed (Area ha)                      | 103          | 689       | 656       | 939       | 2387  |
| Handled (No.)                         | 17           | 106       | 112       | 196       | 431   |
| Handled (Area Exceptions ha)          | 5            | 124       | 222       | 99        | 450   |
| Handled (Area Nationalized ha)        | 83           | 489       | 234       | 111       | 917   |
| Inadmissible                          | 3            | 30        | 0         | 2         | 35    |
| Withdrawn                             | 0            | 1         | 1         | 0         | 2     |
| Disqualified                          | 0            | 2         | 0         | 27        | 29    |
| Closed                                | 0            | 2         | 0         | 10        | 12    |
| Final decision                        | 17           | 71        | 112       | 72        | 272   |
| Remained                              | 0            | 7         | 24        | 82        | 113   |
| Exception                             | 0            | 0         | 0         | 3         | 3     |

**Table 2.** Specifications of the cases formed at SCC for Kalat-e Nader County.

| Time to decision (days) | Declared areas in number and hectare |                   |                 |                   |                    |              |                      |                |
|-------------------------|--------------------------------------|-------------------|-----------------|-------------------|--------------------|--------------|----------------------|----------------|
|                         | No.                                  | Nationalized (ha) | Exceptions (ha) | Inadmissible (ha) | Disqualified (No.) | Closed (No.) | Final decision (No.) | Remained (No.) |
| <1000                   | 166                                  | 434               | 266             | 11                | 29                 | 0            | 134                  | 0              |
| 1001–2000               | 91                                   | 242               | 92              | 112               | 0                  | 0            | 64                   | 0              |
| 2001–3000               | 58                                   | 166               | 84              | 0                 | 0                  | 0            | 58                   | 0              |
| 3001–4000               | 8                                    | 23                | 5               | 17                | 0                  | 0            | 4                    | 0              |
| >4000                   | 10                                   | 52                | 4               | 30                | 0                  | 0            | 3                    | 0              |
| no time                 | 218                                  | -                 | 7               | 0                 | 0                  | 94           | 0                    | 117            |
| Total                   | 551                                  | 917               | 457             | 170               | 29                 | 94           | 263                  | 117            |

**Table 3.** Specifications of cases formed at SBs for Kalat-e Nader County regarding the time of the hearing.

| Time to decision (days) | Declared areas (ha) |              |            |           |
|-------------------------|---------------------|--------------|------------|-----------|
|                         | No.                 | Nationalized | Exceptions | Withdrawn |
| <200                    | 23                  | 50           | 0.0692     | 0         |
| 201–400                 | 26                  | 55           | 23         | 0         |
| 401–600                 | 23                  | 98           | 49         | 0         |
| 601–800                 | 11                  | 61           | 24         | 0         |
| >800                    | 5                   | 15           | 8          | 0         |
| no time                 | 38                  | -            | -          | 0.5       |
| Total                   | 126                 | 279          | 104        | 0.5       |

**Table 4.** Specifications of these cases formed at SBs for Kalat-e Nader County at different years.

| Hearing time         | Total, national, and excepted areas of the cases (ha) based on hearing time |      |      |      |      |      |      |      |
|----------------------|---|------|------|------|------|------|------|------|
|                      | No.   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
| Longest time (days)  | 1014  | 907  | 1014 | 475  | 319  | 272  | 288  | 0    |
| Shortest time (days) | 84  | 149  | 99   | 84   | 114  | 0    | 167  | 0    |
| Average (days)       | 419   | 516  | 465  | 257  | 206  | 272  | 244  | 0    |
| Area of formed       | 605   | 143  | 263  | 32   | 35   | 1    | 111  | 20   |
| Area of exemptions   | 104   | 23   | 72   | 3    | 3    | 1    | 2    | 0    |
| Area of nationalized | 280   | 110  | 130  | 22   | 4    | 0    | 14   | 0    |

jobs, 7% are unemployed, 19% are students, 34% are housewives, and 7% are classified as 'other' (Statistical Center of Iran, 2016).

**Table 5.** The historical course of some of the most important laws related to natural resource management in Iran.

| Name of the law/Act/approval letter   | Approved   | Name of the law/Act/approval letter  | Approved   |
|---|------------|--|------------|
| State and Provincial Organization Law and Rules of Procedure  | 1907/12/19 | The Act of Authority of Wastelands' Recognition and their Document Revocation  | 1986/12/21 |
| Approval Letter of the Establishment of the 'Forest Branch'   | 1917       | Implementing Regulations of the Act of Authority of Wastelands' Recognition and their Document Revocation  | 1987/09/30 |
| Iranian Forest Regulations  | 1924/03/11 | The Act on Determining the Duties of Disputed Lands Subject to the Implementation of Article 56 of the Act of Conservation and Utilization of Forests and Ranges of the Country                            | 1988/09/13 |
| Forest Control Canon  | 1925/02/27 | The Act of Preservation and Protection of Natural Resources and Forest Reserves of the Country   | 1992/10/04 |
| Management Plan of Coastal Forest of Caspian Sea  | 1932/05/29 | Implementing Regulation of Article 1 of the Act of Preservation and Protection of Natural Resources and Forest Reserves of the Country   | 1993/03/07 |
| The Law on Forests  | 1942       | Implementing Regulation of Article 2 of the Act of Preservation and Protection of Natural Resources and Forest Reserves of the Country   | 1993/03/07 |
| Approval Letter of the Establishment of the 'Forest Corporation'  | 1949/03/15 | The Act of Conservation and Utilization of Fishery Resources of the Islamic Republic of Iran   | 1995/09/05 |
| The Act of Forests and Ranges of the Country  | 1959/08/31 | Comprehensive Conservation Program of North Forests (Preservation, maintenance and development of northern forests)  | 2003/09/15 |
| Implementing Regulation of the Act of Forests and Ranges of the Country   | 1960/12/24 | The Act of Increasing Productivity in Agriculture and Natural Resources Sections   | 2010/07/14 |
| Approval Letter of the Act of Forests Nationalization of the Country  | 1963/01/17 | Implementing Regulation of Article 18 of the Act of Increasing Productivity in Agriculture and Natural Resources Sections  | 2012/01/04 |
| Implementing Regulation of the Act of Forests Nationalization of the Country  | 1963/08/29 | Implementing Regulation on how to rank centres subject to Note 6 of Article 2 of the Act of Increasing Productivity in Agriculture and Natural Resources Sections  | 2012/10/21 |
| The Act of Conservation and Utilization of Forests and Ranges of the Country  | 1967/08/16 | Implementing Regulation of Article 33 of the Act of Increasing Productivity in Agriculture and Natural Resources Sections  | 2012/10/28 |
| The Act on the Establishment of the Ministry of Natural Resources   | 1967/12/18 | Implementing Regulation on the Act on Determining the Duties of Disputed Lands Subject to the Implementation of Article 56 of the Act of Conservation and Utilization of Forests and Ranges of the Country | 2013/05/16 |
| The Amending Act of the Act of Conservation and Utilization of Forests and Ranges of the Country  | 1969/04/09 | Implementing Regulation on Note B of the Act of Increasing Productivity in Agriculture and Natural Resources Sections  | 2013/08/11 |
| The Amending Act of some Articles of the Act of Conservation and Utilization of Forests and Ranges of the Country   | 1970/06/25 | The Law of optimization program of monitoring, preservation, utilization and management of the country's forests   | 2014/01/06 |
| The Act on Reorganization and Determining the Duties of Organizations of the Ministry of Agriculture and Natural Resources and Dissolution of the Ministry of Natural Resources | 1972/02/01 | Implementing Regulation of Article 8 of the Act of Increasing Productivity in Agriculture and Natural Resources Sections   | 2014/12/31 |
| The Act of conservation and expansion of green space and prevention of uncontrolled felling of trees  | 1973/08/02 | Implementing Regulation of Article 3 of the Act of Increasing Productivity in Agriculture and Natural Resources Sections   | 2015/12/27 |

*(Continued)*

**Table 5.** (Continued).

| Name of the law/Act/approval letter   | Approved   | Name of the law/Act/approval letter   | Approved   |
|---|------------|---|------------|
| The Act of Reclaimed and Coastal Lands  | 1975/07/20 | Implementing Regulation of Amended Article 33 of the Act of Conservation and Utilization of Forests and Ranges of the Country | 2016/01/12 |
| The Act on Land Transfer and Rehabilitation in the Islamic Republic of Iran                     | 1979/09/16 | Fines of the Act of Conservation and Utilization of Forests and Ranges of the Country   | 2017/11/05 |
| The Amending Act of the Act on Land Transfer and Rehabilitation in the Islamic Republic of Iran | 1980/04/15 | The Act of Conservation and Utilization of the Country's Genetic Resources  | 2018/01/14 |
| The Act of Equitable Distribution of Water  | 1983/03/07 | The Act of Soil Conservation  | 2019/04/25 |
| The Act of conservation and consolidation of the banks and bed of the border rivers             | 1985/02/27 |   |            |

**Table 6.** Specifications of the cases formed at SCC for Kalat-e Nader County regarding the time of the hearing.

| Hearing time         | Total, national, and excepted areas of the cases (hectares) based on hearing time |              |           |              |        |                 |          |                      |
|----------------------|---|--------------|-----------|--------------|--------|-----------------|----------|----------------------|
|                      | Formed  | Inadmissible | Withdrawn | Disqualified | Closed | Decision Issued | Remained | Exception from first |
| Longest time (days)  | 5068  | 5068         | -         | 1814         | -      | 5068            | -        | 0                    |
| Lowest time (days)   | 59  | 18           | -         | 59           | -      | 18              | -        | 0                    |
| Area of formed       | 2387  | 171          | 1.5       | 74           | 166    | 1246            | 723      | 6                    |
| Area of exemptions   | 450   | -            | -         | -            | -      | 450             | -        | 6                    |
| Area of nationalized | 917   | -            | -         | -            | -      | 745             | -        | 0                    |

**Table 7.** Specifications of all cases formed at SBs for Kalat-e Nader County.

| Time (year) | Number and area of the cases |           |         |                |                   |                |                |                   |
|-------------|------------------------------|-----------|---------|----------------|-------------------|----------------|----------------|-------------------|
|             | Formed                       |           | Handled |                |                   | Final Decision |                |                   |
|             | No.                          | Area (ha) | No.     | Exception (ha) | Nationalized (ha) | No.            | Exception (ha) | Nationalized (ha) |
| 2012–2018   | 126                          | 605       | 122     | 104            | 280               | 17             | 54             | 164               |

## Results—audit of land dispute cases

In total, 551 cases were heard at SCC and the Office, with a total of 2,387 hectares of land being the subject of these complaints. A court case was heard (on average) every 11 days. Disputes were focused on land areas of (on average) four hectares, with a decision handed down (approximately) every 15 days. Moreover, the average time for a decision to be reached in each case was over three years, or 1,246 days. Details of these cases are presented in [Tables 1 and 2](#) and [Figure 2](#) with further details presented in [Table 6](#) (Supplementary Materials). On the other hand, of the 126 cases heard at SBs from 5 June 2012 to 1 April 2018, with a total of 605 hectares of land being the subject of

these complaints, a case would be heard on average every 17 days, analysing on average five hectares, and a decision handed down every 17 days. Details of these cases are presented in [Figure 3](#) and [Tables 3 and 4](#) with further details presented in [Table 7](#) (Supplementary Materials). In contrast with the SCC, the average time for decisions for each case at SBs was 386 days. These details are shown in [Table 3](#) compared to the SCC represented in [Table 2](#). The tables show the number, and the land area of the cases formed that led to decisions, such as: inadmissible,<sup>3</sup> withdrawn, disqualified,<sup>4</sup> closed,<sup>5</sup> final decision,<sup>6</sup> remained,<sup>7</sup> and exception.<sup>8</sup> If the land is not defined as 'nationalized' based on articles 1 and 56 of the *Nationalization of Forests Act*, it is deemed the legal property of individuals, and thus referred to as 'Exception', according to article 2 of the *Act*. The results indicate that about 80% of the total cases of the SCC have been handled, but 20% were not examined ([Table 1](#)). About 47% had a shorter hearing times compared to other cases, 3% had the longest hearing times, and 40% were without hearing times ([Table 6](#), Supplementary Materials). The shortest and the longest days of hearing times at the SCC were 59 and 5068 days, respectively. Land disputes covered an area of 2387 ha. Of this total, 450 ha were heard as Exceptions, 917 ha as Nationalized, and others as Inadmissible, Quit, Disqualified, Closed, and/or Remained ([Table 6](#), Supplementary Materials).

On the other hand, (approximately) 71% of the total cases of SBs have been resolved, however, 29% were not investigated because of many factors, such as the case being Inadmissible, Withdrawn, or Disqualified. Thirty-nine percentage had shorter hearing times compared to other cases, 13% had the longest hearing times, and 30% were without hearing times ([Table 4](#)). The results also show that 68% of the cases at the SCC and SBs dealt with nationalized lands ([Tables 2 and 4](#) respectively). Therefore, only 32% of cases decided in favour of individuals' lands ('Exceptions') ([Tables 2 and 4](#)). In total, 126 cases covering 605 ha were lodged at SBs between 2012 and 2018. One hundred and twenty-two cases covering 104 ha were deemed as 'Exceptions' and 280 ha as 'Nationalized'. At the time of writing this paper, four cases were yet to be heard. However, in total, 17 final decisions were handed down with 54 ha as 'Exceptions' and 164 ha as 'Nationalized' ([Table 7](#), Supplementary Materials).

It should be noted that (approximately) 25% of the cases filed at the SCC have remained unresolved because of a lack of enforcement of natural resource regulations and/or inaccurate boundaries. Additionally, 27 cases covering a total area of 73 hectares from 2015 to 2016 were recorded at the SCC as 'Disqualified', and the applicant was advised to file a lawsuit at an SB. However, (approximately) 33% of the SCC's cases have shown signs of agricultural works from the analysis of aerial photographs from 17 January 1967. Signs of agriculture, also known as 'Exceptions' can include, but are not limited to, ploughs or other farm equipment. Sixty-seven percent of the SCC's cases were found to be due to misunderstandings surrounding land ownership and/or encroachment issues motivated by poverty. Overall, 31% of SBs' decisions were issued in favour of individual applicants, and 69% in favour of public land holdings. As documented in [Figure 2](#), over time the trend shows an increase in cases; however, the main issue of social conflict over public lands presented in cases remains constant.

## **Case studies**

### **SCC Case 1**

A land dispute case was submitted to the SCC by a man on 2015/10/02 for 84,888 m<sup>2</sup>. The final decision of the commission was issued on 2016/02/28. The head of the Department of Agriculture, the head of Natural Resources and Watershed Management Department, and the member of Agriculture Department acknowledged that the whole area is nationalized land. But the member of the Land Transfer Board distinguished that 30,000 m<sup>2</sup> of the disputed area is Exception, and the other (54,888 m<sup>2</sup>) is the nationalized land. The judge accepted the later decision and issued its decision. The Office submitted an objection to the General Court on 2018/02/22. The appeal court rejected the judge's decision and issued the final and definitive decision that the 30,000 m<sup>2</sup> is also the nationalized land on 2019/07/29.

### **SCC Case 2**

A land dispute case was submitted to the SCC by a woman on 2009/07/17 for 2278 m<sup>2</sup>. The final decision of the commission was issued on 2015/12/17. All members of the SCC acknowledged that the whole area is nationalized land. She submitted an objection to the General Court on 2016/02/22. The appeal court confirmed the judge's decision as the final and definitive decision on 2017/02/01.

### **SB Case 1**

A land dispute case was submitted to the SBs by a man on 2017/12/25 for 12,747 m<sup>2</sup>. The final decision of the Branch was issued on 2019/06/20. An official judicial expert acknowledged that 812 m<sup>2</sup> of the disputed area is Exception, but the other (11,935 m<sup>2</sup>) is the nationalized land. The judge of the General Court accepted the expert's opinion and issued its final decision as such.

### **SB Case 2**

A land dispute case was submitted to the SCC by a man on 2015/11/14 for 215,724 m<sup>2</sup>. The SCC issued the decision that the Commission was unable to hear the case. Therefore, the complainant submitted its petition to the SBs on 2017/04/22. Three teams of official judicial experts were invited to examine the case: a team of one official judicial expert, a team of two official judicial experts, and a team of three official judicial experts. All the teams acknowledged that 142,127 m<sup>2</sup> of the area is Exception, and the other (73,597 m<sup>2</sup>) is the nationalized land. However, the judge rejected the petition and decided not to hear the case due to non-ownership evidence.

## **Discussion**

This study has investigated land disputes that have arisen from 3 December 1994 to 6 August 2018, at Kalat-e Nader County. As represented in the results, the quicker turnaround time for cases at the SBs was mostly due to a lower number of cases being brought before the court because individual complainants were unfamiliar with the new processes, rather than there being an actual decrease in land disputes. Moreover, since complaints from all 28 counties of the province have to be filed at their provincial capital's

SBs, coupled with the lack of human resources at the branches, the number of examined cases has been in decline. Additionally, the complainants were informed by the Office that the court would reject transfers of nationalized lands to individuals. This had the effect of some complainants abandoning their applications, thus giving further explanation as to the decline in hearing rates.

The decrease in hearing rates is also due to only having minimal professional staff to handle the SCC's cases. The staff are mostly responsible for other tasks, and the land dispute cases are considered a less important part of their job, so they devote less time to them. However, with regard to the relationship between the handling times of cases at the SCC compared to SBs, it is clear that SBs respond more rapidly after the filing of a case as can be seen in the case studies. Although the number of SCC cases has been in decline, the number of cases without a hearing has in fact increased. The increase in cases without a hearing could be due to individuals becoming more aware, and familiar, with current judicial processes. It could also be related to there being a greater emphasis on out of court settlements or mediations through the Dispute Resolution Body (DRB) of Iran. This body is part of the Dispute Settlement Council, which was established by the Iranian Government in 2009. It acts as an alternative to court, therefore giving rise to an increase in cases without a formal court hearing.

Concerning the investigation of court cases at the SCC some recommendations can be made. Firstly, since the members of the Commission are primarily responsible for duties other than land complaints, it is suggested that they dedicate at least one day per week handling the land disputes to increase efficiency. Secondly, some of the regions within Kalat-e Nader have land interferences that must be reported to the DRB. These require an initial decision before being referred to the SCC or SB's. It would be advantageous to streamline this process within the dispute resolution system. It can be noted that it might be more efficient to have DRB members made up of supervisory staff, but who are specialized and highly experienced. The DRB can then focus on the land interferences, prepare related maps, and issue testimonies for the SCC. This new system of staffing at the DRB might allow the SCC to handle the cases in a timely and efficient manner (Tajarloi, Taghavi, Poshtdar, 2016). Thirdly, the length of the hearing will be minimized if the decisions are issued based on geo-referenced aerial photographs prepared by the coordination of experts. This would require updated aerial photographs, as the ones currently in use are dated to 1967.

Regarding SBs' cases, the length of the hearing is taken up more in the early stages, where the applicant submits the letter of complaint, received from the Judicial Deputy after three to four months, to the Office in order to be tracked and filed. It should be mentioned that during an initial inquiry, before any hearing or attempted dispute resolution, it is procedure to interpret the aerial photographs from 1967 along with the applicant's land map, both of which are sent to the Judicial Deputy by the Office. This process is also done before recording any protestation at SBs. An appropriate solution to the lengthy time spent at the beginning of a case, could involve the results being transferred to a judge of the SB's by the Judicial Deputy, because if the judge has the necessary evidence, they can make and issue their decision quickly. In doing so, the entire length of a hearing could also be minimized if a relevant decision could be confirmed based on the interpretation of aerial photographs alone. If Iran had a comprehensive



record for all land holdings, these cases could be decided rapidly and with more accuracy (Karimimanesh, 2017).

Some actions can be developed to protect rangelands such as the development of environmental protection strategies and assessments balancing livestock numbers and rangeland carrying capacity. The implementation of environmental remediation activities is required. For example, revegetation and the replacement of common fuels, (e.g. woods and pasture bushes), with environmentally sustainable fuels (Mirdeilami and Moradi 2016).

As Kolahi & Jannatichenar (Kolahi and Jannatichenar 2018) noted, the reason for the low cooperation between the people and officials is the growing sentiment that the lack of attention from the Government on these environmental issues and land disputes has led to an instability of behaviours and relationships. There are a number of disputes between individuals and natural resource offices that stem from people's ignorance and perhaps lack of awareness, or unwillingness to become aware, as a result of the people's low economic status. Ultimately, the National Resources Offices have failed in promoting environmental sustainability, informing individuals of their rights and responsibilities, and in providing services to individuals in addition to showing an unwillingness to implement a participatory approach to governance. As mentioned, one of the leading causes of the destruction of the forests and rangelands of Iran is the existence and perpetuation of poverty (whether objective or subjective) in rural areas. This critical factor leads to the creation of other related issues, such as unemployment, low education levels, and a lack of basic amenities. If better conditions are to be pursued, the full participation of all members and organizations of Iranian society is required to change this paradigm (Stankey, Clark, Bormann, 2005; Kolahi, Sakai, Moriya et al., 2014c; Clark, Tomich, Van Noordwijk et al., 2016; McLaverty, 2017).

## Conclusion

Iran's national lands and ecosystems are deteriorating and reducing in size each year because of gaps in current legal processes. This is contributing to the inadequate maintenance of forests and rangelands. The result is issues, such as: unauthorized feeding of livestock, overgrazing, fires, and the overexploitation of vegetation. Contributing to this scenario is the lack of enforcement of land ownership regulations, and interventions from government and non-governmental institutions which are all contributing to the demise of nature in Iran (Kheyroodin, 2016; Karamidehkordi, Karimi, Badsar, Aghajanlo, 2017; Safaei, Jafari, Bashari, Esfahani, 2018; Sanaei, Ali, Chahouki, 2018). For example, about 54 organizations and institutions within Iran decide, plan, and implement different policies and strategies on environmental and natural resource issues without informing other relevant stakeholders. Therefore, institutional conflicts arise, in addition to the individual land disputes, and the already poor conditions of the environment worsen (Karimzadegan, 2011; Kolahi, Sakai, Moriya et al., 2014b; Jannatichenar, Kolahi, Mesdaghi, 2020; Khashtabeh, Akbari, Kolahi, Talebanfard, 2020; Payste, Kolahi, Omranian khorasani, 2020).

The diverse cultural and social aspects of Iran, in addition to the range of climate and geographical characteristics of the area make land conflicts in this region very unique. Public land holdings (e.g. Tandoreh National Park, rangelands) are criticized for a lack of

trained staff, poor management, shortage of equipment and financial resources, limited public participation, and no cadastral maps (Kolahi, 2013; 2014). Furthermore, existing natural resources law requires updating together with contemporary enforcement mechanisms. Moreover, an absence of a dedicated natural resource and environment court branch, along with time-consuming processes to resolve cases in current courts, result in conservation activities being significantly compromised. All the above mentioned problems give rise to conflict between individuals and the government over land tenure and use.

Studies have shown that many related challenges arising out of land disputes derive from the lack of awareness of people of the court process, the people's low economic status, and the inability of the Office to establish participatory conservation (Kolahi, 2014). However, any suggestions for improvement requires more extensive research and analysis, in addition to future planning to not further increase the negative effects of rangeland destruction. For a future that focuses on environmental conservation, the government, communities and nature, would all benefit from a shift away from short-term economic growth, and onto environmentally sustainable growth. This will require significant changes including at legislative and policy levels. It is time, now, to act, in the interests of the long-term prosperity of Iran and the protection of its rangelands.

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