

# Customary Laws

Governing Natural Resource  
Management in the

Northern Areas



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Management in the

## Northern Areas



Planning & Development Dept.,  
Northern Areas

**IUCN**  
The World Conservation Union

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# Foreword

This initiative was prompted by the fact that, despite the existence of a large body of statutory laws aimed at promoting responsible and sustainable use and management of natural resources in Pakistan, and particularly in the Northern Areas, the process of natural resource depletion continues relentlessly.

The objective of this survey and analysis was to begin to draw out and understand the issues at the interface of customary law governing the use and management of natural resources in Northern Areas and statutory laws applied for the same purpose.

The goal of this initiative is to provide the basis for bringing statutory and customary laws regarding use, management and conservation of natural resources in the Northern Areas into harmony with each other.

It is hoped that the results of this investigation will encourage and enable policy- and lawmakers to recognize the inherent similarities between customary and statutory law rather than focusing on perceived differences, and inspire them to overcome the conflicts that lead to further degradation of the natural resource base.

The results of this study demonstrate that customary law in the Northern Areas is a sophisticated system with many of the same mechanisms – permits, user fees, administrative and criminal penalties for unauthorized use – and institutions – including rangers or wardens and judges – that characterize statutory regimes. There are many opportunities for reforming statutory laws governing natural resources in Northern Areas to converge with elements of customary law, thus adding greater legitimacy and efficacy to the State's efforts towards conservation of natural resources in the region.

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Mr. Asad Bilal researched and authored Part I.

Dr. Huma Haque designed the fieldwork and all survey instruments and authored Part II.

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*Agarbati* – incense stick  
*Ashknach* – herb, vegetable  
*Baleech* – snow cock; similar to a partridge, but larger  
*Bani* – holly oak (also known as holm oak), *Quercus ilex*  
*Bankhakhri* – *Podophyllum emodi*; a medicinal plant with properties that improve blood flow  
*Begana* – outsider  
*Behak* – a type of tree, in Yasin  
*Bud dua* – a curse, in Tribal Areas  
*Chaksi* – musk  
*Charbo* – person responsible for making public announcements on behalf of a Raja  
*Chari dar* – 12-bore rifle  
*Chilli* – juniper  
*Dacoity* – banditry  
*Dehqan* – tenant under a landlord  
*Diyar* – a variety of cedar, *Cedrus deodara*. In local languages, also called “deodar”.  
*Dondrash* – a type of tree, in Yasin; wild grass  
*Gandhak* – sulphur  
*Gon* – turn at receiving water  
*Haitien* – village warden  
*Hanafi fiqha* – Hanafi school of Islamic jurisprudence  
*Hashtam* – person who takes care of horses  
*Hawiltara* – shepherd  
*Ishtamal key malikana haqooq* – ownership rights arising from use  
*Jagir* – estate  
*Jastero* – member of a j1mber of a i93bal.105 0 TD 0.278 l of a2iu8Tj/F4 1TD 0 Tw (ribal ATj/F4 1

*Maliki* – property

*Malkiat* – property; ownership (in Hunza)

*Mari* – Slaughter of an animal to be shared among members of the community

*Maund* – measure equivalent to approximately 40 kg.

*Mauza* – an area approximately equivalent to a village

*Mawaish khana, dukri, harai* – animal enclosure, cattle shed; *dukri* and *harai* are usually temporary

*Mohallah* – neighborhood, spacial unit of a few households

*Mukhtabrin* – village notables

*Nigran chowkidar* – water steward in Gorikot

*Nizam* – administration; also the person who administers

*Nobat* – turn at receiving water

*Nullah* – stream, and the surrounding pasture and forest land

*Numberdar/Lumbardar/Trangpa* – village headman

*Opoom* – a liaison person between a Raja and his subjects

*Pao* – a measure equivalent to approximately 250 gm.

*Phosht pho* – herb used in parts of the Settled Areas to treat blood problems

*Qasid chowkidar* – person responsible for organising collective village work in Gorikot

*Rajaaki* – collective work tradition

*Ramak* – medicinal herb, used in Tribal Areas

*Sagho* – herb used as a contraceptive

*Sahu* – a type of wood usually used for making domestic objects in *Rajgiri* Areas

*Sakhdar* – a warden in Gupis

*Salajeet* – excrement of the flying fox or bat. Villagers collect it from where it accumulates on the floor of a cave. It is said to be a pain reliever and also an aphrodisiac.

*Sarmah* – village council in Shigar

*Saroo* – pine tree

*Seer* – a measure of grain, equivalent to approximately 1kg

*Shamlat* – range lands

*Sharba* – member of a village council in Rondu; *jirgadar*

*Shikari* – hunter

*Soochi hunar* – herb used in *Rajgiri* Areas for curing eye pain

*Sulah* – agreement, truce

*Tamoro* – wild thyme

*Tanzim-i-hussaini* – religious group

*Tapsick* – medicinal herb used in the Tribal Areas

*Tarangan* – village warden in Rondu

*Tarangia* – in *Rajgiri* Areas, an official who reported directly to a Raja

*Tawan* – restitution, reparation

*Tehsil* – administrative unit at sub-district level

*Til* – a type of tree, in Yasin

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# Introduction

**N**orthern Pakistan is rugged and inhospitable. It is situated at the junction of three mighty mountain ranges – Karakoram, Himalayas, and the Hindukush – spread over an area of 72,496 sq. km. and offers a difficult course of life to its people. Extremely low precipitation, mostly in the form of snow, means that agriculture in the area is dependent on irrigation systems fed by glacial or snow melts. Agriculture is further constrained by the scarcity of arable land and a short growing season.

The mountainous terrain makes access difficult and even areas within the region remain fairly isolated from each other. This particular topography has allowed different parts of the region to maintain and preserve their indigenous cultural patterns. However, the presence of several mountain passes, in addition to ancient trade routes connecting the Subcontinent to China and Central Asia has insured that the area is not totally isolated from the rest of Asia and beyond.

The indigenous people of the region have followed Buddhism, Shamanism and Islam and have hosted, fought and intermingled with a multitude of outside ethnic groups and nations including Aryans, Greeks, Turks, Chinese, Sikhs and British among others. This convergence of religions, races and worldviews has created the multi-cultural society of the area today. For several detailed discussions of the history of Northern Areas, see the References in Annex 2.

Before 1840, the region that today is referred to as the Northern Areas of Pakistan was divided into several independent states governed under one of two systems. The valleys of Darel, Tangir and Chilas consisted of more than a half-dozen small units locally called *Shinaki* where tribal elders ruled. The Gilgit region, including Hunza, Nagar, and Greater Yasin, were ruled by *Mirs* or Rajas under a monarchical system called *Rajgiri*. In some states the ruler was called “*Mir*” and in others “*Raja*”, but both words have the same meaning, i.e. ruler. The Baltistan region consisted of small independent states under the rule of the Raja of Skardu. The expansion of villages took place under the direction of the *Mirs*/Rajas and through forced labour; land within villages was developed through self-help.

The period from 1840 to the end of the 19<sup>th</sup> century saw the beginnings of the interest and interference of the rulers of the Subcontinent in the area. The first aggressors were the Dogras, who were followed by the Sikhs and the British. Wars were fought in Nagar, Hunza and Chilas. During the period 1840-92, the independent states in the area fell to the combined forces of British India and the Maharaja of Kashmir. The territory that today comprises the Northern Areas was once part of the princely state of Jammu and Kashmir. It was administered by the British Government of India through a political agent, appointed in 1877.

Independence from the Dogra occupation of the Maharaja of Kashmir came at Independence in 1947.

On 1 August 1947, as the British prepared to leave India and the partition of the Indian Subcontinent was about to take place, the Gilgit Agency was handed over to the Maharaja of Kashmir. The Maharaja then decided to join India despite public opinion. This gave rise to dissension amongst the locals of Gilgit Agency and amongst the Muslim officers in the Maharaja's army. On 2 November 1947 the Pakistan flag was raised in Gilgit. In response to a request from the revolutionary council of Gilgit, representing the local population, the Government of Pakistan took over administration of the Northern Areas, appointing a civilian political agent who arrived in Gilgit on 14 November 1947.

In January 1949, the political resident in the North-West Frontier Province (NWFP) was directed to act as political agent for Gilgit Agency and the princely States in the Agency. At the time, Gilgit Agency comprised Ghizar, Gilgit, Hunza and Nagar. Political agents in Skardu and Astore operated with the help of assistant political agents, *tehsildars* and *naib tehsildars* (administrative officials at the sub-district level). In Punial, Ishkoman, Ghizer and Yasin, the political agent functioned through local governors who were popularly elected by the locals. The *jirga*, or tribal council, assisted these governors in conflict resolution. In Hunza and Nagar, the administration was run by the hereditary *Mirs* who were assisted by local *jirgas*.

All of the territory that is today included in the Northern Areas acceded unconditionally to Pakistan after Independence, with one exception: in 1951 the tribal areas that are now Diamir District signed an accession agreement with the Government of Pakistan, retaining certain rights of self-governance.

In 1950 authority for the Gilgit Agency was transferred from the NWFP government to the Ministry of Kashmir Affairs. In 1952 the post of Political Resident and Chief Advisor for the Azad Kashmir Government was created under the Ministry of Kashmir Affairs. The Joint Secretary Kashmir Affairs Division was given additional charge as Resident for the Northern Areas. In 1967 a separate Resident for the Northern Areas was appointed and stationed at Gilgit.

In the years 1972-74, the Government of Pakistan abolished the local principalities and introduced direct federal rule in those areas. The *Rajgiri* system in Punial, Gupis, Ishkoman and Yasin was abolished on August 21, 1972 and in Gilgit and Baltistan in October 1972. The state of Nagar was abolished on January 16, 1973 and the state of Hunza was abolished on September 24, 1974. Deputy Commissioners took over from political agents, the *jagirdari*, or landlord, system was abolished, the Gilgit Agency was converted into Gilgit and Baltistan districts, and three new districts of Diamir, Ghanche and Ghizer were created.

The tradition of cooperation for community development in both *Rajgiri* and Tribal Areas, including collective management of certain resources (such as irrigation channels and alpine pastures) continued even after the abolition of feudal authority. However, in the period immediately following abolition, an institutional and organisational vacuum existed in the region.

Northern Pakistan was effectively isolated from the rest of the country until the

many influences on customary law in Northern Areas, the KKH is only the most recent.

The last four decades of the 20<sup>th</sup> century brought about major changes in the lives of people in the Northern Areas. The region was opened to the outside world in a way that it never had been before. Modern modes of communication and transportation and interaction with people from outside the area have led to many – and sometimes conflicting – developments affecting natural resource use, including the strengthening of state control over natural resources to earn revenue and the emergence of new potential commercial uses for natural resources. All this has created a situation conducive to the over-use and depletion of natural resources.

In the last two decades, as the State has reacted to natural resource degradation and depletion and tried to stop the damage, it has imposed and reinforced a system of statutory law and authority that is perceived among many in the Northern Areas as impersonal, repressive and bureaucratic – the antithesis of the customary system. The intervention of government institutions and, in some cases of non-governmental organizations, in issues of natural resource use and management in Northern Areas has, more often than not, been insensitive to the existence, complexity, and sophistication of customary norms.

Through invasions by foreign princes, imposition of colonial powers and administration by the Government of Pakistan, customary law (*rawaj*) has continued to govern the use of natural resources in what is today the Northern Areas. These customary laws and the traditional authorities and institutions that apply them are similar throughout Northern Areas, regardless of the type of traditional governance system.

For the purposes of this study, “law” means a body of rules recognized by a society as binding. If, as in the case of Northern Areas, a society accepts as legitimate more than one system of rules having different sources and in contradiction with each other, the society is said to have a polycentric, pluralistic legal system (Petersen 1997).

Customary law comprises those sets of rules, established through the process of socialization, that enable members of a community to distinguish acceptable from unacceptable behaviour (Shaheed, 1997). “Customary law” as used in this study includes conventions and usages adhered to and followed by people through generations (Balchin in Gul, 1999).

Introduction of direct administration by Pakistan and enforcement of Pakistani laws in Northern Areas beginning in the 1970s in theory set aside indigenous practices and customary law. A largely illiterate population, however, had very little or no knowledge of the new laws to be enforced on them. Their customary laws, established by communal practice and usage for generations and passed down through oral tradition, were familiar and effective and continue to be practiced to a greater or lesser extent throughout Northern Areas today.

There is a limited number of books and reports on customary practices in Northern Areas. To date, very little has been documented. Nevertheless, it is clear that there is a long-standing and well-developed customary law regime in Northern Areas that governs the principal ecosystems and resources of the region:

- pastures, including resources other than forage available in them;
- forests, including timber and non-timber forest products;
- wildlife; and
- water.

This customary normative framework includes provisions for community and individual ownership, resource use fees, and fines as penalties for violations. The traditional governance systems require community service to maintain supply of a critical resource – water. They also provide for at least one authority, chosen by the community, with responsibility for managing natural resources and enforcing customary law on its behalf.

Part I of this study is based on secondary sources, including research in historical archives, references to contemporary publications, and interviews with individuals in Northern Areas who are familiar with traditional practices.

Part II is based on 11 months of fieldwork conducted in the Northern Areas in 2000-2001 to collect primary data from communities and individuals about the customary laws governing natural resources in Northern Areas.

# Part I

---

A History and  
Overview of  
Customary Law in  
Northern Areas



## A. TRADITIONAL GOVERNANCE SYSTEMS

The Northern Areas were previously governed under two different types of regimes. The areas under the *Rajgiri* system were governed by local rulers called *Mirs* or *Rajas*. The second system prevailed in the valleys of Darel, Tangir and Chilas where tribal elders ruled. This tribal system of governance was locally called *Shinaki*. Annex 1 shows the relationships among governance systems, the areas where they applied, and the local languages spoken.

### 1. Tribal System (*Shinaki*)

In the Tribal Areas, a council of elders governed. This council was comprised of one or two notable persons from every village in the area. Every member of this council was locally called a *jastero*

As the Punial state is the ancestral Jagir of the Governor, so it is decided that under the modern system your rights will remain protected. There will be no change in your powers and privileges. You will have power/right upon all the lands and Nullahs (include water resources, fuel-wood collection and pasture grazing), to endow to any person you deem fit. The Government of Pakistan will have no objection, however, you are expected to do justice with the subjects.

*Letter number 165/7-1650/5 dated February 1952, from the  
Political Agent Gilgit*

This system of governance formally came to an end with the progressive abolition of the Rajgiri systems during the period 1972-74.

## B. TRADITIONAL AUTHORITIES AND

## 2. *Jastero*

While their functions are more or less the same, *jasteros* or village headmen in the tribal communities of Darel, Tangir and Chilas were more empowered and independent than their counterparts in the *Rajgiri* areas. This traditional system and the power of the *jastero* did not change even after accession to Pakistan.

Every village appointed a *jastero*. The basic criteria for selection were gallantry and wisdom in the eyes of the people. The *jastero* did not get any remuneration for his services. The *jasteros* spent most of their time in dispute resolution. Disputes were placed before a general public meeting, as described above. If a dispute were resolved in this way, the *jastero* would announce the decision openly in the same sitting. Otherwise, the *jastero* would constitute a delegation of notables from the contesting parties, usually under his leadership, called the *jirga*.

## 3. *Jirga*

A *jirga* is a body of notable persons in a village or area specially constituted to resolve a specific conflict. In *Rajgiri* areas, a *jirga* might be composed of *lumbardar/trangpa* representatives from both parties in a dispute, with some village notables as middlemen. The *jirga* considered all recommendations and arguments from the contesting parties and then made a decision. For every dispute, a separate *jirga* was constituted. After the conflict was resolved, that particular *jirga* ceased to exist.

## 4. *Zaitu* (Warden)

The institution of *zaitu* exists throughout the Northern Areas in one form or other as the village-level institution for the use and management of natural resources. The word *zaitu* also applied to the individuals who carry out these tasks. Before the 1970s, this institution existed in both the tribal and *Rajgiri* governance systems with more or less similar roles and designations. The institution/individual is called *zaitun* in the Ishkoman valley, *chustarang/shaksbia* in Baltistan and *zaitu* everywhere else. In *Rajgiri* areas, the *zaitu* implemented the rules of the Raja, while in tribal areas he answered to village elders.

*Zaitus* are nominated on an annual or seasonal basis, but an individual may serve indefinitely as long as the community is satisfied with his performance. In larger villages, each neighbourhood (*mohallah*) may appoint a *zaitu*. Active young men are preferred for this job.

Some villages appoint a single *zaitu* for all tasks, while others designate *zaitus* for specific tasks. In some areas, the *zaitu* is responsible only for the protection of agricultural crops and in other areas, he has additional responsibilities such as protection and regulation of irrigation water. In most areas, the *zaitu* is responsible for ensuring that every household in a village sends its livestock to the pastures for grazing so that domestic animals do not damage the crops. The following tasks are assigned to the *zaitu* in different areas with slight variations:

- n controlling the harvesting of crops;
- n controlling plucking of fruits;
- n free grazing;
- n fuel wood and fodder collection;

- n regulating forest cutting;
- n taking the livestock to the summer pastures on commencement of cropping season;
- n regulating irrigation and water supply;
- n maintaining and desilting the irrigation channels.

## C. CUSTOMARY LAWS GOVERNING NATURAL RESOURCE MANAGEMENT

Natural resources in many parts of the Northern Areas are still being managed under unwritten customary laws passed down through oral tradition which have now been adopted by the community. Presently two different types of traditional law operate in the Northern Areas with reference to use rights and management of natural resources. These are:

- n *Rawaj* – customary law. A set of rules that are practiced, preserved and passed down through oral traditions and have become the model for accepted behaviour for members of a community.
- n *Shariah* – Islamic law laid down in the Holy Quran, covering almost all aspects of a Muslim's life.

Either or both systems may be used in resolving a dispute over the use and management of natural resources.

### 1. Forests

Except for the forests of Chilas, most of the Northern Areas is deficient in forest cover due to uncontrolled exploitation, such as heavy grazing pressure, clearing land for cultivation, increased demand for timber, and, where profitable, the construction of roads. This has resulted in the almost total depletion of forest resources.

At the time of the abolition of the principalities, the forests of the Northern Areas were divided into two categories:

- n tribal forests in Chilas, Darel and Tangir and Diamir District;
- n feudal forests owned by the ruling princes.

Although customary rules still operate, it is statutory law that primarily governs use of forest resources in Northern Areas today.

#### a. Tribal Forests

Members of tribal communities were allowed to take felled wood for their domestic fuel consumption. As wood was abundant, there was no limitation on how much could be consumed by a single household. However, communities were not permitted to take fuel wood for commercial purposes. In case of violations, the local *zaitu* exercised his powers to decide such issues and impose penalties. Mostly the penalty was in the form of a fine that was determined according to the financial and social status of the violator. If the violator came from a financially stable household, the amount of fine would be greater and if the violator belonged to a poorer household, the amount was lesser. However, there were no hard and fast rules regarding the amount of fine.



Three traditional systems of livestock grazing are practiced in the Northern Areas. In mountainous areas, animals are taken to higher pastures while the agricultural crops grow undisturbed in the valleys below.

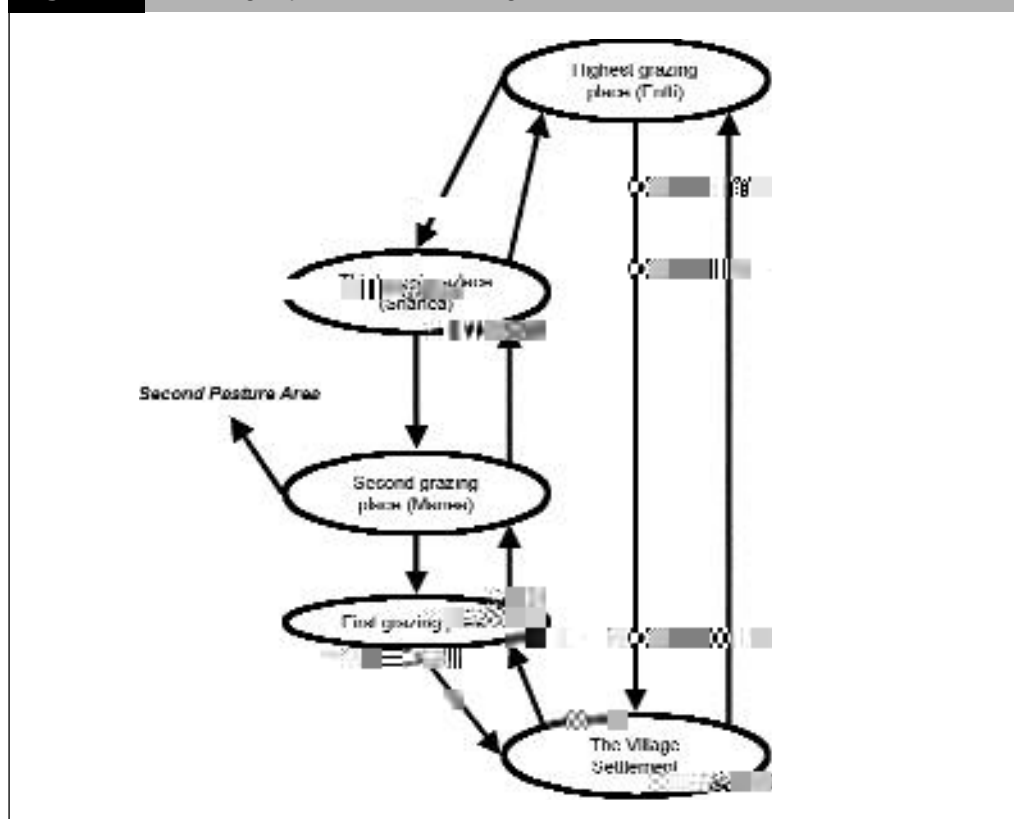
**a. Nomadic Grazing**

Nomadic grazing is based on locating the best feed resources for the livestock at different times of the year. It is dependent on seasonal climatic conditions and the availability of forage. The migration of Gujars (nomadic grazers) from the Swat valley to the alpine pastures of Handrap is an example of nomadic grazing.

**b. Seasonal Grazing**

Movement of livestock to and from summer pastures is concurrent with the cultivation and harvest of agricultural crops. It takes place on a single predetermined day, which *zaitus* communicate to all the villages. After this movement, free grazing is banned and violators are fined. In Yasin valley, animals generally migrate to summer pastures in May, whereas in the Ishkoman area of the Ghizar District, people take their livestock to the summer pastures in either May or early June. Initially the herding families in Ishkoman stay at lower altitudes until the end of June, and then they move to higher pastures. The herds move back to pastures close to their villages in the Ishkoman valley at the end of August or mid-September. They finally then return to their villages on a preset day between October 7 and 14. In the Gojal area of the upper Hunza valley, the movement of animals to summer pastures begins in the middle of May and their return is scheduled for the middle of October. Summer pastures in the Golodas and Silpi Bala villages of the Punial valley are used from April/May to September. Similarly, there are fixed days and months in other areas of the region for departing to and returning from the pastures.

**Figure 1** Grazing Cycle in Jutial, Gilgit





flows down from the mountains. Turbidity level in the water rises specifically in the late spring and in summers. Spring water is preferred for drinking purposes, as it is clean and clear, relatively warm in winters and cold in the summers. Such springs are usually at some distance from the villages. Due to low precipitation in the region, rainwater catchment is not practiced in the area.

#### Traditional Water Supply Systems and their Management

##### **a. Water Channels**

The common water supply system in most villages of the Northern Areas, regardless of the governance system, is water channels which draw water from streams, springs, and to a lesser extent, from rivers. This water is used for irrigation, domestic purposes and drinking. The main irrigation channels are sub-divided into a network of smaller channels so that water is available at relatively shorter distances from the houses.

Responsibility for regulating water allocation varies from area to area and in some cases from village to village. In some places, the same authority regulates water and other natural resources. In others, there is a particular authority for water.

##### **b. Water Pits**

In the Gilgit region and to a lesser extent in Baltistan, traditional water pits are used to store water for drinking and cooking purposes. In areas with water shortages, these water pits are comparatively bigger, and covered. Usually water pits are situated near the water channel and the pits are filled with fresh water as required. Excess water flows back into the nearby channel. Water pits are normally filled very early in the morning to avoid any contamination from washing clothes and irrigation. Construction, repairing and cleaning of water channels and water pits are male tasks and are managed collectively by the villagers.

##### **c. Water Rights and Distribution**

In the Northern Areas, communities usually have a traditional right to utilize a water source that flows within their village boundaries. Water from such a source is considered common property. A neighbouring village is not allowed to use the same source of water without the consent of the owning village. In the past, traditional water rights were established for irrigation water; currently, it is also an important issue in relation to piped water supply schemes. In villages where water is abundant throughout the year and where it is only used for irrigation, water rights are not strongly enforced. In villages with a seasonal water shortage, use rights can become more of an issue as they affect the allocation of water.

Water use rights entitle specific people to utilize a particular water source. In most villages, communities have also developed systems to determine the quantity of water to be used by a single household. A single household's allocation is determined by the size of its landholding. In villages where water is short, communities have developed indigenous systems for water distribution to overcome shortages.

## **D. TRADITION OF COOPERATION**

Communities have developed rules such as grazing rights in pastures, forest regulations and water distribution systems to ensure proper management of natural resources. These present customary rules are the result of community usage over



centuries. The dependency on natural resources and the agro-pastoral economy of the region has resulted in the creation of strong common links and cooperation among villagers. Collective work is usually related to neighbourhood (*mohallah*) or village activities such as the operation and maintenance of communal property, in particular the maintenance of water channels.

### ***Rajaaki* – Collective Work Tradition**

Traditionally, there were two ways in which cooperative work was initiated. Communal work called for by village headmen was called *hala shere* in some places and *gama-damsa* in Baltistan. Rajas had the right to assign to a community a task such as carrying luggage, harvesting crops or constructing infrastructure. The word *rajaaki* – “the Raja’s work” – which technically applied only to forced labour, by extension came to be used for all types of communal work, the most important being management of water channels. This tradition only exists in the rural areas now.

The rules for voluntary communal work were more or less the same in all villages under the *Rajgiri* system. Every household was required to send one male member to participate. Only the old, very young and women were exempted. In Nagar, women were also ordered to participate in *rajaaki*. There are exemptions from communal work in the following cases:

- n a widow without a male in the household;
- n serious illness of any member of the household;
- n death of any member of the household; and
- n

a good reason, the community could decide to levy a fine, the amount and type of which could differ from valley to valley.

Generally the procedures for calling for communal work are the same everywhere in the Northern Areas. When the *lumbardar/jastero* and village elders decide that some communal work is required, a message (*bandish*) is sent to all the households in the village regarding the nature of the work, the place and the time. In most villages, a particular person, often the *zaitu*, is responsible for delivering this kind of message. In the former states of Hunza and Nagar, such announcements were made by beating drums.

#### **Box 2** Traditional Cooperation for Maintaining Water Channels in Gilgit

There are two main water channels in Gilgit town, which used to supply both drinking and irrigation water. Both of these channels were repaired and managed under the tradition of *rajaaki*. Every household in Gilgit used to send a male member to participate in repairs on these channels as and when required. As Gilgit became urbanized, the old tradition of communal work was abandoned and the repair and management of these channels was left to the Municipal Committee Gilgit (MCG). Now these channels are only supplying irrigation water.



# Part II

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Customary Law in  
Northern Areas  
Today

## A. *Rajgiri* Areas

### 1. Local Perceptions about Nature, Natural Resources and Pluralistic Legal Traditions

In the *Rajgiri* Areas the dominant definition of nature is 'God and all of the things that have been created by God'. Our respondents identified these things as land and all that grows on land like, forests, crops and herbs. They also included water, minerals, rain, and animals (wild and domesticated) and snow in this list. In Punial, some of the respondents also added that nature is universe – it is everything around us. Most respondents said that forests are spaces with a large number of trees that grow without human intervention. In Punial some people also said that forests are trees given to humans by God for use while in Ishkoman a small number of respondents expressed the opinion that forests are trees meant for burning. In Yasin, 15% of the respondents said that forests are places where people do not live but from where one gets wood to construct houses. Some people here also said that God owns all forests. In Nagar, people said that nature is God and God's laws and that natural resources will never be exhausted because what God has created cannot be destroyed or depleted.

For the most part, respondents in the *Rajgiri* Areas make a distinction between *Rawaj*, *Shariah* and *Qanoon*. They define *Rawaj* as rules of life made by people themselves in older times. *Shariah* is the Islamic way of life, while they think of *Qanoon* as rules made by the government. A few respondents in Hunza, however, did not make any differentiation and were of the opinion that all three of these systems were similar. Most people reported that *Rawaj* is the oldest system of rules. No one knows when it was put together but each area had its own *Rawaj*. They say *Shariah* came with Islam. It is not a local law. They do not know when it was introduced. *Qanoon* is a law made by the government. It is not a local law. They do not know when it was introduced.

## 2. Social Organization

The social structure in the *Rajgiri* Areas is based on kinship. The community is divided along the lines of *quoms* (tribes)<sup>1</sup>, patrilineal clans, and lineages<sup>2</sup>. Hunza illustrates this point. According to the data collected, there are three main tribes in Hunza: Mughals, the Gaishkus and the Madal talainan kus. The Mughals are further divided into two patrilineal clans, Shikonoto and Bichatin. These clans are further subdivided into several patrilineages. Mughals came from Iran. The other two tribes came from Badakhshan and are divided into three clans and several lineages. A similar social structure exists in other parts of the *Rajgiri* Areas, with different tribe, clan and lineage names.

People divide themselves into three types of groups, namely *biradiri*, *khandan* and *tabar*. A *biradiri* includes members of one's lineage, clan members, friends, affines and other collateral relatives. The only exception to this rule is in Ishkoman where the respondents perceived *biradiri* at three different levels. At one level they thought of it as described above. However they also thought of everyone belonging to the same religious sect as part of their *biradiri*. Some of the respondents in Ishkoman also talked about *biradiri* as a linguistic group. A *khandan* is a person's lineage. The larger

The skin of the ibex is used for making socks and other clothing. Young ibex hides are used for caps. Another often hunted animal till a decade or so ago and occasionally even now is the musk deer. Its meat is consumed and the hide is sold. Hunting, the people said, was like an addiction and its products are used in domestic consumption. Birds like partridges (*chakor*) are hunted for meat and the eagle is hunted because it damages livestock. Partridge feathers are used as pillow fillings because unlike cotton, these feathers do not attract insects. The horns and hide of ibex fetch good money in the market and government servants and high army officials contact the hunters to buy these. Several hunters interviewed said that the ibex horns and hide fetches a sum of Rs. 2,000-5,000/- depending on the size of the animal. A medium sized leopard's hide will sell for Rs. 20,000/-. A hunter in Gupis said that he had sold three leopard skins in the last 15 years for Rs. 30,000/- each. Two of these were sold to an army colonel and the third one to a Pathan contractor. In Ishkoman, Yasin and Hunza, respondents said that 20 years ago they used to sell cow, goat and ox hides but the practice has declined due to shortage of livestock. In Punial, an increase in the incidence of selling hides of these animals was recorded.

Respondents collect *salajeet* which is sold in the market. It is said to be used by the pharmaceutical industry as well as by indigenous healers to prepare medicine for arthritis. Pine (*saroo*) needles are used for making incense sticks (*agarbatis*). *Saroo* wood is also used as fuel. The shepherds who take livestock to the pastures sometimes also cultivate the pastures and bring back the crops. They bring wood for fuel and construction from the forest. Respondents also reported bringing back gemstones from the mountains and forests. They said that there is a special type of grape that grows in the forests naturally and they make wine from it. Another forest resource they used for consumption as well commercial purposes is wild almond. Respondents extract oil from these almonds, the women use it for cosmetic purposes and it is also sold in the market. Different types of wood brought from the forests is used for manufacturing agricultural and domestic tools. *Sahu* and *tul ck*

land. When his sons marry, they may choose to live with him or shift to their own houses. In the former case, the land continues to be owned by the *sarbarah*. In case the married son wants to move to a separate house, the *sarbarah* gives him his share of the land as well as the livestock. He now owns this property. All those who live in





close to the royal house. The Rajas also allowed common people to use certain *nullahs* in their dominion but these *nullahs* had very little grass; people were allowed to graze animals and bring back wood but they could not cultivate there. After 1972, villages bought pastures from the Rajas by pooling their money. Some individuals paid extra money and bought their own land which they currently cultivate within the village *nullahs*.

Irrespective of how the *nullahs*

**c. Livestock and Wildlife**

In summers all animals, except those kept back for milking, go to the *nullahs*. To scare predators away during grazing, the shepherds or owners accompanying the livestock make noises and light fires beside the animal enclosures. Respondents reported putting DDT and other types of poisons on large pieces of meat outside the animal enclosures so that predators would eat it and die. This was practiced very regularly until fifteen years ago. Although they are not supposed to do this now because the law prohibits it, respondents said they still resort to it when they feel they can get away with it. One response that only came



- i) increase in people's knowledge about the natural resources available;
- ii) governmental regulations, initiatives and departments coming in;
- iii) presence of various civil society organizations and non-governmental organizations (NGOS) concerned with natural resource conservation.

**According to respondents:**

1. A generation or two ago they did not know about the uses that minerals like *gandhak* could be put to. Their elders were also not aware of the commercial value of various precious stones that are there in the mountains. Therefore, there wasn't a wide enough market for these stones in the area. Due to this, their elders did not try to obtain these things from the environment.
2. There is a greater trend amongst the younger people towards education; thus, the

9) In the last 10-15 years, commercial use of wildlife has decreased due to legal restrictions on hunting and a decline in wildlife. This, however, does not mean that

several. In villages like Murtazabad, one of the several *numberdars* is considered the head *numberdar*. *Numberdars* together with two members of the village committee and 10 respected people of the village constitute the

the fine. In addition to the fine, the *zaitun* also makes culprits replant trees that were cut down. Each *mohallah* (neighbourhood) in a village has a *zaitun*. The *zaitun* also collects people for the construction and maintenance of water channels. If a *zaitun* is not performing well, the *numberdar* fines him.

the *jirga* takes a decision and the offender does not abide by the decision, the villagers socially boycott the offender until he complies. Sometimes the *jirga* members forcefully take something valuable from the offender's house and do not return it until he pays any fine that has been levied.

## Gupis

### a. *Jirga*

In the Gupis valley, every village has a *jirga* with four to five members. It comprises a *numberdar*, union council president and members of the local council. In the Raja's times, Gupis was divided into clusters of several villages and the *jirga* had seven members. Each cluster had one *numberdar* who headed the *jirga* of all villages in the cluster he belonged to. Individual villages selected the other six members for their *jirga*. People selected these *jirgadars* by consensus. In a dispute, the contesting parties selected three *jirgadars* each and then the *numberdar* presided over them, a practice still followed today.

The *numberdar* listens to the arguments and has the deciding vote. The *jirga* can levy fines and often works in collaboration with the union council and the Forest Department. The *jirga's* responsibilities are:

- i) ensure forest preservation;
- ii) restrict cutting of living trees;
- iii) restrict livestock from going into forests;
- iv) ensure that livestock does not go to pastures not allowed by the village and that their owners pay *kalang*;
- v) keep an eye on village hunters.

*Kalang* is a payment for using pastures that is made to the villages or individuals owning pastures in a *nullah*. It is taken from Gujars and commercial goat keepers. *Kalang* is one goat per 500 goats grazed.

## Yasin

### a. *Jirga*

A *jirga* in Yasin has four members. The son of the Raja used to head the *jirga*; now the direct male descendent of the royal line heads it. The other members of the *jirga* have to be respected and notable people of the village and are often selected by the headman. The *jirga* in Yasin deals with agricultural land disputes but does not deal with forest disputes. It can levy fines.

### b. *Numberdar*

The function of the *numberdar* used to be to communicate the Raja's messages to the people. Today, the *numberdar* has become the messenger of the *tehsil* (administrative unit at sub-district level) and helps the government in revenue collection. He also informs people if there is some labour opportunity in the area.

## Gojal

### a. *Numberdar*

*Numberdar* in the time of the Mirs was an inherited office but it is not so anymore. The *numberdar* used to report everything that happened in the village to the



Mir. At that time the Mir paid the *numberdar* in kind, gave him servants, and the *numberdar* did not have to pay taxes. Now he has no financial benefits.

The *numberdar* of today sits in on community decisions as another notable among many. Villagers select the *numberdar* on the basis of the following criteria:

- i) he must be a very active and alert person;
- ii) he has to have very good public relations skills; and
- iii) he must be economically strong.

The duties of the *numberdar* today include signing official documents like contracts between people and development agencies. It is also part of his job to attest papers.

## 7. Semi- traditional Institutions

In some of the locales in the *Rajgiri* Areas that were the subject of this study, there are political and legal institutions which have been recently constituted but are based on tradition and customary rules. For the purposes of this study, we will call them semi-traditional institutions. These are:

### a. *Jirga* in Hunza

According to some respondents in Hunza, the *jirga* did not exist in the time of Mirs, but was constituted 12 years ago. It operates on the village level and has at least 10 members and cannot exceed 20. It has a president, vice president and a treasurer. The responsibilities of the *jirga* are:

- i) ensuring that livestock does not destroy crops and fruit;
- ii) settling all sorts of village disputes;
- iii) generating funds for development work in collaboration with government agencies;
- iv) stopping people from cutting living trees or taking the bark off of live trees;
- v) fining people if they are caught cutting or damaging trees and getting the offender to replant the tree;
- vi) punishing people for stealing livestock.

for misbehaviour of their livestock and the penalty is negligent in his duties, the local council fines him.

### **Committee in Gojal**

Committee was constituted in 1990. It comprises one *mirg* was abolished in 1990 because people had *mirg* had lost its authority, and the Committee was village. It has a president, a general secretary, a *mirg*. The president and the general secretary are remind the criteria of justice, popularity and wisdom. The secretary appoint the finance secretary. The *mirg* and ensures cleaning and maintenance of the the date for livestock migration to the pastures in anyone whose livestock is grazing in the wrong crop. The minimum fine is Rs.50 if the owner of time of cleaning or repairing of the water channel; the fines taken by this Committee go to the village

### **Committee in Gojal**

KRSP workshop in 1990 where it was stated that saved. Those from the area who attended that other people in the villages. Everyone, except the *mirg* together and levied a fine on cutting living trees the World Conservation Union and WWF supported Committee was formally constituted and started this Committee are selected by the members of the consultation with villagers. This alliance with IUCN and *mirg* of restrictions more powerful.

### **Committee in Gojal**

came about in 1983 after potatoes became a cash *mirg* for a period of one year; members of this *mirg* is selected from each village *mohallah*. The *mirg* announcing the date for *mirg* 0.166 obl ing8h25 TD a5

- i) supervising the four AKRSP outfits working in the village and writing a yearly report of their performance;
- ii) supervising the work of the Conservation Committee;
- iii) collecting income generated from hunting licenses and, together with IUCN, signing and depositing the money in the village account; and
- iv) selecting the conservation guide who accompanies hunters who have a legal license.

A conservation guide is a person who can climb, has been a hunter and knows forests, pastures and wild animals. These people work with IUCN to make the census of game animals in the area and help the hunters in selecting prey. They are paid Rs.200 per day when they are accompanying hunters.

## 8. Summary of Customary Laws of Use, Management and Conservation of Natural Resources in *Rajgiri* Areas

### a. **Ownership**

—

The water steward is authorized by the *jirga* to fine people who misuse village water resources in any way

villages but cannot take any other natural resource from these pastures like wood, grass or herbs. This allows people to fulfil their grazing needs when there is fodder shortage in their areas while avoiding over use and depletion of *nullah* resources.

Gojal has set up the Chatkala Committee to monitor and enforce rules for pasture use and controlling livestock damage to crops and orchards.

### **Forests**

Most villages in the *Rajgiri* Areas appoint one or more wardens – called *zaitus* or *chowkidars* – to monitor use of forest products, particularly cutting of live trees. In some villages, the *jirga* has this responsibility. Wardens generally have the power to fine offenders, to confiscate property if an offender does not pay a fine, and to order replanting to compensate for trees cut down.

Gojal has abolished the *jirga* and set up a Conservation Committee to monitor forest use, particularly cutting of live trees.

### **Wildlife**

In most parts of the *Rajgiri* Areas, it is still the *jirga* that monitors wildlife use and imposes penalties for unauthorized hunting. In Gojal, the Conservation Committee performs this function. Hunting is also regulated under statutory law.

### **Water**

Water stewards are empowered to fine villagers for any misuse of water resources and for damaging the delivery system. In most villages, if an offender ignores the water steward's fine, the *jirga* will enforce the penalty.

In Gojal, the Chatkala Committee is the water resource monitoring and enforcement authority.



### 3. Customary Uses of Natural Resources

#### **a. Ceremonial Use**

All ceremonial uses described by respondents in the Settled Areas involved domesticated and cultivated resources, rather than wild natural resources.

#### **b. Subsistence and Commercial Uses**

Respondents reported there is not much hunting now because there are few animals left and the government has made hunting illegal with heavy fines. They added that due to the limited game, prices have also increased substantially. Thus it



Some summer pastures can only be used by people of particular villages. For example, there are pastures that only Balchar/Jalalabad people can use and some in Gilgit that only the Tehsot people can use.

Winter pastures are all communally used by several villages. For example, there are some pastures in Gilgit which are used by the people of Tehsot, Balchar and Butkor while there is another which is used by these three villages as well as the people of Chamogarh. Before June, either a shepherd or one member from each household takes the animals to the pastures close to the village or within the village boundary for the day. Winter pastures are mostly visited for the day, but there are some winter pastures that are far from the villages where enclosures have been built so that people and the animals can stay there.

The topographical features of a pasture and the type of vegetation it has determines

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Department or the local forest committee, but sometimes both organizations separately fine the violator.

It is believed that people use more wood now than they did a few generations ago; this is attributed to an increase in population. Respondents said that despite all the restrictions and laws, local people still decide for themselves how much wood they need and then take it.

#### **d. Water**

In the Settled Areas, some villages have abundant water resources and some have very little. Villages with very little water practice *nobat*, taking water by turns. Distribution of water also has to do with the fee, or *lagan*, paid to the government. Those who have more land and pay higher fees to the government are allowed greater amounts of water.

In several villages, the *jirga* or the villagers appoint men to look after the water channels in order to stop people from stealing water and irrigating their fields out of turn. These appointed people also inform the *jirga* if any repair work is required on a channel. The village *jirga* will then decide if the water channel needs repair and if so, all men in the village must participate.

At the beginning of spring when cultivation starts and water comes into the channels, the *jirga* organises the men to get together and clean the channel. In Gorikot, respondents reported that water management was done according to *Rawaj*. The number of *khandans* in a village is counted and then one week is allocated to each. When the village population increases, a new water channel is made and turns are fixed afresh according to the number of *khandans*. This process is called *wai gon* – *wai* meaning “water” and *gon* meaning “turn”.

## **5. Changes in the customary use and management of natural resources in the last 20 years**

The changes respondents reported are similar to the ones reported in the *Rajgiri* Areas.

The older generation does not approve of the restrictions on wildlife hunting. They believe these restrictions have criminalized activities that gave men prestige and respect in the past. ‘The sense of male bravery has died in our next generation’, they said. They feel these restrictive laws curtail their ability to carry on something their forefathers were very proud of. The elderly believe life has become too expensive because they have to buy too many consumption goods from the market, whereas previously they used to make these at home.

The younger people can be divided into two groups. One group approves of the restrictions on hunting and gives reasons that they have heard from various organizations working on animal preservation in the area. They stated, “These animals keep a balance in the environment by destroying several harmful things in the natural environment” or “these animals without the restrictions would be extinct and that means destroying an element of nature forever.” The other group opposes the restrictions on hunting because they feel that it has meant the loss of jobs and livelihood for some in the area. They also feel that not being able to hunt deprives them of a very lucrative source of commercial income and subsequent upward mobility.

Most people (70%) sampled in the Settled Areas did not wholeheartedly support the restrictions on woodcutting due to the fact that these restrictions make their present lives expensive and/or difficult. However, they did understand the problems that can arise due to deforestation.

## 6. Traditional Regulatory Institutions

### Gilgit

#### a.

**b. Lora pa**

*Zaitus* are called *lora pa* in Shigar. There can be one or several *lora pas* in a village. Their job is to save crop from livestock damage. *Lora pas* are selected by the *sarmah* after consultation with the villagers. The fact that the *lora pa* is selected by consensus gives him added authority. *Lora pas* are changed every year. If a *lora pa* performs well, he may be retained for the next year. Each household gives seven kilos of wheat to each *lora pa*. He also retains the fine money he collects. If he commits an error, he is fined. If someone does not listen to him, the *lora pa* can take something valuable from the offender's house and keep it until the offender complies.

## Gorikot

**a. Zaitu**

The village has two *zaitus*. When the crops are starting to grow in the beginning of April, the village notables, including the members of the village committee, ask who wishes to be *zaitus*. When selecting a village *zaitu*, special attention is paid to the fact that he is honest, fit to roam about in the village, and impartial. Once people have expressed an interest, they start bidding for the payment acceptable to them. The two with the lowest bid are selected. *Zaitus* are paid in kind. Their responsibilities are:

- i) saving crops from animals;
- ii) saving fruits from children;
- iii) saving trees; and
- iv) determining a date for the departure and return of animals to and from summer pastures and fining violators.

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i)

- ii) seeing to it that no one violates their turn of watering the fields and reporting the offenders to the *jirga*;
- iii) making sure that the water flow is not excessive and damaging to the channel; and
- iv) opening the water channel in the morning and closing it at night.

### c. *Jirga*

*Jirgadars* are selected by the villagers; the position of *jirgadar* is not an inherited one. *Jirgadars* are selected for their age, wisdom, moral integrity and ability to serve. They are responsible for supervising development work in the village, selecting *chowkidars*, overseeing village security, supervising water management and resolving all sorts of village disputes. The *jirga* may fine offenders according to the offence committed. In the past, the fine (*shilen*) was paid in the form of livestock but now it is usually paid in cash. Animals taken as fines are consumed collectively and money paid as fines is given for development work in the village.

## Rondu

### a. *Tarangan*

*Tarangan* is a very old institution. The number of *tarangans* has increased because the population has increased. The whole village chooses the *tarangan* before planting. When appointing the *tarangan*, the following criteria are kept in mind:

- i) his economic stability;
- ii) his ability to be firm so that he can easily take fines from people when required;
- iii) his good public relations skills; and
- iv) his good moral reputation.

A *tarangan* works voluntarily and is not paid anything.

The *tarangan's* main duty is to safeguard crops and fruits from livestock and children. After planting, all the *tarangans* meet to decide when the animals must leave the village. A *tarangan* handles the following situations:

- i) animals destroying crops – if an animal destroys a crop in a field, the owner of the animal has to give the owner of the field the same crop back in compensation;
- ii) illegal tree cutting – the *tarangan* confiscates wood cut illegally and levies a fine of Rs. 200/- per tree. Only wood cut for construction carries a fine. If someone needs construction wood, the *tarangan* puts it up for village discussion and decision;
- iii) water theft – the *tarangan* and the *jirga* settle water theft by taking an animal or money as fine and giving it to the offended person;
- iv) a tree in one field that has spread into another person's fields destroying their crop;
- v) organizing the return of animals to their rightful owners when on 25 July the animals come down from the pastures;
- vi) settling between owners and shepherds the loss of animals that are stolen or die in the pastures. This may be done with or without a fine;
- vii) investigating animal theft; and
- viii) fining a hunter and confiscating his rifle.

Before channels were constructed, the *tarangan* was also responsible for regulating water. There are no water disputes these days due to plentiful water.

If the *tarangan* does not do his job, the villagers call a meeting and give him a warning. If after two warnings there is no improvement in his performance, he is fired.

### **b. Sharba (Jirgadar)**

Historically, *sharbas* were people who loaned wheat and other crops to the poorer people in the village and that is why people listened to them. Responsibilities of the *sharba* include:

- i) doing development work in the village and cooperating with NGOs and government agencies in development work;
- ii) advising the youngsters on all matters;
- iii) settling all kinds of disputes;
- iv) distributing among the members of the community the funds for the poor that are given by the government; and
- v) organizing the villagers for repairing the water channel or any other construction work requiring a collective effort.

A *sharba* is not an inherited position but family background is important. The criteria for becoming a *sharba* are money, family history, respect in the community, and involvement in the development of the village. People can work for 15-20 years as *sharbas*. If the father was a *sharba* then there is a great likelihood that the son will become one.

Being a *sharba* has financial advantages. Earlier, if a *sharba* took an animal as a fine, the villagers collectively consumed it. Now a *sharba* often takes money as a fine in place of animals or other household goods. Often the fine taken by the *sharba* is given to the offended party to make up for the loss. If the fine is a small amount of money, the *sharba* who takes the fine keeps it. If the fine is a substantial amount of money, it is put in the village development fund. Sometimes if an offender appeals to the *sharba*, the fine can be returned. The basic idea of a *sharba's* fine is not to hurt people but to make them realize their mistake and scare them into not repeating their offense. It is because of this underlying principle that fines are returned if the offender repents. The power of a *sharba* has now decreased because people have other options that they can utilize, like the police and other law enforcement agencies.

## **7. Quasi-Traditional Institutions**

### **a. Deobani Development Organization in Jalalabad**

Each of the twenty-four villages of Jalalabad, Bagrot and Haramosh that constitute the Organization have their own pastures and forests but banded together in 1996 for wildlife security. The Organization has a central body comprising a chairman, vice chairman, general secretary, joint secretary, finance secretary, and press secretary. This central body issues a circular to all village organizations to come and elect their representatives. There are three clusters under this central body:

- i) Haramosh;
- ii) Jalalabad, Tehosat, Butkor, Balchar, Hamaran, Chamogarh; and
- iii) Bagrot.

Each cluster has its own president, vice president, and secretary.

The responsibilities of the Organisation include:

- iv) appointing people to see that no one cuts living trees or sells wood; and
- v) connecting the locals in need of wood with the Forest Department.

The Organisation has set restrictions on the cutting of green living trees. It has also prohibited cutting dry wood in excess of a person's requirement. If a person cuts dry wood for personal use and realizes later on that it exceeds their need, it must be sold to the Organisation and not to an outsider. The Organisation has agricultural and forest sub-committees.

### **b. Bulash Bar Conservation Committee**

The Bulash Bar Conservation Committee was created in Gorikot in the late 1990s by combining the village Forest Security Committees in Gorikot and registering them. This was done in cooperation with the WWF and the Forest Department. The Committee has twelve members including WWF representatives as well as those nominated by the village notables. WWF and Forest Department representatives attend all meetings. Offences are reported to the government and fines are spent on village development.

Village-level Forest Security Committees had been established approximately a year before the Bulash Bar Conservation Committee was created, because the people of Gorikot realized that much of their forest had been cut. The Committees operate at the village level. All village Forest Security Committees now come under the umbrella of the Bulash Bar Conservation Committee. The WWF and the Forest Department help them with their work.

Each Forest Security Committee comprises one person from each village neighbourhood and works on conserving the Kinidas and Bulash Bar forests. The main responsibility of each Committee is to secure wildlife and stop the illegal cutting of wood. Villagers are allowed to take necessary construction wood but they have to take permission from the village notables and the Forest Department. For firewood, people take wood from their own artificial forests or dry, fallen wood from natural forests. There are penalties for not complying with rules for taking wood. On the first offence, the offender is warned. If he repeats the violation a small animal – a goat or sheep – is taken from him as a fine. He is then reported to the government agencies who will also fine him. If a culprit refuses to pay the fine levied on him then social pressure is exerted. The *zaitus*' monthly salaries are paid from these fines.

Members of the Committees are trying to sensitise people on the issue of preserving wild animals and have not yet fixed a fine for hunting.

### **c. Dehi Tanzim in Gorikot**

The *jirga* has changed its form or disappeared altogether in several places. In Gorikot, it operates in the form of the *Dehi Tanzim*, which means 'rural organization' or 'village organization'. The *Dehi Tanzim* is called in session when a public work has to be started, an announcement has to be made, or someone has violated a communal rule. It has one chairman and four members, all of whom must be respected individuals in Gorikot. It takes money from the government and does development work for the village, like building schools, and makes decisions regarding the construction and maintenance of water channels.

The *Dehi Tanzim* deals with all types of village disputes and tries to resolve them without any penalties. If an agreement (*sulah*) cannot be reached, the guilty party is fined (*shilen*). The fine can be in the form of an animal or money. If it is an animal then



every one eats it; if it is money then it is used to pay the salaries of village *chowkidars* and *zaitus*. Notables from other villages are also invited if the offence is serious like insulting a woman. The *Dehi Tanzim* also refers cases to the *tehsil* or police. A similar organisation exists in Rondu.

## 8. Summary of Customary Laws of Use, Management and Conservation of Natural Resources in the Settled Areas

### a. Ownership

#### **Agricultural land**

Traditionally, the eldest male (*sarbarah*) of the household (*tabar*) holds the agricultural land in his name and controls the income from it. He also makes consumption, production and management decisions regarding the input as well as output of the family farm. This practice has had the effect of reducing cultivable land into small parcels that are not economically viable. In the Settled Areas, this system is eroding at a very fast pace.

#### **Pastures**

The government holds pasture land in the Settled Areas. Use rights in pasture lands were allocated to villages as part of the settlement process.

#### **Forests**

Rights in forests and forest products in the Settled Areas are determined through a combination of customary and statutory law; particular arrangements vary from village to village.

#### **Wildlife**

There is no concept of ownership of wildlife. Hunting is regulated by both customary and statutory law.

#### **Water**

Water resources are not “owned” by any village or individual. Distribution of water is governed primarily by customary law, but is also subject to payment of fees to the government.

### b. Institutions

*Jirga*, *sarmah* or *sharba*, as the institution is referred to in different parts of the Settled Areas, is central to the customary legal system. *Jirgadar*, or member of the *jirga*, is not an inherited position. Economic stability, family history of having wielded authority, age, wisdom, moral integrity, and respect in the community are the criteria evaluated when selecting a *jirgadar*. The *jirgadars* are responsible for selecting *chowkidars* and *zaitus*, supervising water management and ensuring that offenders, particularly those abusing water and forest resources, are punished. They also have the authority to return a fine to an offender if he repents.

The *jirga* or *sharba*, in consultation with the villagers, selects one or more young men every year as *zaitus* (called *lora pa* in some parts of the Settled Areas and *tarangan* in others). In some villages such as Gorikot, the *zaitus* are selected through a process of communal bidding. Although there are local variations in the scope of a *zaitu's* duties, they generally include deciding the date for picking fruit, the date of departure

of livestock for summer pastures and the date for these animals to return to the village. *Zaitus* also ensure that livestock and children do not damage crops and trees.



Customary law requires that able-bodied men of the village do the cleaning and repair of water channels collectively. The *jirga* decides the date and time for this collective labour.

#### **d. Enforcement**

##### **Agricultural land**

In case of damage to crops or orchards, a *zaitu* fines the offender, his family, or the owner of the animal or animals causing the damage. He also estimates the value of the damage done and makes the offending party pay reparation to the affected party. This reparation is called *tawan* and is in addition to the fine taken by the *zaitu*.

##### **Pastures**

In several parts of the Settled Areas, villagers will consult government records and the Settlement Department, as well as local elders with historical knowledge of resource use rights, before deciding disputes. In some cases, traditional institutions will now refer cases to statutory courts. Fines for unauthorized grazing may be in cash or in kind. The holders of the use rights have the option of waiving the fine if the offender is in some way related to them.

##### **Forests and Wildlife**

Depending on who catches the offender, either the Forest Department or traditional authorities may fine someone who cuts live trees or hunts wildlife. In some cases, an offender may be fined by both. Cash fines levied by traditional authorities go to village development funds. If in-kind fines are taken in animals, the animals are slaughtered and shared with the entire village.

##### **Water**

If someone does not follow the instructions of a water steward (*chowkidar*), or is found stealing water or otherwise misusing water resources, the water steward reports it to the *jirga*, which fines the offender.

## C. Tribal Areas

### 1. Local perceptions about nature, natural resources and the pluralistic legal traditions

The respondents in the Tribal Areas were all men. They perceive nature as “all that exists around us and has been made by God to be used by humans.” They define forests as spaces having lots of naturally grown trees and herbs. They also associate forests with the existence of a variety of wild animals. The only natural resource that their forefathers did not use was precious stones found in the mountains because “they did not know their value and there were no markets for these gems back then.” All other resources they say they have always used and will go on using in the future. Wild animals, to tribal respondents, are animals with teeth and horns larger than those of domesticated animals and the wild animals are free to roam. They say no one can control wild animals.

A very clear distinction exists between *Rawaj*, *Qanoon* and *Shariah* in the minds of

*Leech* and *baleech* meat is eaten while their crowns can be sold for Rs. 1200-1500. These species are hunted in winter. The “golden bird” is hunted for its skin, meat and crown; the crown is used for bridegrooms’ headdresses and for decorating houses and hotels. The skin and crown used to sell for Rs. 40 and now sell for up to Rs.3500.

*Chakor*, ibex, rabbit and deer meat is also consumed. Musk from the musk deer is called *chaksi*. It is used by the perfume industry and is also put in children’s caps to prevent the evil eye. *Chaksi* has a market price ranging from Rs.10,000 to Rs.25,000; it is usually sold in Swat, in NWFP. Musk deer hides sell for Rs.10,000-11,000 and are used for making prayer mats or to give to local government officials to foster relationships. Musk deer horns are sold to decorate mosques and houses. Leopard, bear and fox are also hunted in the Tribal Areas. A leopard skin may sell for Rs.40,000-50,000.

Bears are killed to save livestock, and are also hunted for their fat, which can be sold in the market as a medicine for arthritis and male impotence. Wolves are also killed to save livestock. Earlier, wolf pelts had no commercial value but now sell for Rs.100. Fox pelts are also sold; the price has increased from Rs.4 to Rs.400. Respondents say that the number of wild animals has reduced dramatically.

### **c. Medicinal Uses**

People in the Tribal Areas collect a variety of herbs from the forests to use as a cure for various human ailments. The most sought after herbs are ramak, *tapsick*, *laqmoos* and *ashknach*. The respondents did not know exactly what diseases each one of these herbs cures as this is primarily the domain of women with whom our data collectors could not speak for cultural reasons. Herbs are also widely used to cure livestock diseases. In addition to bear fat, the bear spleen and penis are also sold for medicinal use.

## **4. Customary Laws for Management and Conservation of Natural Resources**

Respondents reported that it was decided that they would retain their rights over their forests and pastures when they became a part of Pakistan in the early 1950s. All matters pertaining to natural resources are therefore decided in accordance with *Rawaj*, or customary law.

### **a. Nullahs/Pastures**

There are two types of ownerships of

Tenants (*dehqans*) are not considered full-fledged members of the villages in the Tribal Areas but they are permitted by the villagers to take wood for construction and fuel from the pastures and forests owned by the villages they live in. Permanent residence and ownership of agricultural land in a village are required to be a full-fledged member of a village.

No one can cut any wood from the *nullahs* for sale, and no one is allowed to cut wood in excess of personal needs. Cutting green and living trees is also now prohibited. The holly oak (*bani*; *Quercus ilex*) may not be cut by anyone under any circumstances because goats and sheep eat its leaves. No full-fledged member of a village can permit someone who is not a member to take wood or anything else from a *nullah* owned by his village. Only the village *jirga* can permit that.

All livestock goes up to the *nullahs* in the summers. In winters, larger animals such as cows, bulls, horses, and donkeys remain inside the house and are fed there while the smaller animals go to the close-by *nullahs* during the day. At home as well as in the pastures, livestock is locked in animal enclosures (*mawaishi khanas*) at night. Shepherds keep rifles with them to save livestock from predators.

**b.**









If someone's animals destroy crops and fruit or if someone is caught cutting excessive wood, then the *zaitus* can fine the offender in kind or cash. If someone's livestock destroys a crop, the fine is the value of the damaged crop. The amount of fine for over-cutting wood varies according to the type of trees. For some species, there is a fine of Rs.500, whereas for others, it is Rs.100 per branch. There are some trees for

## 8. Summary of Customary Laws of Use, Management and Conservation of Natural Resources in Tribal Areas

### a. Ownership

#### **Agricultural land**

Only the tribes that own agricultural land and are permanent residents of a village are considered full-fledged members of that village.

#### **Pastures**

There are two types of *nullah* ownership rights in the Tribal Areas: *nullahs* owned by the full-fledged members of single villages and those owned by full members of several villages collectively. Only the tribes that own agricultural land are considered full members of villages and therefore have ownership rights in *nullahs* as well.

Dehqans and Gujars are excluded from *nullah* ownership because they are not full-fledged village members.

#### **Forests**

Forest ownership is similar to *nullah* ownership – some forests are owned and used by all the tribes residing in a single village, while others are owned and used by all the residents in several villages. As with *nullahs*, only tribes that are full-fledged members of villages have ownership rights in forests.

#### **Wildlife**

There is no concept of ownership of wildlife; anyone is free to hunt.

#### **Water**

Water resources are shared; there is no concept of ownership as such.

### b. Institutions

A *jastero* is the village headman. Only adult men from the landowning tribes can be *jasteros*. In addition to tribal affiliation, the criteria used for selecting *jasteros* are age, experience, wisdom, dependability, and family history. The *jastero* heads the *jirga*, selects the *jirgaders*, and leads in any negotiations with the government.

The *jirga* appoints and supervises the performance of the wardens (*zaitu/zuni*) and the water steward (*wai sigalo*) and settles disputes.

One *zaitu* is responsible for crops and another is responsible for forests. *Zaitus/zunis* are responsible for making sure that crops and fruit trees are not destroyed by livestock or human beings, and that people do not cut wood from the forests for any reason other than subsistence. In Darel, the *jirga*

## c. Use

### **Pastures**

Members of patrilineal family groups in each tribe have rotational use rights in the land owned by their tribe. Members of the *nullah*-owning tribes may take from pastures any natural resource – including wood, grass, fruit, herbs and minerals – for their subsistence use. Members of non-owner tribes residing in a village may take fire and construction wood from village pastures with the permission of the village *jirga*. Generally, members of non-owner tribes do not need permission to take grass and herbs. There is a ban on cutting the *bani* tree from the *nullahs* because sheep and goats feed on it.

### **Forests**

Use of forest products is permitted for subsistence only, and not for commercial purposes. Members of land-owning tribes have full use rights in the forests that correspond to their villages. Members of non-owning tribes who wish to take forest resources must get permission from the *jirga* of the village that owns the forest.

In Darel, trees are classified into three types according to their use: for construction and fuel; for fuel only; and for other domestic uses such as making tools. If there is income from a forest, it is distributed according to the size and population of a *haiti*; women are included in the distribution but receive a lesser share than men.

In Tangir, trees tend to be classified by two types of uses – for construction and for fuel.

### **Wildlife**

**Pastures**

The *jirga* may impose a fine in cash or in kind for unauthorized use of a *nullah*.

**Forests**

*Zaitus/zunis* may impose fines for forest-related offenses. The *jirga* may impose fines and other penalties as well. Fines for illegal woodcutting are generally greater than fines for damage to crops and fruit trees.

**Wildlife**

As there are no rules governing hunting, there are no penalties for use of wildlife.

**Water**

The *jirga* may impose a fine or other penalty for unauthorized use of water.

## D. Statutory Institutions

The Forest Department is the principal government institution working in the field of management and conservation of natural resources in the *Rajgiri* and Settled Areas. Respondents in two locales in the Settled Areas – Gorikot and Rondu – said that the Forest Department has been functioning there for as long as they can remember. As perceived by respondents, the responsibilities of the Forest Department are:

- a. restricting hunting of wild animals;
- b. restricting cutting of wood from forests;
- c. stopping people from taking herbs from forests and pasture;
- d. stopping people from taking minerals from mountains and forests;
- e. stopping people from grazing their livestock in forests;
- f. stopping people from living in forests and making houses there.

Respondents reported that the government, through tenders, gives leases for extracting minerals and taking herbs and wood, the royalties from which are kept by the government. This, they felt, was unfair. According to respondents, herbs and minerals that are taken or leased out include *bunkhakhri*, *zen* and *salajeet*.

According to respondents, if someone takes anything from a forest without the permission of the Forest Department, the Forest Department confiscates the goods taken, fines the offender and may even give other punishment according to statutory law (*Qanoon*). Respondents reported that if an offender gives monetary bribes to forest guards, he is not penalized; otherwise, he is. Penalties are imposed on villagers, but respondents reported that forest and military functionaries have actually destroyed the forests in both the *Rajgiri* and Settled Areas, noting that army personnel cut significant areas of forest.

Respondents in Rondu said that the Forest Department there is supposed to perform all the tasks it performs in other parts of the Settled Areas, with an added responsibility of helping replant trees. They felt that the Forest Department had largely failed, but that since civil society organizations had started working in the area the Forest Department's performance had improved slightly. Respondents in the *Rajgiri* Areas reported similar experience with the Forest Department.

In Rondu, respondents reported that the Forest Department, the *tarangan*, and civil society organizations working in the area do meet concerning wood-cutting offences and hunting. Sometimes there is a dispute over the amount of a fine levied on an offender. As described by respondents, the *tarangan* usually proposes a lesser fine, while the Forest Department authorities want a higher one. The respondents generally suspect Forest Department authorities' motives for demanding higher fines.

Respondents in *Rajgiri* Areas reported similar interactions between traditional and statutory authorities. According to respondents in Hunza, traditional and statutory institutions do not tend to meet very often, as people are too busy and there are few forests and wild animals. In Nagar, the *Dehi Tanzim* and the *jirga* meet once a week to discuss natural resource related issues; the Forest Department is never represented in these meetings.

In Ishkoman, respondents were not aware of interaction and dialogue between traditional and statutory institutions. In Gupis, respondents said that the Forest Department, the Union Council, the *jirga*, and at least one civil society organization working in the area meet regularly to discuss pasture and forest related issues. They

reported an incident when there was a difference of opinion between community authorities and the Forest Department. The Forest Department had fined an offender Rs.30,000 for cutting live trees, given half of the fine to the community, and kept the other half. The community protested that the forests belonged to the villages and that the Forest Department had no right to the fine. Eventually the money was returned to the community and the conflict was resolved.

In other locales, respondents reported occasional meetings the traditional and statutory institutions.

## E. Conclusions

The people residing in the places in which fieldwork was carried out in Northern Areas conceptualise nature and natural resources as having been made by God to be used for human consumption. This concept does not equate use with depletion or destruction because what God creates is understood as self-regenerating. The concept does recognize that the introduction of non-natural elements such as rock blasting, markets, firearms, and chemical fertilizers, among other things, may interfere with the divine programme. Respondents in the Northern Areas understand nature as something to be lived with and not something to be confronted or overcome. This bond and mutual dependence is evident, particularly, in the subsistence and medicinal uses of various natural resources in all three domains.

The customary legal system in Northern Areas is structured around the principles of shared space and shared blood relations. In each of the three areas – *Rajgiri*, Settled and Tribal – different combinations and permutations of these two principles underlie the management and use of natural resources. The customary regulatory system is based on collective responsibility that in most cases aims at using natural resources in a sustainable manner.

This collective responsibility is built into the structure of the customary regulatory institutions, which are similar in all three areas, although there are local variations on specific powers and duties. Members of the communities select the functionaries of these institutions and compensate them; therefore all members of a community have a stake in their performance. People listen to the customary authorities because they are members of the community, rather than outsiders (*begana*) and because not listening to them means wasting their investment.

Traditional authorities – particularly the wardens – are accountable to their communities. In the *Rajgiri* and Settled areas, the *jirga* may fine wardens who do not perform or who commit violations themselves. Since wardens are usually selected for one season or one year, if they do not perform well the community will not renew them in their posts, which means a loss of personal income in cash and in kind.

The collective nature of the customary system is further reflected in the type of ownership rights in natural resources in Northern Areas. In all three areas – *Rajgiri*, Settled and Tribal – collective ownership of pastures and forests predominates, although some individual rights in pastures and forests are recognized in *Rajgiri* and Settled areas. Ownership may be collective within a single tribe, among tribes in a village, and among villages. In Settled Areas, where the government allocated pasture lands during the settlement process, there were more reports of disputes over ownership and use rights in pastures than in either the *Rajgiri* Areas or the Tribal Areas. Individual ownership of agricultural land is reported in *Rajgiri* and Settled areas.

There is no concept of ownership of wildlife and water resources. Under customary law, wild animals belong to the hunter/captor; statutory restrictions on hunting and one sea-3514tions anm. Cy 5reas or th

specify the kinds of animals that may use different pastures. Customary law in the *Rajgiri* Areas is unique in that it provides for a user fee – *lagan* – that permits use of a pasture by those without ownership or use rights in it. In the Tribal Areas, the *jirga* may permit use of pastures – including subsistence use of non-timber forest products from the *nullahs* – with no fee attached. Customary law in all three areas provides for fines for unauthorized use of pasture lands.

The impact of statutory law on customary law and authority is strongest in the regulation of forest management and commercial use of forest products in the *Rajgiri* and Settled areas. In *Rajgiri* Areas, statutory law controls commercial use of timber, while local *jirgas* may still to some degree regulate subsistence use of non-timber forest products. In the Settled Areas, customary use rights in pasture lands generally include subsistence use rights in non-timber forest products as well. In Tribal Areas, the *jirga* regulates use of timber, including prohibitions on cutting live trees without permission and complete bans on cutting certain species.

Use of wildlife – hunting – would appear to be the notable exception to the sustainability of customary practices. It must be remembered, however, that traditionally, hunting was done with different types of weapons and that there were few external markets for wildlife products. Today, the introduction of modern weapons for hunting and the high prices that outsiders will pay for wild animal trophies contribute to and maintain incentives for unsustainable use of wildlife in traditional villages. These conservation disincentives are being mitigated in some villages through programmes that promote sustainable management of wildlife populations, allow carefully controlled hunting by outsiders, and share the income from hunting permits among the villages that sustainably manage the wildlife in their areas.

Enforcement measures in all three areas are similar, with local variations. In Tribal Areas, fines are differentiated – those for offenses related to forest products are generally Tw (w (carefial usattachedelated-0.029 dts)Tj 0.)Tj -0.128 -12 T5tr wul2 TTD leAreas,n a







This study has demonstrated that customary law contains many of the same elements and operates in much the same way as statutory law – with the exception of the focus on equity in distribution of benefits. These results suggest that there would be relatively little difficulty in harmonizing customary and statutory law at the operational level. Introducing the concept of collective property rights into the current statutory system would be more complicated, but feasible through consultation and consensus-building. Harmonization in the sense of equity would undoubtedly be the most difficult issue to resolve, given long-standing vested interests in the benefits of natural resource exploitation.

“Harmonization” in this sense does not mean diluting customary law, incorporating it into statutory law and expecting that it would then disappear. Rather, it means understanding and respecting customary law as a sophisticated and dynamic legal system, with at least as long a regulatory history as statutory law if not longer, and

# Annex 1

## TRADITIONAL GOVERNANCE SYSTEMS AND LANGUAGES IN THE NORTHERN AREAS

|     | Area     | Languages Spoken   | Governance System |
|-----|----------|--|-------------------|
| 1.  | Yasin    | Khowar/Brushiski/Shina                                     | <i>Rajgiri</i>    |
| 2.  | Gupis    | Khowar/Brushiski/Shina                                     | <i>Rajgiri</i>    |
| 3.  | Ishkoman | Gojali/Khowar/Shina/Parchian/<br>Badakshani/Gujrati/Pushto | <i>Rajgiri</i>    |
| 4.  | Punial   | Shina  | <i>Rajgiri</i>    |
| 5.  | Hunza    | Brushiski/Wakhi/Gojali/Shina                               | <i>Rajgiri</i>    |
| 6.  | Nagar    | Brushiski/Shina  | <i>Rajgiri</i>    |
| 7.  | Gilgit   | Shina  | Settled Area      |
| 8.  | Skardu   | Balti  | Settled Area      |
| 9.  | Kharmang | Balti  | Settled Area      |
| 10. | Khaplu   | Balti  | Settled Area      |
| 11. | Shigar   | Balti  | Settled Area      |
| 12. | Astore   | Shina  | Settled Area      |
| 13. | Chilas   | Shina  | Tribal            |
| 14. | Darel    | Shina/Kohistani/Pushto                                     | Tribal            |
| 15. | Tangir   | Shina/Kohistani/Pushto                                     | Tribal            |

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## PART II – METHODOLOGY

The universe of this research was the Northern Areas of Pakistan.<sup>6</sup> The history of the Northern Areas and discussions with researchers and resource persons born and raised there indicate that the Northern Areas even today can be described according to the political and legal systems that were in existence prior to Independence. Certain areas had been ruled by local Rajas since ancient times; in some parts of Northern Areas, the law of the Rajas survived till as late as 1972. Other areas had been settled by the British in the 1800s and were under British law. Certain historically tribal republics remain as such after their conditional accession to Pakistan.

Due to these historic differences the universe of the research was divided into three domains that correspond to the politico-legal systems:

- a) *Rajgiri* Areas – those that had been ruled by local Rajas;
- b) Settled Areas – those that had been directly governed by the British;  
and
- c) Tribal Areas – the tribal republics.

The three domains would ensure that any possible variations in the customary laws regarding natural resources in Northern Areas could be encompassed and that research findings would fairly represent the reality of the universe (Russell, 1994. p 78).

- c) focussed interview schedules; and
- d) participant observation (to the extent possible).

The second, or in-depth phase, of the research began in April 2001 and ended in June 2001. During this phase, the researchers collected data from four locales. One locale was chosen from *Rajgiri* Areas, two from Settled Areas and one from Tribal Areas. For the selection of the target populations in both phases, the cluster-sampling method was used. Based on information on local resource persons and researchers, each domain was divided into clusters of areas having the same social organizational and cultural patterns and one target population was selected from each cluster. Table 1 shows the distribution of target populations in all three domains.

| <b>Table 1 Part II - Preliminary Phase</b> |               |                                   |               |                                  |               |
|--|---------------|-----------------------------------|---------------|----------------------------------|---------------|
| <b>Domain 1<br/><i>Rajgiri</i> Areas</b>   |               | <b>Domain 2<br/>Settled Areas</b> |               | <b>Domain 3<br/>Tribal Areas</b> |               |
| <b>Larger Area</b>                         | <b>Locale</b> | <b>Larger Area</b>                | <b>Locale</b> | <b>Larger Area</b>               | <b>Locale</b> |
| Punial                                     | Singul        | Gilgit                            | Jalalabad     | Darel                            | Manical Bala  |
| Yasin                                      | Yasin         | Skardu                            | Shigar        |                                  |               |
| Gupis                                      | Phander       |                                   |               |                                  |               |
| Ishkoman                                   | Immit         |                                   |               |                                  |               |
| Hunza                                      | Murtazabad    |                                   |               |                                  |               |
| Nagar                                      | Nialli        |                                   |               |                                  |               |

| <b>In-Depth Phase</b>                    |               |                                   |                   |                                  |               |
|--|---------------|-----------------------------------|-------------------|----------------------------------|---------------|
| <b>Domain 1<br/><i>Rajgiri</i> Areas</b> |               | <b>Domain 2<br/>Settled Areas</b> |                   | <b>Domain 3<br/>Tribal Areas</b> |               |
| <b>Larger Area</b>                       | <b>Locale</b> | <b>Larger Area</b>                | <b>Locale</b>     | <b>Larger Area</b>               | <b>Locale</b> |
| Gojal                                    | Gulmit        | Astore                            | Godai/<br>Gorikot | Tangir                           | Gabbar        |
|  |               | Skardu                            | Rondu             |                                  |               |



The units of data collection (UDC) were chosen from each target population using the stratified random sampling method. Each target population was divided into 14 strata. The criteria used for this stratification were occupation and socio-political status in the community. These strata were:

- |                      |  |
|----------------------|--|
| 1. Religious leaders | 8. Village organization & women's organization functionaries |
| 2. <i>Numberdars</i> | 9. Returnees <sup>8</sup>                                    |
| 3. Village activists | 10. <i>Dehqans</i>   |
| 4. <i>Jastero</i>    | 11. <i>Kasabgars</i>   |
| 5. <i>Jirgadar</i>   | 12. Older women  |
| 6. Teachers          | 13. Middle-aged women  |
| 7. Revenue officers  | 14. Young women  |

Research instruments used in the in-depth phase included:

- a) socio-economic survey forms;
- b) key informant interview schedules;
- c) focussed interview schedules;
- d) specialist interview schedules;
- e) participant observation (to the extent possible).

The team of data collectors initially comprised two men and two women. These four researchers collected the data for the Puniyal, Yasin, and Gilgit preliminaries. The rest of the fieldwork was carried out by a team of three persons (one man and two

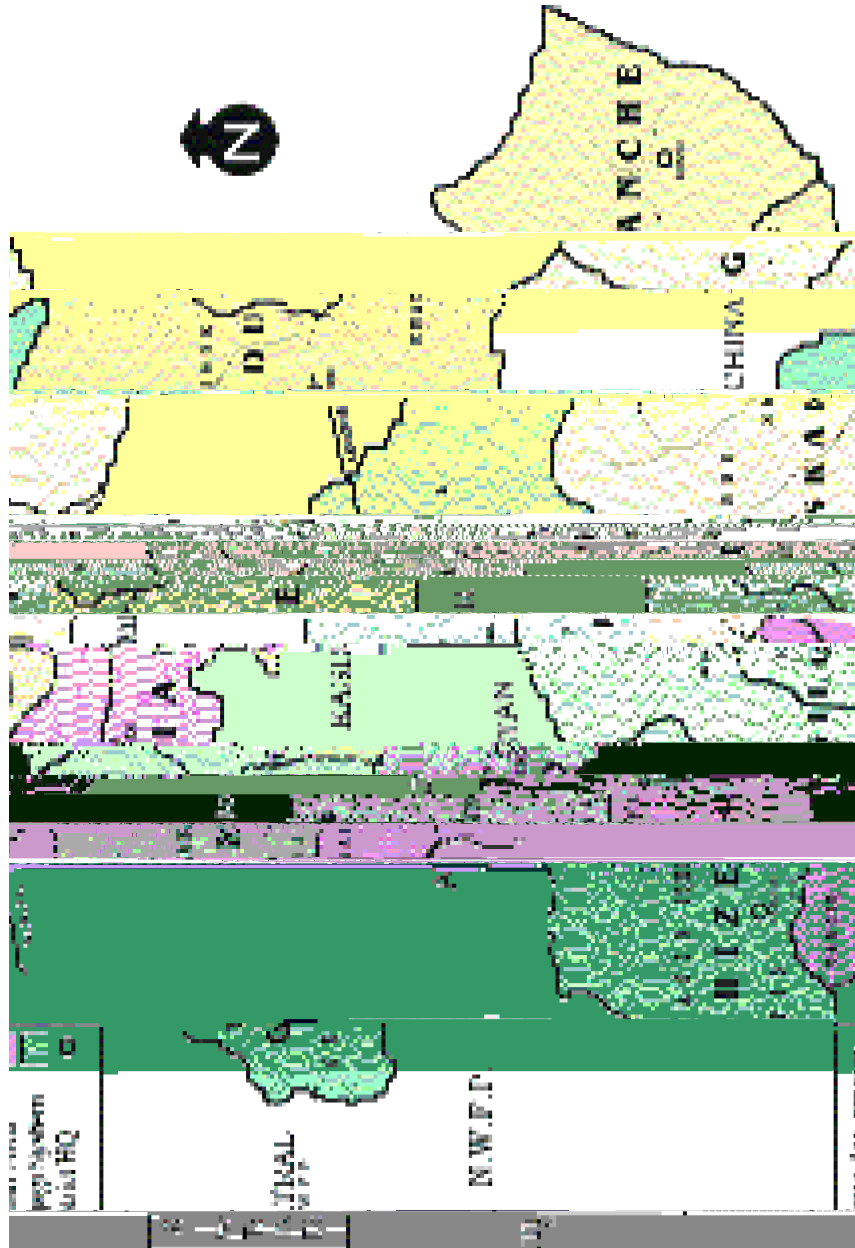
data collection. In the Tribal Areas, since only male data collectors could go and they could not interview any of the local women, two men were randomly selected from UDCs 4, 6 and 10 instead of one each.

For the in-depth phase, four new research instruments were prepared for the specialist interviews. In the preliminary phase, it was learnt that in almost all areas, there were people who for extended periods of time in their lives had worked as *numberdars*, *jasteros*, *jirgadars*, *zaitus*, shepherds and hunters. Thus, four new shorter schedules were prepared for each one of these categories. These schedules were structured as life history interviews but were very narrowly focussed on the particular aspects of interviewee's life connected with their work as *zaitus*, village elders, shepherds or hunters.

The key informant as well as the focussed interview schedules had separate sections of questions pertaining to the use, management and preservation of livestock, agriculture, forests and wildlife resources. In addition to these, each of these schedules also had a section containing questions about the structure and dynamics of various institutions (traditional and modern) that were operating in each locale and addressing natural resource use and conservation issues. With the exception of six questions in the wildlife section, all questions in both of these instruments were open-ended. All of the questions in the four specialist interview schedules used in the second phase of the research were also open-ended. This was because open-ended questions give greater control to the interviewee and allows the interviewer to capture the interviewee's perspective and meaning more easily (Goodenough 1956).

The key informant interviews asked the same questions as the focussed interviews and in addition asked for historic information and dealt with the issue of change in

# Map of Northern Areas, Pak



# Map

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