

The Prospects of Elinor Ostrom's Common-Pool Resource (CPR) Governance in Kumrat (Kohistan): Success or Failure?

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Abstract: *This research article studies the prospects of community-centric tendencies for managing environmental resources among the people of Thal (Kumrat) in Kohistan, Upper Dir. It probes into the locally employed system of governance vis-à-vis the neo-Hobbesian design for the sustainability and conservation of the environment. It analyses the community's approach to sustainability amidst the challenges of developing ecotourism in the destination and the prospects of the community's livelihood that is deeply enmeshed in their immediate environmental resources. The fundamental question at its heart is whether or not, and to what extent, the decentralized mechanism of governance is successful. Such governance encompasses mechanisms for self-monitoring, graduated sanctions and conflict resolution. This study undertakes Elinor Ostrom's Common-Pool Resources (CPR) approach both as a theoretical model and a standard with which decentralized governance on the part of the community is compared and evaluated.*

Keywords: Kumrat, excavation, CPR, Switzerland

Introduction

Kohistan (Upper Dir) has been recently noted as a potentially gigantic ecotourism destination. It has valleys, meadows, pastures and forests of no match in its surroundings. With several unexplored meadows, *Kumrat* and *Jaz Banda* are the main destinations in the locality. The number of visitors in a single season, from May to September, surpassed half a million in 2023. The same environmental resources that make the place an ecotourism destination also provide the community with livelihood. Their daily life is enmeshed deep in their immediate environmental resources without which they would be either starved to death or forced to migrate. Therefore, it is a matter of paramount importance to take a look at how environmental resources are managed here and what are the crises and challenges that the community has to overcome for its survival. This study finds out that there are two systems of governance at work for the sustainability of resources. Firstly, the state intervenes through its coercive institutional structure with a neo-Hobbesian and neo-Malthusian design of governance and conservation. This system is powerful and incomparable to any other. However, the researcher also observes the community adopting a second nascent and fledgling governance model of Common-Pool Resources (CPR) for governing their environmental resources. This research work aims to identify whether or not the tendencies among the members of the community towards a CPR governance model have been successful in attaining sustainability. It has also to explore the working mechanism of CPR (vis-à-vis the state-centric governance) and highlight its prospects of how and to what extent the CPR

model is actuated in the destination.

There lies a normative question in the conclusion of the last paragraph. A theorization, which is also a normative answer, through this study, goes in favour of the CPR approach enunciated by Elinor Ostrom. However, this study challenges the narrow analytical answer of Ostrom's CPR governance. It places the community-centric CPR model in a rather dialectical incomplete whole that has both precipitation and repercussions in a social, political and environmental—political ecology—setting. Therefore, it is not deemed important whether or not all the design principles of an ideal CPR are employed. This study highlights only a tendency towards the CPR and identifies whether or not that tendency has resulted in any success for resource sustainability in Kumrat (Kohistan).

The given setting in Kohistan, particularly in Thal, has a turbulent history. Firstly, there is a striking paucity of academic work related to the region. Secondly, since there has been no tradition of keeping the records of events in written form, its history is fundamentally deciphered through archaeological excavations (Dani, 1989). However, some major shifts took place in the region with an earlier conquest of Mahmud of Ghazni in 996 AD that drove the indigenous people back towards hillsides in Swat Valley, mainly Madyan: and later on, the community of Thal and Lamotai have been believed to have migrated across the bawdgoi top from Swat with the invasion of Yousafzai Pashtun tribes at the end of 15th century AD (Baart & Sagar, 2002; Keiser, 1986). Rather the entire history of the people of Thal and Lamotai, which they share with their brethren across Kohistan, is blemished with marginalization and oppression in one way or another, but a significant shift that took place, particularly concerning the governance and ownership of the environmental resources, was during the colonial period. In the wake of the Great Game, the Nawab (ruler) of Dir was granted absolute freedom to rule the region except for loyalty to the British Government of India. The relationship between the communities in Kohistan and the Nawab of Dir was asymmetrical, for the latter belonged to Pashtun tribes while the former shared a common cultural Dardic lineage. Besides other communities, Thal and Lamotai were kept “physically isolated and at least partially quarantined from political, intellectual, and economic developments”(Keiser, 1986). However, the matter of paramount importance for this study is the role of postcolonial state institutions. In 1975, after Malakand Agency¹ was merged with the state of Pakistan in 1969 officially, the erstwhile colonial Forest Act of 1927 was extended to the forests in the region according to which the community had a share of only 10% in the royalty from the net sales proceeds of timber (Rome, 2005). In 1977, the community's share increased to 60% (Rome, 2005). But the locus of the problem lies somewhere else: the government's Department of Forestry has rather become a tool for deforestation for its officials have been systematically engaged in the black timber market. This study finds that communities do not only dispute the government's share and ownership (40%) in the forests but distrust the very institutional mechanism on the part of the government and its agencies. Not just that, through the fieldwork of this research study, it was found that the community has come up with neo-institutional mechanisms (rules) for preserving forestry successfully.

Shaheen Rafi Khan (2005) has described and distinguished customary law from statutory law in Kohistan (Upper Dir). The findings of his research are that statutory law has subsumed the dispensation of values and resources through customary law poignantly. The intervention of the central government, and the Department of Forests on its behalf, has created confusion for the community. The Department, and its officials, have been reported, time by time, for taking bribes for the illegal cutting of trees and their smuggling. (Tariq et al., 2014). On another occasion, when asked about conformance to the statutory rules and whether or not those rules are strictly implemented on the part of forest officials, a

¹ Responding to the threat of “Russian expansionism in the East” (Spain, 1979), the British Government of India wanted an access to and confidence in the then princely state of Chitral that abutted Central Asia in its Northwestern frontier. The Government “adopted a different route to reach Chitral, the Malakand-Dir-Chitral route” (Jan, 2010). Hence, the three princely states of Dir, Swat and Chitral were recognized to fortify their loyalty to the British Government and grouped into a newly created Malakand Agency in 1892.

local described the situation in these words, with an opposition to the neo-Hobbesian nature of the state lurking in the background: “We know better how to defy the rules. We know about our forests better.” (G. Gul, personal communication, 2020) Shaheen Rafi Khan (2008) has alarmingly described this situation as a transformation of “communities from guardians to predators of the common.” (Khan, 2008) However, the CPR model that the researcher has referred to goes beyond the customary rules/law distinguished by Khan (2005), but the latter paves the way for the former nonetheless.

Before delving into the technicalities of a working CPR governance model operated in Kumrat, it is important to explain how can an ecotourism destination be understood as a pool of commonly owned resources. For that reason, the researcher dissects the concepts used here. Instead of deciphering the etymology of the given words, the dissection is deemed perfect to focus on the problem that lies at the heart of these concepts. Firstly, ecotourism comes with an integration of two universes: tourism and environment. For the course of this study, what makes tourism a matter of importance is its integration with the environment, while the environment itself has a manifold relationship with the people that it dwells. Ecotourism, thus, is a tourism industry situated in a destination where a clean, green and philistine environment is pivotal. An example of such a destination is Lauterbrunnen, Switzerland. But an example still better in the context of this research work is *Kumrat Valley* in Kohistan. It is lavished with a clean greenish river amidst a coniferous forest with several meadows and waterfalls.

So, the environment, and its governance, play a pivotal role in the phenomenon of ecotourism. But the responsibility that eco-tourism brings about in its sphere is something more than mere observation of the environment and its natural resources. According to the United Nations World Tourism Organization (UNWTO), eco-tourism pertains not only to the conservation of nature in a particular destination but also to “generating economic benefits for host and Providing alternative employment and income opportunities for local communities (UNWTO, 2002).” Similarly, The International Ecotourism Society (TIES) defines ecotourism as a “responsible travel to natural areas that conserve the environment, sustains the well-being of the local people, and involves interpretation and education” (The International Ecotourism Society, 2023). As evident from the given definitions, the conservation of the environment and the economic livelihood of the local communities are two important characteristics of ecotourism. These two elements in the mentioned definitions appear as two distinct categories yet they are deeply enmeshed and inseparable. The community depends on its environmental resources for its economic livelihood. To write it precisely, the community must be prudent enough to utilize its resources carefully if it wants to mitigate poverty and create ventures for local employment. But it is possible only when sustainability is kept intact, which says that the “use of resources, both natural and cultural, should be non-consumptive, making them renewable (Sheker & Puttanna, 2008).” Natural resources, especially in Kohistan, are forests, rivers, meadows and pastures in an ecotourism destination.

To conclude what ecotourism means when dissected, it is a multifaceted industry that offers services to visitors in destinations abundant with environmental resources, which primarily drive visitor demand and create numerous opportunities for local employment. However, the paramount concern within this context is the preservation of these environmental resources. The central question revolves around how to ensure their sustainability. It pertains directly to the governance of resources. If managed appropriately, the industry will flourish in all its political and ecological spirit.

To proceed with the dissection further: How CPR is applicable here? A CPR deals with a situation where a common pool of resources and its sustainability are involved. It is a situation of utilizing a resource system such as a river or forest, which is finite in its resource units such as a finite number of trees in a forest, fishes in a river or a number of either visitors or shepherds along with their cattle accessing a meadow or pasture. Ostrom maintains that such a situation is haunted by two conditions: Firstly, “the relatively high costs of physically excluding joint appropriators from the resource or improvements made to the resource system are similar to the high costs of excluding potential

beneficiaries from public goods”, individuals turn onto a free-ride of deriving as much resource units as possible without either contributing to the resource system’s sustainability or improvement: secondly, “subtractability of the resource unit leads to the possibility of approaching the limit of the number of resource units produced by a CPR” and its subsequent ruin because the number of resources units are finite (Forsyth & Johnson, 2014; Ostrom, n.d., 1990; *The Sustainable Economics of Elinor Ostrom Commons, Contestation and Craft (Derek Wall) (Z-Library)*, n.d.). Furthermore, according to preliminary findings concerning the case study of this research work, environmental resources (except the mainland in Kumrat Valley which is a destination of central importance to the research problem) such as forests, rivers, meadows and pastures are commonly owned by the community. The case of forestry is complicated though. Here, the government claims a share of 60% of the forest declared protected on its part (Kruseman & Pellegrini, 2008), which the community contests. As a whole, common ownership of environmental resources has a pre-eminence that the researcher will describe and establish in the following sections.

How CPR is applicable here? In the above paragraph, in a CPR situation, the sustainability of the commonly-owned resources is always at stake. One solution to resolve the free-rider dilemma is to bring back the *leviathan* and calls “for government with major coercive powers is overwhelming” (Ophuls, 1973). The government of Pakistan seems to buy this approach. Another solution to “avoid the tragedy of the commons in natural resources and wildlife is to end the common-property system by creating a system of private property rights” (Smith, 1981). This solution has better echoed the position of Gordon in his account which may be summed up in his own words: “Wealth that is free for all is valued by no one because he who is foolhardy enough to wait for its proper time of use will only find that it has been taken by another.... The fish in the sea are valueless to the fisherman because there is no assurance that they will be there for him tomorrow if they are left behind today. (Gordon, 1954)”. In the case study of this research work, related mainly to Kumrat, there is an overwhelming tendency towards a ‘private property rights’ solution towards the land in the destination within the community; however, as far as forests, rivers in terms of fishing and irrigation, meadows and pastures are concerned, the community has a consensus of retaining the common-ownership, in much the same manner the approach that Elinor Ostrom has championed in her work. Based on her empirical evidence, she put forward a CPR approach for a CPR situation, which the researcher will describe in the following sections. However, the main agenda behind her work is the question of how better a common pool of resources may be governed such that their sustainability is achieved. Her answer is a decentralized bottom-up approach to the governance of the CPR.

So, the fundamental concern of the CPR approach is to make sure the *sustainability* of the environmental resources is protected in a CPR situation. Similarly, *sustainability* is at the heart of ecotourism as well (Cater, 1995; Cater, 2002). What makes the CPR theoretical approach mandatory for this research is that Kumrat, which is the main destination in the area, is mainly the name of a package with a bundle of environmental resources commonly owned by the community. Theoretically, concerning the umbrella of ecotourism, the basic political challenge is the question of decision-making about the sustainable use of resources. In other words, the development of ecotourism may not be conceived without making room for sustainability. As a result, Elinor Ostrom’s model of CPR is being appropriated in the political-ecological perspective of local decision-making (Bryant, 1997) in an ecotourism destination. The data collected through the course of this research project suggests an affirmation in favour of the model of governance indicated by this theoretical framework. Usually, the ‘ruin’ that many have referred to in the absence of either privatization (Gordon, 1954; Hardin, 1968; Olson, 2012) or strong central authority (Ophuls, 1973) is what community in Thall (of which Kumrat is a hinterland) has witnessed through one way or another. Firstly, as far as the land is concerned, it was distributed among the members of the community in 1992 but it didn’t take the form of private property in strict terms. For example, the community wrote a constitution in 2002 that no member could give out their lot of land to anyone outside the community, neither through a lease nor a complete transfer of

ownership. However, many participants confirmed that members of the community have broken the constitution anymore. Its repercussions can be discussed in separate research work. Secondly, the interference of an external authority whether for the protection of forests or fish has ended up in a 'ruin'. It will be discussed through this chapter how the community has adopted an alternative mechanism for the protection of such commonly owned resources.

Methodology:

This research article is a result of observations and data that the researcher had primarily collected for writing a research thesis as a mandatory requirement for the fulfilment of an MPhil degree in Political Science. The main focus of the thesis was on exploring the challenges to ecotourism in Kohistan (Upper Dir), but the researcher couldn't resist observing the community-centric tendencies among the members of the community, thus extending the scope of his research to encompass the CPR approach simultaneously.

During this study, the researcher relied on primary data, which was mostly obtained through interviews with units of stakeholders in the Kumrat case study region, as detailed in the parts that follow. Furthermore, the researcher seldom ever used secondary material, including reports, legal documents, political agreements between the government and the community, and models for the growth of ecotourism destinations in general. To get primary data, semi-structured interviews were used. The interviewer directed the open-ended questions toward the project's main concern, which includes sustainability, ecotourism, and the role of the government and community in the overall issue. According to the purposive sample technique, interviews were first conducted with people who were divided into five units. Elected members of the local self-government (Tehsil Kalkot), community elders (or politicians), local administration, people running enterprises in the destination, and social and environmental activists in the area were the first units to be classified. The Purposive Sampling Strategy was used to choose these units. Because Purposive Sampling only creates units from people the researcher knows to have an "understanding of the research problem," as opposed to random or snowball sampling, it was chosen (Creswell & Poth, 2016). Furthermore, according to Creswell et al., (2007), they ought to "have experienced the central phenomenon." However, according to Marshall and Rossman (2014), the sampling was adaptable and comprised a large number of additional people from intersectional categories once the researcher was on the ground (Marshall & Rossman, 2014).

The researcher applied Victoria Clarke and Virginia Braun's (2012) six-stage thematic analysis framework for analyzing interview data. It includes getting to know the data, creating codes that contain a small unit of data that generates something meaningful, and looking for a theme that "captures something important about the data about the research question, and represents some level of patterned response or meaning within the data set" (Braun & Clarke, 2006), fundamentally reviewing potential themes for "quality checking," naming each theme so that all the themes collectively "provide a coherent overall story about the data" and the main research question, and finally creating the report "to provide a compelling story about the data based on analysis" (Braun & Clarke, 2012). At this stage, it was found that one of the emerging themes was about a decentralized institutional structure prevalent among the members of the community for the governance of environmental resources. The research cut the theme separated and corroborated it with Elinor Ostrom's CPR governance model. Its result has come out in the form of this paper.

Constituents of CPR:

A CPR situation, either empirically or normatively, if reduced to the possible minimum scale, may be described in two prongs. On one hand, there are several variables that in relationship with each other constitute the situation. On the other hand, certain rules guide the relationships between these variables, which are derived inductively from Elinor Ostrom's extensive research. These rules are called "design principles". Here, both of the prongs will be described in the context of its constitution in the ecotourism

destination.

VARIABLES THAT CONSTITUTE A CPR SITUATION

Resource System

In the words of Ostrom herself, they are “capable stock variables, under favourable conditions, of producing a maximum quantity of a flow variable without harming the stock or the resource system itself. (Ostrom, 1990).” This is fundamentally around which the whole discourse revolves. Here, the favorability of conditions refers to keeping sustainability intact. It advocates for the resource system that should be managed in such a manner that it does not run out of its capability of producing an optimum quantity of what it is capable of. The examples that Ostrom counts are “fishing grounds, forests, grazing areas... and a stream absorbing biological waste” (Ostrom, 1990), including others. In Kumrat, all the given resource systems can be found.

Resource Unit

When the amount of flow variable, such as trees cut in a forest or fish hunted in a river, that a system produces is quantified into units called the resource units of a particular resource system. A general question might arise what exactly may be quantified in an ecotourism destination? The answer is partly empirical and partly normative. As a matter of fact, besides the dispute that the community has with the government, the forest in Kumrat is commonly owned. The community has a (neo)institutional mechanism for its sustainability. Along with that, fish in the river, pastures mountains and meadows are also commonly owned. The question yet internal to the previous question is whether can all these be quantified. Ostrom posits, yes. They may take the form of “the tons of fodder consumed by animals from a grazing area, the tons of fish harvested from a fishing ground [and] the quantity of biological waste absorbed per year by a stream or other” (Ostrom, 1990). So, back to the central question in this paragraph, normatively, all that can be potentially quantified and can be termed as a Common-Pool Resource may be managed, as it has been the case already in most of the resource systems in Kumrat, with a CPR approach.

Appropriation and Appropriators

Appropriation refers to the act of acquiring or extracting resource units from a resource system. Simultaneously, individuals or entities engaged in this activity can be referred to as appropriators. The latter may include fish herders, shepherds grazing their cattle, members of the community cutting trees for their personal use and hotel managers or owners disposing waste and sewage water either into landscape or river. All such appropriation, if not carried out in favourable conditions, may result in the ruin of the resource system.

Producers or Providers

They are those individuals who are responsible for sustaining the Common Pool Resource (CPR). Its example may include individuals who monitor the appropriation or repair of some material aspect of the system. In Kumrat, such duty is undertaken by a body named ‘committee’ consisting of 120 members, each ten are from a *kahuna* (sub-tribe) that is twelve in number in the village Thal.

Design Principles of CPR and their Working in Kumrat/Thal

Elinor Ostrom comes up with seven design principles that she writes are “essential element[s] or condition[s] that helps to account for the success of these institutions in sustaining the CPRs and gaining the compliance of generation after generation of appropriators to the rules in use (Ostrom, 1990).” They may be described as follows:

Defined boundaries

A CPR must have clearly defined boundaries. The term ‘boundary’ can be described in many

dimensions. It may refer both to the physical boundary that a resource system has and the jurisdictional boundary. For example, it includes the boundary of a forest that a particular community owns. Similarly, the idea of a boundary also encompasses who exactly can have access to the resource system. In the case of Kumrat, the resource systems of forest, river, meadows and pastures are clearly defined physically. In terms of access, the ownership belongs to only the community, sub-divided into three tribes. Besides them, nobody is entitled to claim any share in the resources.

Congruence Between Local Conditions and Appropriation Rules

Appropriation rules are those rules according to which access is granted to the resource system. It may clearly state who can access, in what manner, at which time, and can extract what quantity, of resource unit from a resource system. Such rules must not be set by anybody external to the community but by those who have been experiencing the local condition. In the context of Kumrat, appropriation rules have been developed both through customs and modified and enforced by *jirga* every then and now. In Switzerland, “the village statutes are voted on by all citizens and provide the general legal authority for an alp association to manage the alp. (Netting, 1976).” In Kumrat, furthermore, the rules are being monitored and executed by another subsidiary body called a ‘committee’. A few rules, for example, are: for time till the *jirga* declares it otherwise, nobody either officials on the part of government or members of the community can catch a fish (trout) in the river. Such a ban is monitored by 120 members of the committee. The question is why there has been a complete ban. It owes something to the ‘local condition’, part of the title of this paragraph. Such a ban is precipitated by the looming threat of endangered species of trout fish in the locality. Besides that, no member of the community can cut any tree without the laid down procedure for cutting a tree. A similar case has been mentioned in Switzerland. “Trees that will provide timber for construction and wood for heating are marked by village officials and assigned by lot to groups of households, whose members then are authorized to enter the forests and harvest the marked trees. (Netting, 1976).” In Kumrat as well, if a member needs some wooden flanks for the construction of a house, he will ask the ‘committee’ to visit his site of construction and identify and confirm his need. Further on, the committee will take its provisioned liberties to assign him a tree a two in the forest that the member can cut henceforth, but nothing more than that.

Collective Participation in Arrangements

One important design of a CPR is that its institution and rules must not be created externally, as stated clearly again and again in this chapter. All the appropriators must have a say and participation in the rules-making of the CPR. Otherwise, if such a dynamicity is not taken into consideration, the CPR will result in a stiff structure which itself is opposed to the very idea of a CPR. In Thal, whose people make the community that shares the ownership of all the resources in Kumrat, the *Jirga* is the sole political authority. Astonishingly, all the adult male members of the community are part of it and can raise a concern.

Monitoring Mechanism

Theoretically, the most important problem is that of monitoring. Who should monitor a common pool of resources? A common-sense modernist understanding lays down that the resource system will be ruined in case it is left to people as a whole, as the case seems in the colonial British Government of India and postcolonial laws in the state of Pakistan. The CPR approach puts a firm emphasis on self-monitoring within the community or appropriators. In Kumrat, the resources are monitored by all the members as a whole but the task is recently taken over by the ‘committee’ whose membership is 120. Owing to the size of the body, they are completely impartial and unlikely to incline to any particular individual interest. In contrast with monitoring by the government Department of Forestry which has forest guards not exceeding six or seven in number who can be bribed and fawned upon with ease, it is almost impossible to appease 120 members of the committee. The best a person can try is to mould 20

members of the committee in his favour who might be his relatives or friends, but it is impossible to win the favour of 120 members.

Graduated Sanctions

The CPR approach is not to make individuals free of sin. If there is a CPR regulation it does not promise that rules will not be broken anymore. What it advocates is that whether monitoring or sanctioning, all are undertaken by local authorities. In Kumrat in this regard, offences on the part of appropriators against the operational rules are dealt with through a locally developed system of sanctions. The punishment for unauthorized logging, for example, varies from minor fines to solitary confinement.

Conflict Resolution Mechanism

This design signifies that, contrary to the central government's conflict resolution mechanism which is usually high-cost, there should be a local low-cost conflict resolution mechanism which must be transparent in the first place. In the case of this research study, the conflict resolution body is *jirga*. It is composed of almost all the adult male members of the community, yet in practice, only a few members take part in its proceedings. The *jirga* is led by *masharan* (elders) from the community. Its nature is egalitarian in theory but hierarchy does take place in its order in practice. So, the stakes of individuals are represented by an elder according to their tribe and sub-tribe.

The Recognition of CPR on the Part of the Central Government

The success of CPR as a whole depends on a pivotal principle of recognition of the institution on the part of the government. If the government cannot facilitate the CPR to work smoothly both in terms of material and organizational support, it should at least avoid the kind of interference that hinders its smooth working. In Kumrat, the government is in dispute with the community. The locus of such a disputation is the government's claim of the status of forests according to centrally legislated rules and regulations. However, as empirically evident from the data collected through this research study, the government is not successful in organizing and protecting the sustainability of the forests in the locality. Its departments are rather detrimental to the preservation of the forest in Kumrat. In line with the CPR approach, the mechanism that the community employs on the contrary is more effective.

Conclusion:

In this research article, the conclusion can be slightly longer than usual, because it has to show how the CPR looks like in Kumrat/Thal in the final analysis and whether or not it is successful in its aim.

Monitoring, either by the institutions working on the part of the state or (*neo*)institutions such as *Jirga* and its subsidiary departments, is an important factor in ensuring sustainability. Sustainability, on the other hand, to avoid the debate involved at its heart, is "a state of affairs where the sum of natural and man-made resources remains at least constant for the foreseeable future so that the well-being of future generations does not decline" (Kuhlman & Farrington, 2010). This section concludes how both institutional mechanisms are employed and which one is suitable for sustainability. This section encompasses Shaheen Rafi Khan's (2005) distinguishment between statutory law and customary law, (Khan, 2008), as promised in the above sections. It goes beyond the legal contours and records the members of the community's experience across the socio-political spectrum.

Before delving into the practice, it is important to describe and introduce the 'neo' in '*neo-institutional*' theoretically. The researcher uses the given term borrowing vocabulary from Douglas North (2018) as this section proceeds. In contrast with (*Neo*) institutions, institutions (in general) are characterized by rigidity and properly defined rules and regulations such as state, market, election and legal bodies involving elections such as the Election Commission and political parties, police and district administration. Affairs in such institutional setups are run by legislative processes such as statute laws and other laws, regulatory agencies and judicial decisions. (North, 2018). Such institutions are often

referred to as formal institutions. On the other hand, informal institutions are contrasted with formal institutions. They may include piracy (North, 2018), horse-trading vis-à-vis the formal procedure in a senate election (Ayub Jan & Sami Raza, 2015) and coffee meetings held among a group of people in the afternoon regularly (Peters, 2019). So, by employing the conceptual category of 'neo', neo-institutions are meant to signify informal institutions of *Jirga* and its subsidiary organizations such as *Kumrat Tahaffuz Movement* (KTM) and *Committee* that work in the destination. Such institutions are juxtaposed to the institutions that work on the part of the government such as the Departments of Fishery and Forestry and are based on neo-Hobbesian philosophical framework. Sometimes the informal and formal institutions are complementary to each other such that the former fills the gap left by the latter (Helmke & Levitsky, 2004). In the case study of this research work, it was found that informal institutions do not just fill the gap left behind by the formal ones but the former counter-weight or rather dominate the latter and expose their ineffectiveness. For example, the role of *Jirga* has been changed. Shaheen Rafi Khan (2005) defined *Jirga* as a body that meets only when it mediates between parties over conflict and then dissolves until the next incident occurs (Khan, 2008). This study finds that *Jirga* has now gained not only a permanent character that meets every Friday in Thal Bazar but it has also constituted a subsidiary body known as *Kumrat Tahaffuz Movement* that performs a resource governance function that the government failed to perform effectively.

About the neo-Hobbesian character of the state, the state institutions do not merely leave behind a minor gap on the landscape of *Thal* and *Kumrat* to be filled by the other kind of institutions but its whole approach to resource management is *problematic*. Owing to James Scott's wording, the state is seeing like a state. By its very nature, it cannot take into account the scenario in which problems are created and ought to be resolved. As a part of the paradigm in which local people look at state institutions, a member of the community who happened to be an official in the Department of Forestry communicated that the department is ineffective in governing and protecting the resources, because there are only five servants employed either to guard or look after its other administrative issues; he added that they can be appeased and bribed very easily (Rawan. B, personal communication, 2023). The issue is not only in the given institutional practice, but its very theoretical base is problematic. To take the example of the Department of Forestry at the district level, it is run by a District Forest Officer (DFO) sitting in the district headquarters, but in the case of Kohistan, which is not a separate district, an additional DFO is posted in Sub-divisional headquarters of Sheringal. DFO is reported to by a Sub-divisional Forest Officer (SDFO) who in turn receives reports from Rangers, Deputy Rangers, Foresters, Forest Guards and Barrier Man at the end, in a hierarchical order, respectively. In an area like that of *Thal* or *Kumrat* a Forest Guard (BPS-8) is the guarding officer with a Guard Book who can fine the offenders. There are eight to fourteen compartments assigned to a Forest Guard to look after. He has been assisted by barrier men in his work. As a whole, as found out in personal communication with a forest official, the whole of *Kumrat Valley* is looked after by not more than five members (Rawan. B, personal communication, 2023).

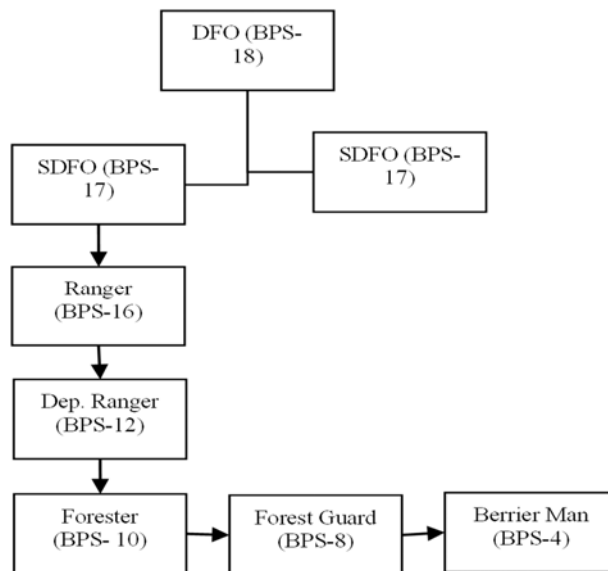


Figure 4.1. District Administration of Forestry Department (Monitoring)

In contrast, the mechanism that members of the community have developed locally is more effective and thus *out-functions* the mechanism working on the part of the state. Their monitoring function is carried out by a committee of 120 members which is also known as Kumrat Tahaffuz Movement (KTM). It has a quasi-administrative function. It both monitors if anyone is cutting trees or fishing in the river and administers who, when and how members may be permitted to use their resources. In the first case, there is a ban on fishing because the rare species of spineless fish (trout) is endangered due to overfishing, for example. There is also a fishery department of the government but it was failing to preserve the species as such. So, in case a fisher is caught fishing in the river his fishing net is captured as well as he is fined by the committee's members. Similarly, to remedy deforestation, the community has banned cutting trees. If anybody is caught cutting any tree, he is fined and the wood so cut that caught red-handed is donated to the mosque, which is later utilized in some construction of benefit to the community in general such as bridges and waterways.

The committee, as mentioned in the above paragraph, has also an administrative function, and in some cases, its authority overpowers that of the department. A participant described the role of the committee saying that if any member needs wooden planks for personal construction, he approaches the committee members and asks for a permit for logging a tree or two. The committee members then visit the person's premise of construction and make sure that there is a demand for wooden planks. Once the demand is confirmed, the permit is issued and the sanctioned number of trees can be cut. The participant narrated his own story: "Take, for example, my own case. I have my own house, which contained 16 rooms, flooded last year. So, the community knows that I have lost my house and I will have to construct another. So, they will come and check the number of trees that I need for my construction, two trees for example. Then they search a barren tree for me in some corner of the forest so that I can cut it and fetch it for my use." (Muhammad. Q, personal communication, 2023) For personal use, once the committee issues a permit to a person, then the Forest Department cannot, and usually do not, interfere, even if there is issued an order against such an act on the part of the latter. One parallel role of the committee with the department is that of constituting a 'check-post'. It is constituted by the community just beside the Forest Department's check-post at the entrance of Kumrat Valley. If a vehicle carrying wood from the forest in the valley without a chit (permit) obtained from the community's check-post situated before the department's check-post, then the latter does not allow the vehicle and proceeds with legal action. However, if the community's check-post issues a permit, then the departmental check-post does not interfere and lets the vehicle move.

The committee that constitutes the check-post is different from the committee composed of 120 members. The check-post committee as a whole is paid from Three Hundred Thousand to Three Hundred and Fifty Thousand (300-350K) Pakistani Rupees per year. It is usually a single family that inhabits nearby the area check-post, and it is replaced by another family if caught taking bribes or distributing favours otherwise. The community takes oaths from its members on the Quran. On the other hand, the members of Kumrat Tahaffuz Movement (KTM) as committee members cooperate voluntarily. Besides that, KTM as a committee is nascent, just two years old, as well as fragile in its structure.

The objective of the governmental institution and the community mechanism both is to monitor and preserve the forest, yet one fails and the other succeeds in their objective. The challenge is two-pronged. Firstly, the problem lies in the theory that the state employs. Secondly, the problem lies in the structural and organizational resources of the government institutions. For example, in the whole Kumrat Valley, there are not more than five Forest officials, and not more than two officials patrol the forest at a time. As one of the participants communicated, it is easy to bribe two or three people, but a whole of 120 members cannot be bribed, not even 10 members can be appeased (Rawan. B, personal communication, 2023). So, structurally, it becomes impossible to violate the ban either on forests or rivers. Another participant communicated concerning the effectiveness of the committee, and confirmed by other participants, that members of the committee have caught even Assistant Commissioner (AC) of Sheringal fishing and seized his fishing net (Ali. M, personal communication, 2023).

Members of the committee are selected by the *Jirga*, 40 from each of the main sub-tribes namely, *Mainz Kool*, *Siror* and *Miror*, of the community, though they are not selected based on any electoral system, which presents a challenge on its own. Almost all of the participants made it categorically clear that the committee has no authority of its own and functions solely on behalf of *Jirga*.

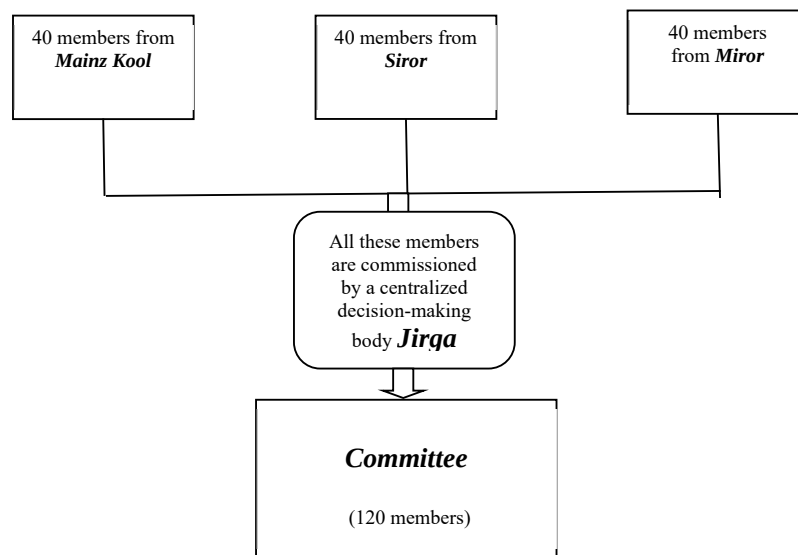


Figure 4.2. Structure of the Community's Institution (The Committee)

Despite all the good associated with the committee as such, it awaits another greater challenge amidst its success. Two participants, who happened to be social and environmental activists, communicated that a few of the members of the committee, especially its president, have been gaining power and making use of it in a rather coercive way that has become not only a headache for the community members and employees associated with tourism but also hinders the role of *Jirga*, which is a historical and comparatively egalitarian institution. One participant said that most of the members of the

committee are illiterate, and named them with tags like “*charsyan*” (Hashish addicts) and “*lofaran*” (idlers) (Ali. M, Ali. A, personal communication, 2023). In a post-data collection stage, a participant from the community informed the researcher via phone that the *Jirga* had recently warned the committee members of its extra-legal activities, such as people reporting a few taking bribes and considering dissolving it (Ali. M, personal communication, 2023). Despite the inconsistencies undergo therewith, an institution like that of the committee is still of dire importance for the preservation of the resources.

References:

- Ayub Jan, M., & Sami Raza, S. (2015). New Institutionalism: Identifying Informal Institutions in the Political Process of Pakistan. In *Journal of Political Studies* (Vol. 22, Issue 1).
- Baart, J. L. G., & Sagar, M. Z. (2002). *The Gawri language of Kalam and Dir Kohistan*.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101.
- Braun, V., & Clarke, V. (2012). *Thematic analysis*. American Psychological Association.
- Bryant, R. L. (1997). Beyond the impasse: The power of political ecology in Third World environmental research. *Area*, 29(1), 5–19. <https://doi.org/10.1111/j.1475-4762.1997.tb00003.x>
- Cater, E. (1995). Environmental contradictions in sustainable tourism. In *The Geographical?Journal* (Vol. 161, Issue 1).
- Creswell, J. W., Hanson, W. E., Clark Plano, V. L., & Morales, A. (2007). Qualitative research designs: Selection and implementation. *The Counseling Psychologist*, 35(2), 236–264.
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications.
- Dani, A. H. (1989). History of northern areas of Pakistan. (No Title).
- Forsyth, T., & Johnson, C. (2014). Elinor Ostrom’s legacy: governing the commons, and the rational choice controversy. *Development and Change*, 45(5), 1093–1110.
- Gordon, H. S. (1954). The economic theory of a common-property resource: the fishery. *Journal of Political Economy*, 62(2), 124–142.
- Hardin, G. (1968). The tragedy of the commons: the population problem has no technical solution; it requires a fundamental extension in morality. *Science*, 162(3859), 1243–1248.
- Helmke, G., & Levitsky, S. (2004). Informal institutions and comparative politics: A research agenda. *Perspectives on Politics*, 2(4), 725–740.
- Keiser, R. L. (1986). Death enmity in Thull: organized vengeance and social change in a Kohistani community. *American Ethnologist*, 13(3), 489–505.
- Khan, S. R. (2008). Tradition and sovereignty: conflicts over the forests of Dir-Kohistan. *Promise, Trust and Evolution: Managing the Commons of South Asia*, 307.
- Kruseman, G., & Pellegrini, L. (2008). *Institutions and forest management: A case study from Swat, Pakistan*. Nota di Lavoro.
- Kuhlman, T., & Farrington, J. (2010). What is sustainability? *Sustainability*, 2(11), 3436–3448.
- Marshall, C., & Rossman, G. B. (2014). *Designing qualitative research*. Sage publications.
- Netting, R. M. (1976). What alpine peasants have in common: Observations on communal tenure in a Swiss village. *Human Ecology*, 4(2), 135–146.

- North, D. C. (2018). Institutional change: a framework of analysis. In *Social rules* (pp. 189–201). Routledge.
- Olson, M. (2012). The logic of collective action [1965]. *Contemporary Sociological Theory*, 124.
- Ophuls, W. (1973). The return of Leviathan. *Bulletin of the Atomic Scientists*, 29(3), 50–52.
- Ostrom, E. (n.d.). *The Challenges of Achieving Conservation and Development*. <http://ssrn.com/abstract=2176268>
- Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge University Press.
- Peters, B. G. (2019). *Institutional theory in political science: The new institutionalism*. Edward Elgar Publishing.
- Rome, S. (2005). Forestry in the princely state of Swat and Kalam (North-West Pakistan): A historical perspective on norms and practices. *IP-6 Wor Ing Paper. National Centre for Competence in Research (NCCR) North-South, Switzerland*.
- Sheker, N., & Puttanna, K. (2008). Ecotourism and Sustainability: An Analysis of Strategies, Practices and Problems. *Atna Journal of Tourism Studies*, 3(1), 75–85.
- Smith, R. J. (1981). Resolving the tragedy of the commons by creating private property rights in wildlife. *Cato J.*, 1, 439.
- Spread and backwash effects in ecotourism: implications for sustainable development Erlet Cater.* (2002).
- Tariq, M., Rashid, M., & Rashid, W. (2014). Causes of deforestation and climatic changes in Dir Kohistan. *Journal of Pharmacy and Alternative Medicine*, 3(2), 28–37.
- The International Ecotourism Society. (2023). *What Is Ecotourism?* <https://Ecotourism.Org/What-Is-Ecotourism/>.
- The Sustainable Economics of Elinor Ostrom Commons, Contestation and Craft (Derek Wall) (Z-Library).* (n.d.).
- UNWTO. (2002). *ECOTOURISM AND PROTECTED AREAS*. <https://www.unwto.org/sustainable-development/ecotourism-and-protected-areas>.