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Environmental Criminality and Institutional Weaknesses: A Qualitative Assessment of Forest Governance in Malakand Division, Pakistan

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Original Article

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Keywords

Abstract

Environmental Criminality, Forest Governance, Institutional Weaknesses, Illegal Logging, Environmental Crime, Malakand Division, Pakistan

Environmental criminality has become an important problem in sustainable forest governance in developing countries. Environmental crimes like illegal logging, timber smuggling, encroachment, corruption, and lack of proper enforcement continue to pose threats to forest resources and biodiversity in Pakistan, especially in the Malakand Division. Environmental laws and regulatory frameworks are in place, but institutional and institutional arrangements are weak. The current study aims to examine environmental crime and institutional deficiencies in the forest governance of Malakand Division. The study is based on qualitative data from 48 interviews with Forest Department officials, local community members, and 05 Focus Group Discussions (FGDs) (collected during a PhD research survey) to understand governance failures and environmental crimes and reduce forest conservation. The results show that weak monitoring systems, inadequate staffing, political intervention, corruption, lack of coordination among various agencies, and lack of community involvement in the monitoring process account for high levels of environmental criminality, as per the New Institutionalism Theory. The study suggests that institutional capacity needs to be strengthened, accountability systems need to be improved, the community needs to be involved, and forest management needs to be supported by technological tools.

Introduction

Forests are of critical importance to the ecological balance, the maintenance of biodiversity, climate change mitigation, and the livelihoods of millions of people around the world. Nonetheless, the forest resources are still under extreme pressure from environmental crimes and governance shortcomings (UNODC, 2020). The emergence of environmental criminality as one of the areas of fastest expansion of transnational and local crime has resulted in economic losses and threatens environmental sustainability (Nellemann, Henriksen, Kreilhuber, Stewart, Kotsovou, Raxter, Mrema & Barrat, 2016).

Environmental crime is a broad term that applies to illegal logging, timber trafficking, wildlife crimes, corruption, illegal land conversion, and environmental law violations (White, 2018). These activities are typically promoted by institutional weaknesses such as a lack of strong regulatory systems, ineffective law enforcement, ineffective monitoring mechanisms, inadequate governance structures, etc. (Elliott 2017).

The importance of environmental crimes as issues of governance failures and institutional issues has been growing among scholars in the field (South & Brisman, 2013). In underdeveloped countries, weak institutions often fail to properly manage natural resource extraction, and governance shortcomings can facilitate illegal extraction and commercialisation of natural resources (World Bank, 2021). Forest governance in South Asia continues to be a weak system, highly susceptible to corruption, political manipulation and ineffective governance, which is leading to environmental degradation on a large scale (FAO, 2022).

Pakistan has different forest ecosystems, which are essential for ecological sustainability and socio-economic development. But illegal logging, timber smuggling, encroachment, and low institutional capacity are major challenges for forest conservation in the country (Khan, Mahmood & Siddiqui, 2021). Malakand Division of KP has one of the richest forest areas, yet a number of environmental crime cases have been reported in the past due to the lack of proper governance and institutional monitoring. Regardless of policy changes and legal provisions, environmental crime is a significant challenge for sustainable forest management. The present study is an attempt to discuss the role of institutional weaknesses in environmental crimes in Malakand Division. The research aims to provide insights into the governance issues that hinder environmental protection based on the voices of forest officials and the local community.

Statement of the Problem

Environmental criminality has emerged as one of the deep-rooted problems of sustainable forest governance in Pakistan. Notwithstanding the forest legislation, conservation policies, and administrative systems, illicit logging and timber poaching remain prevalent in forested areas, with corruption also being a problem. Preliminary research has suggested that there can be a strong relationship between weak governance, poor law enforcement, and inefficiencies in the institutions involved in environmental crimes (UNEP, 2019; Elliott, 2017). Forest resources are considered an ecologically and economically valuable asset in Malakand Division. But illegal harvesting and logging, poor monitoring, poor enforcement, and inadequate stakeholder collaboration indicate that there are governance issues. Current policies tend to concentrate on regulation, and there is a lack of appreciation of the local institutional weaknesses that enable environmental criminality to occur. Furthermore, there is limited empirical literature that examines government officials' and the community's views on institutional issues that facilitate environmental crime in the region. If the policy actions are not aimed at addressing the underlying governance limitations, they might continue to fail. Thus,

this study aims to understand the association between institutional weaknesses and environmental criminality in Malakand Division and to find solutions to enhance forest governance and environmental protection.

Objectives of the Study

1. To examine the institutional weaknesses that contribute to environmental criminality in forest governance in Malakand Division.
2. To explore the perceptions of stakeholders regarding the impact of governance deficiencies on environmental protection and forest conservation.

Research Questions

1. What institutional weaknesses facilitate environmental criminality in the forest governance system of Malakand Division?
2. How do stakeholders perceive the relationship between governance deficiencies and environmental crimes in the region?

Methodology

A qualitative interpretive research design was used to gain a deeper understanding of the experiences and perceptions of the stakeholders about environmental crimes and institutional inadequacies in forest governance. Qualitative approaches are especially suitable for exploring social phenomena in depth and for understanding how citizens view governance processes (Creswell & Poth, 2018). The data were collected through interviews with 48 respondents, including Forest Department officials (24) and local community members (24), and through 05 focus group discussions (FGDs) covering 08 districts of Malakand Division. Purposive sampling was used to identify the participants with first-hand experience of forest governance and environmental problems. Participants in the sample comprised forest officers, local elders, community representatives, and people living in the vicinity of forest areas. Semi-structured interviews allowed participants to share in detail with the researcher the problems they face in institutions and environmental crimes. The collective reflection on governance issues and experiences of the community was facilitated through focus group discussions. The ethical issues, informed consent, confidentiality, and voluntary participation were carefully followed throughout the research process. Thematic analysis of data was done using the six-step method of Braun and Clarke (2006): familiarization, coding, theme development, review, theme definition, and reporting. The findings were interpreted using the New Institutionalism Theory (Meyer & Brown, 1977).

Findings and Analysis

Theme 1: Weak Monitoring and Regulatory Mechanisms

The literature shows that inadequate monitoring and regulatory systems definitely raise the risk of environmental crimes, especially in the developing regions of the world where forests are prevalent. UNODC (2020) and White (2018) contend that without proper surveillance, enforcement becomes a “catch-up” operation, allowing for structural opportunities to facilitate illegal activity. Similarly, Elliott (2017) states that environmental governance fails when the geographical and operational requirements of resource management systems are not well balanced with the institutional monitoring capacity. Participants highlighted that monitoring systems are, in general, inadequate and restricted due to limited staffing and logistical capacity in Malakand Division. “Forest areas are very difficult to monitor regularly because of a lack of staff and transport facilities” (Respondent 10). “Most illegal activities are reported after the damage has already been done; preventive monitoring is very limited” (Respondent 2). The

lack of proactive enforcement capacity in the institutional system is a systemic issue that is reflected in these statements.

The community members also shared similar accounts at the community level. Illegal cutting is more likely to occur at night when there is no patrol in place (Respondent 3), and forest guards only show up after complaints are made (Respondent 4). These reports suggest that enforcement is often in response to complaints, rather than being systematic or consistent. The discussions in the focus groups also confirmed that the technological support of the monitoring systems is not adequate, including GPS tracking, remote sensing, and real-time surveillance mechanisms, which leads to a delay in institutional response to illegal activities. In the field, it was also observed that forest officials rely significantly on manual patrolling over rough terrain, and real-time monitoring is, in fact, impractical in many locations. Overall, the findings indicate a clear mismatch between the expectations of institutions and what is actually happening on the ground, with the institutional weakness of monitoring providing opportunities for environmental crime to continue and grow.

Theme 2: Corruption and Administrative Inefficiency

Corruption is not only among the most prevalent and severe forms of bribery, but it has also been featured in the literature as one of the most important facilitators of environmental crime. In his discussion of corruption, White (2018) concludes that it has the ability to shift formal regulatory processes into informal negotiating environments in which illegal actors can circumvent the regulatory process by offering bribes, exerting influence, or using political connections. Likewise, Nellemann et al. (2016) argue that corruption also shields offenders against prosecution by blunting institutional accountability mechanisms and by enabling environmental crime. In addition, administrative inefficiency is also demonstrated to be a key factor in natural resource management sectors that leads to systemic governance failure when coupled with the absence of adequate governance monitoring systems (Elliott, 2017).

In Malakand Division, repeatedly, the participants characterised corruption as a structural problem which is not a "one-off" affair, but a part of the working of institutions. "Some influential people intervene in forest cases and block action against illegal trading of timber" (Respondent 16). One of the officials commented, "An honest officer cannot operate under pressure, and this can have an impact on the enforcement" (Respondent 12). The answers highlight that external pressures are frequently a determining factor in enforcement, thus limiting institutional autonomy. These concerns were further reflected in community views. "Rules are not applied to those who have influence or money" (Respondent 19) and "Illegal loggers are often protected by powerful people" (Respondent 5) were the comments made by two respondents, respectively. These narratives have been voiced widely, stating that there is an imbalance in enforcement and that socio-political relations affect enforcement.

The discussions in the focus groups showed that corruption is not just occasional but systemic, and it impacts the credibility of forest institutions. The field observations also revealed a lack of trust between communities and enforcement bodies, as communities feel there is unfairness, which hinders cooperation and compliance. The overall results indicate that both corruption and administrative inefficiency contribute to the erosion of institutional legitimacy and to the failure to enforce environmental laws, thus contributing to the maintenance of environmental crimes in the region.

Theme 3: Inadequate Human and Technical Resources

There is a strong consensus in the literature on the importance of human capacity and technological infrastructure for effective governance of the environment. Chronic lack of trained

staff, equipment, and digital monitoring systems is common in many developing countries, limiting the effectiveness of enforcement, as described in the FAO (2022). In addition, Khan et al. (2021) note that the usage of modern surveillance technologies like GIS mapping, satellite monitoring, and digital tracking systems is limited, thereby reducing the capacity of forest departments to detect and prevent illegal logging and other forest-related activities. The direct effect of resource constraints on institutional responsiveness and operational effectiveness for environmental governance systems, as noted in the World Bank (2021), is also reflected. In the study area, the participants consistently expressed a high level of restriction regarding human and technical resources. Forest officer says they don't have "modern tools such as drones or satellite monitoring" (Respondent 1). Respondent 2: "Staff is very limited compared to the area we need to cover." The statements are structural institutional capacity limitations. Similar concerns were also identified by the community participants. Another respondent said, "Forest guards are not enough to cover the areas as much as they are expected to" (Respondent 7), and another said, "If they had more staff, illegal cutting would be better controlled" (Respondent 11). The responses reflect a high level of awareness that the ability to enforce is directly tied to the lack of resources.

The discussions in the focus groups further highlighted the critical need for technical infrastructure to significantly hamper monitoring and enforcement processes. Field observations indicated that the major methods used in field offices for reporting and surveying were manual and physical, which are not effective in forest areas that are widely distributed in the field. Overall, the findings show that the lack of human and technical resources has a significant impact on the institutional capacities and thus vulnerability to environmental criminality in the region.

Theme 4: Weak Coordination among Stakeholders

The literature emphasises the multi-sectoral nature and importance of effective coordination between various institutions in the process of environmental governance. According to UNEP (2019), weak policy implementation and enforcement due to poor governance are likewise. The World Bank (2021) reports that inter-agency coordination is often missing, which results in overlapping efforts, slow responses, and poor accountability systems. In addition, South and Brisman (2013) highlight that silos pose a great challenge to effective environmental crime prevention and resource management.

A lack of coordination among forest governance institutions was consistently reported to be a problem in Malakand Division. The forest officer mentioned that there is a lack of coordination between different departments in enforcement operations (Respondent 21). "Information sharing between agencies is very weak" (Respondent 20). The answers suggest that there is structural fragmentation in governance mechanisms. Lack of coordination was also cited as a community issue. The police and forest department do not work well together (Respondent 13), and sometimes no one takes responsibility when illegal cutting takes place (Respondent 24). The statements indicate confusion in the roles and responsibilities of institutions in enforcement. During the focus group discussions, it was discovered that with insufficient coordination, responses are late and legal follow-up is ineffective. In field observations, it was also found that during enforcement incidents, institutional roles were not clearly defined, which resulted in delays and duplication of effort.

The overall results indicate that the level of interagency coordination is fairly low, which is a significant factor in reducing enforcement effectiveness and increasing governance fragmentation, which promotes environmental criminality.

Theme 5: Exclusion of Local Communities from Decision Making

Participatory governance has been strongly advocated in the literature for environmental management. UNEP (2019) states that community participation boosts accountability, increases compliance, and increases informal monitoring processes. Likewise, South and Brisman (2013) point out that the failure to include local stakeholders degrades environmental governance, as it takes away an important source of social control and stewardship. White (2018) also states that community involvement is critical to combating environmental crime at an effective level because of the enhanced surveillance at the grassroots level. In Malakand Division, the participants felt that formal forest governance processes are largely under the control of the formal security forces and do not involve the local communities. Forest Officer said, "Community involvement in forest protection is still low for us" (Respondent 1), another participant added that, "There are no organised mechanisms for local input" (Respondent 23), and, these are institutional constraints on participatory governance.

There was a sense of willingness and frustration amongst the community participants on the issue of exclusion. Several respondents commented that they lived "close to forests" but did not participate in "forest decisions" (Respondent 11), or that they were involved in forest decisions and could contribute to protecting the forests more effectively (Respondent 6). These declarations reflect a mismatch between institutional structures and expectations. The interest shown in the forest protection activities was very high from the community; however, having no formal inclusion mechanisms does not allow the community to participate. Field observations also validated the strong ecological and economic linkages that communities have with forests and the lack of governance integration. Overall, the results suggest that ethnic marginalisation is associated with lower levels of participatory governance and capacity for informal monitoring, which can lead to greater environmental risk in the region.

Results and Discussion

The results of this study highlight that environmental crime is not an exception in Malakand Division but is an institutionalised reflection of the weaknesses of forest governance institutions in the Division. The thematic analysis shows that failures in governance are multi layered and interconnected and are present across all stakeholder groups.

The first major finding is that the environmental regulatory framework is poorly monitored and that weak enforcement systems are responsible for significant gaps, which facilitate environmental crime. It reinforces UNODC (2020), which emphasises that weak surveillance capabilities are a risk factor that can create space for illegal resource extraction, including in geographically complex forest areas. White (2018) also notes that enforcement that is weak enforcement makes environmental regulation a symbolic rather than effective law. The second key result indicates corruption and administrative inefficiency as a systemic problem. Informal networks and political influence diminish institutional impartiality and the deterrent effect. The results agree with those of Elliott (2017) and Nellemann et al. (2016), which identified corruption as a major factor leading to environmental crime, as it allows perpetrators to evade the formal regulatory system.

A third significant finding is that resource limitations, such as insufficient staffing and technological resources, significantly restrict monitoring capacity. The institutional weaknesses in developing countries remain an issue, especially in terms of the use of modern technologies for forest monitoring, as noted by FAO (2022) and Khan et al. (2021). The fourth finding is related to weak inter agency coordination that contributes to fragmented governance responses. World Bank (2021) and UNEP (2019) highlight the need for institutional integration

in order to effectively enforce environmental governance if it does not: (1) be timely, (2) be consistent, and (3) be effective. Last but not least, the study reveals the negative effect of the exclusion of local communities on forest protection, which weakens participatory governance structures. UNEP (2019) and South & Brisman (2013) suggest that community participation will increase accountability and improve informal monitoring of the situation, which is lacking in the study area. The results of the study as a whole indicate that the understanding of environmental criminality in Malakand Division can be viewed from New Institutionalism (Meyer & Rowan, 1977), in which there are formal rules, but their implementation is not effective due to structural inefficiency, a legitimacy gap, and institutional fragmentation.

Conclusion

Finally, it is concluded that the environmental crime in Malakand Division is a result of the institutional weaknesses in forest governance. The lack of effective monitoring, corruption, institutional weaknesses, lack of coordination between different agencies, and lack of local community participation in decision-making processes are closely associated with the continued illegal logging, timber theft, and environmental crimes. The study reveals that environmental crimes in the region are not only a legal enforcement problem but a governance failure that is part of institutional structures. The results reflect and align with the findings of UNODC (2020), White (2018), and FAO (2022), all of whom noted that environmental protection is not possible without rectifying structural governance shortcomings. To achieve sustainable forest management in Malakand Division, it is crucial to strengthen institutional capacities, promote transparency, utilise modern monitoring technologies, and implement participatory governance.

POLICY RECOMMENDATIONS:

1. It is recommended that a well-defined Monitoring and Evaluation (M&E) policy is essential for improving forest governance, quality assurance, and fostering continuous institutional growth.
2. It is recommended that the strengthening of the institutional capacity of forest management agencies will not only enhance the human resource capacity but will also establish an effective monitoring and evaluation system to ensure transparency, accountability, and efficient implementation of forest conservation policies.
3. It is also recommended that participatory forest governance should be made compulsory by including local communities, civil society organizations, and relevant stakeholders in the decision-making process at various levels.

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