

Untangling Tenure



What is forest tenure?

Forest tenure refers to the (formal or informal) system that governs the rights to forest land and resources, i.e., who can use which forest resources, for how long and under what conditions.

Who?

Rights to forest land and resources may be with:



the government



private entities



communities

De Jure rights: are granted by a government, and are subject to formal legal institutions.

De facto rights: have been established outside the realm of government regulation and law—they are usually customary rights.

Formal or informal?

What rights?

Bundle of rights



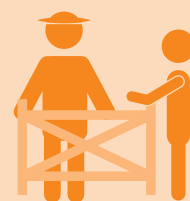
Right of access: the right to enter an area and enjoy non-subtractive use (e.g. recreation)



Right of withdrawal: the right to use resources and extract products (also known as usufruct rights)



Right of management: the right to regulate internal use patterns and transform the resource by making improvements



Right of exclusion: the right to determine who will have access and withdrawal rights



Right of alienation: the right to sell, or lease management or exclusion rights

- For how long are the rights valid?
- Is the rights-holder entitled to due process and compensation in case a government decides to revoke the rights?
- Do the rights come with restrictions? (e.g. does the rights-holder have a right to sub-soil resources?)
- Do the rights come with responsibilities? (e.g. is the rights-holder required to prepare management plans?)

Under what conditions?

