

Ownership and tenure of forest resources

Background paper to the Kotka V Expert Consultation

1 Introduction

Understanding the impact of tenure issues on sustainable forest management and recent trends is essential for governments to formulate effective policies. Forest ownership is in transition in many countries; ownership and control over natural resources is increasingly shifting from the state to local communities, and to individual households (S.J. Scherr et al., 2003). Current trends in privatization and community involvement in forest management have been accompanied by rapid changes in resource tenure patterns and increasing complexity of stakeholder relations. These changes, besides affecting the way in which forests are managed, have social, political and economic implications.

As a key element affecting sustainable forest management, FRA 2005 introduced information about ownership for the first time in FRA history. Countries were asked to report on the area of forest and other wooded land in three ownership categories: Public, Private and Other ownership (see definitions below). Ownership in FRA 2005 referred strictly to land ownership, regardless of user rights and split tree/land ownership. To give more background knowledge about ownership and tenure issues to improve the understanding of the issues and guide future assessment, FRA 2005 also carried out a thematic study.

Issues on ownership are closely related to the theme on socio-economic functions as well as the theme on legal, policy and institutional framework.

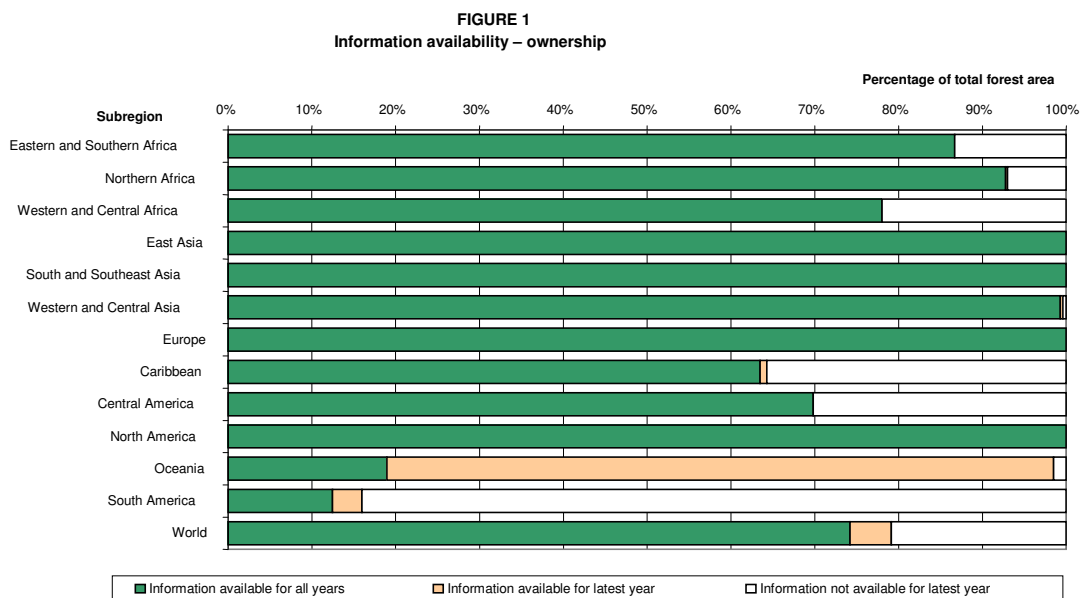
2 Variables used by FRA 2005

2.1 Definitions

Category	Definition
Private ownership	Land owned by individuals, families, private co-operatives, corporations, industries, religious and educational institutions, pension or investment funds, and other private institutions.
Public ownership	Land owned by the State (national, state and regional governments) or government-owned institutions or corporations or other public bodies including cities, municipalities, villages and communes. <u>Includes:</u> Ownership by tribal or other indigenous groups of people
Other ownership	Land that is not classified either as "Public ownership" or as "Private ownership". <u>Includes:</u> Land where ownership is not defined.

2.2 Data availability and quality

- A total of 157 countries out of 229 were able to report on the ownership of forests. Together, these countries account for 77 percent of the total forest area (Figure 4). The percentage is slightly lower for the ownership of other wooded land.
- The highest response rate is for Asia (93 percent) and for Europe (84 percent), while the lowest response rate is registered in South America where only 40 percent of countries have been able to report, with important gaps such as Argentina, Brazil, Colombia and Venezuela.
- Uncertainty in tenure related issues, lack of up-to-date information and rapid changes affect the availability of reliable information. It should be also considered that availability of data might be restricted to those countries which possess a rural cadastre, therefore mainly to industrialized countries. In many cases, due to the rapid evolution of the situation, e.g. in Eastern European countries and China, the need to monitor trends is hindered by the difficulty and costs involved in obtaining up-to-date data. In addition, data availability and trends often vary considerably between regions/provinces in the same country.



Since the “public forest” category in FRA 2005 includes not only forests owned by central, regional or local public bodies, but basically all forests owned by groups (villages, communities and indigenous groups), it is difficult to make conclusions about the management of public forest, as many different categories are included under the same definition. Therefore the most significant information is in fact the percentage of private forests, and its trend.

Most of the conclusions reported are limited to forests. Many countries including Australia and USA only provided data for ownership of forests and not of other wooded land; therefore it is not possible to merge or compare the two categories. It can be generally said that no major difference in the ownership structure was reported between the ownership of forests and other wooded land, at least at subregional and global scale.

3 Proposals for variables for FRA 2010

The proposals presented below are based on the responses to the FRA 2005 evaluation questionnaire sent to all national correspondents, FAO staff, the FRA Advisory Group and representatives of forest related organisations and reporting processes (Members of the Collaborative Partnership on Forests, criteria and indicator processes and environmental NGOs). Feedback received on the release of the Key Findings of FRA 2005 and the Main Report has also been included where relevant. In addition, the feedback and preliminary recommendations from the FRA 2005 thematic study on forest and tree ownership has been included. The proposals have not been prioritised but are listed for discussion by working group participants.

Deletions: Category of OWL

Changes and additions:

1. FRA 2010 should focus on the broader concept of forest tenure which includes ownership, tenancy and other arrangements for the use of the forests. Forest tenure is defined as the combination, whether legally or customarily defined, of forest ownership rights and of arrangements for the management and use of forest resources (FAO, 2003). For example in Africa, where private ownership is extremely limited, property rights and usage rights exercised on public forest should emerge clearly (FAO, Legislative Study, 2002).
2. It is important that the assessment focuses on the ownership of forestry resources, more than the ownership of land. This approach is important in order to define and stress the role of forest in contributing to sustainable livelihoods, to describe which rights and responsibilities are linked to its use and management, and to provide support in elaborating policies which take into account this aspect. However the ownership of land should not be disregarded, but, where possible, it should be highlighted whether the two coincide and, if not, which issues are linked to this difference. The case of China demonstrates the importance of acknowledging this difference.
3. Public and private forests should be split into subcategories (central and local government; individuals and industries, etc.) to reflect the level of decentralised control over forest resources. Special mention should be made for indigenous land and land under dispute.
4. Where possible information on the type of management arrangement occurring mainly on public forests should be included and qualified by their duration (joint management, concessions, leases, etc).
5. Include information on forest holdings (number, areas).

Data sources are likely to include (but not be restricted to) the following:

- NFI data, if information on ownership is collected
- National Forestry Statistics
- Register of land titles
- Maps on land ownership

Proposed new reporting table on ownership

	Ownership categories	Area (1000 ha) ¹		
		1990	2000	2005
1	Public			
1.1	– Central/state/federal/district/region			
1.2	– Local government/commune/village			
1.3	– Other public bodies			
2	Private			
2.1	– Individual			
	▪ n. of holdings ▪ average surface			
2.2	– Industries			
	▪ n. of holdings ▪ average surface			
2.3	– other private			
3	Community/Group owned			
4	Indigenous, tribal people			
5	Other type of ownership			
	Total			

Proposed new reporting table on management rights of public forest resources

	Management rights and responsibilities in public forests	Area (1000 ha)	
		2000	2005
A	Directly managed by the State		
B	Devolved management rights to individuals/households		
C.1	Community timber concession /license Joint forest management with communities.		
C.2	Devolved management rights: Community forest leases/forest management agreements		
D.1	Private company permits/ forest harvesting licenses/ schemes		
D.2	Devolved management rights: Private company leases/forest management concessions		
E	Other		

¹ It might not be relevant, nor possible to distinguish between Forests and OWL.

Definition of categories

Ownership

1	Public	
1.1	Central/State/ regional, provincial and district level	Forests owned by national and state governments, or by government-owned institutions or corporations. Forests owned by regional, provincial or district governments.
1.2	Local governments: cities, municipalities, villages and other local levels of administration	Forests belonging to cities, municipalities, villages and communes. These administrative units are locally self governed and managed by a local forest administration. These forests should not be confused with community or group owned forests.
1.3	Other public bodies	To be specified by the resource person.
2	Private	Rights associated with private property are usually: exclusiveness, duration (usually unlimited) and transferability.
2.1	Individual	Forests owned by individuals, households and families.
2.2	Industries	Forests owned by private forest enterprises or industries
2.3	Other	Forests belonging to religious and educational institutions, pension or investment funds, NGOs, nature conservation societies and other private institutions.
3	Community/Group owned/ User groups	Forests owned by a collective, a group of co-owners, a community who hold exclusive rights and share duties.
4	Owned by indigenous or tribal people	Indigenous and tribal people are defined as those who: 1) are regarded as indigenous on account of their descent from the population which inhabited the country, or a geographical region to which the country belongs, at a time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all their own social, economic cultural and political institutions. 2) are tribal people whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partly by their own customs or traditions or by special laws and regulations.
5	Other types of ownership	Forests which are not classified as any of the above mentioned categories. To be specified by the resource person

Management rights and responsibilities of public forest resources

A	Directly managed by the State	The State retains management rights and responsibilities <i>within the limits</i> specified by the legislation.
B	Devolved management rights to individuals/households	Forests allocated to individuals / households: management rights and responsibilities, and some property rights are usually transferred to the individuals / households. This category excludes individual harvesting/logging permits
C.1	Joint forest management with communities. Community timber concession /licenses	Forests where management agreements exist with the local communities, which foresee a certain degree of devolution in the execution of forest operations. The agreement allocate temporary exploitation rights for specific forest products or other forest activities. Local communities may be given licences or short term concessions to harvest for commercial purposes. Joint-collaborative management does not alter the state of the ownership, and includes a negotiated transfer of benefits.
C.2	Devolved management rights: Community forest leases/forest management agreements	Forests are managed by the local communities according to leases or management agreements, which usually last longer than 10-20 years, and through which management, user rights and responsibilities, and some property rights are usually transferred to the communities.
D.1	Private company permits/ forest harvesting licenses/ schemes	Where agreements allocate temporary rights for specific forest products or activities. Usually private companies are given licences or short term concessions to harvest for commercial purpose.
D.2	Devolved management rights: Private company leases/forest management concessions	Forests are managed by private companies according to leases or management concessions, which usually last longer than 10-20 years, and through which management rights and responsibilities, and some property rights are usually transferred to the companies.
E	Others	Those forests which do not belong to any of the management categories mentioned above. To be specified by the resource person