



## TENURE SECURITY FOR BETTER FORESTRY

Understanding forest tenure in Africa





# Why is forest tenure important?

Forests' condition depends on how they are used and managed, which – in turn – depends largely on the forest tenure systems that are in place. Much of today's forest tenure combines elements of traditional forest management with government-controlled exploitation and/or conservation of forest resources; often, more than one system is applied within the same forest area. If people are unclear about their rights and responsibilities regarding forest land and resources, the results are confusion and conflicting claims to resources.

Insecure tenure makes the people who inhabit or exploit forest areas unsure about their future, leaving them with little incentive to manage resources sustainably. Denial of access to vital forest resources can force local populations into destructive practices such as illegal logging, uncontrolled and damaging use of forest resources and unsustainable trade in forest products. Global society is increasingly aware of forests' important role in socio-economic development, and of the growing threats of deforestation and forest degradation.

Among the most important tasks of governments seeking ways to conserve, restore and manage forest resources sustainably are the examination and overhaul of forest tenure systems, to give people and institutions control over their resources and the rights to manage and profit from them.

**Forest tenure** determines **WHO** can use **WHAT** forest resources for **HOW LONG** and under what **CONDITIONS**.

## *Sustainable forest management and poverty alleviation: a virtuous circle*

A forest tenure system that is clear and appropriate for local conditions is more likely to result in:

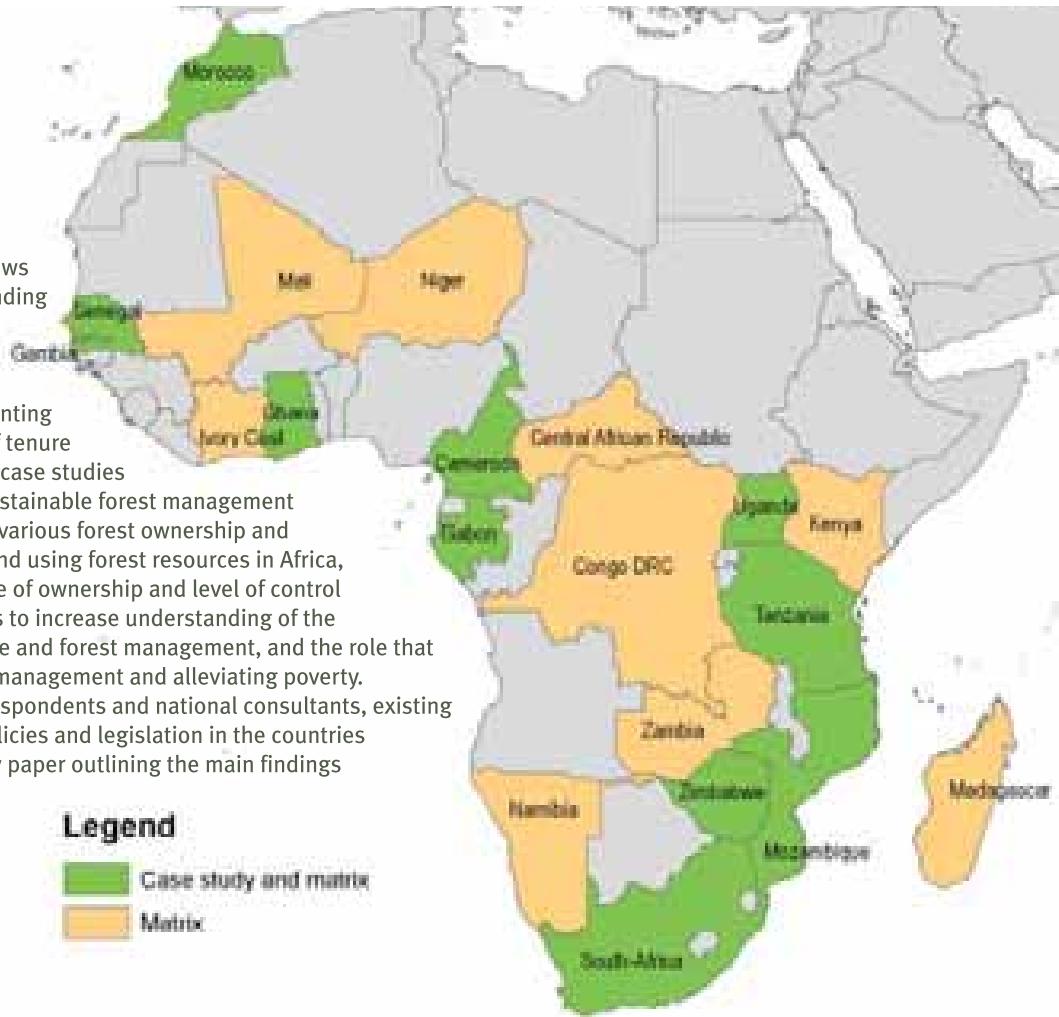
- sustainable forest management, which improves the quality and accessibility of the forest resources that many poor rural people rely on – thus contributing to poverty alleviation;
- poverty alleviation through increased income from forests, which encourages local people to invest in the forests and treat them with care – thus contributing to sustainable forest management.

### *Forest ownership structure*



# FAO's study on forest tenure in Africa

This policy brief is based on a series of reviews commissioned by FAO to increase understanding about the role of forest tenure in African countries and to provide information for the Global Forest Resources Assessment. Quantitative data from 17 countries, representing different ecoregions and a wide spectrum of tenure systems, were complemented by 11 country case studies analysing the impacts of forest tenure on sustainable forest management and poverty alleviation. The study explored various forest ownership and management arrangements for protecting and using forest resources in Africa, and analysed forest tenure according to type of ownership and level of control over and access to resources. Its objective is to increase understanding of the relationships between forest resource tenure and forest management, and the role that tenure has in promoting sustainable forest management and alleviating poverty. Information was gathered from official correspondents and national consultants, existing documents and a review of management policies and legislation in the countries concerned. The case studies and a summary paper outlining the main findings can be found at [www.fao.org/forestry/site/33848/en](http://www.fao.org/forestry/site/33848/en).



## Forest ownership and management in Africa?

Of the 330 million ha of forests in the 17 African countries assessed, nearly all – 95 percent – are publicly owned, mainly by central governments (83 percent). This is partly because governments since colonial times have tended to view forests as resources of national importance. There are wide variations among countries, however; for example, 30 percent of forests in SOUTH AFRICA and 37 percent in ZIMBABWE are privately owned, although the ownership structures in both countries are undergoing major shifts. Community-owned forests (mostly in the United Republic of TANZANIA) account for only 1 percent of the total forest area, but represent an interesting and innovative

tenure system. The forest areas owned by individuals or communities tend to be small. Central governments have exclusive control over 16 percent of Africa's public forest. For another 61 percent, they grant very limited user rights (such as to collect non-wood forest products for personal consumption), and retain the overall management responsibility. These areas are often left unmanaged and uncontrolled, because governments lack resources and capacity. Community management, either exclusive (2 percent) or in joint management agreements with governments (3 percent), is limited, and represents significant shares of the totals in only the GAMBIA, GHANA,

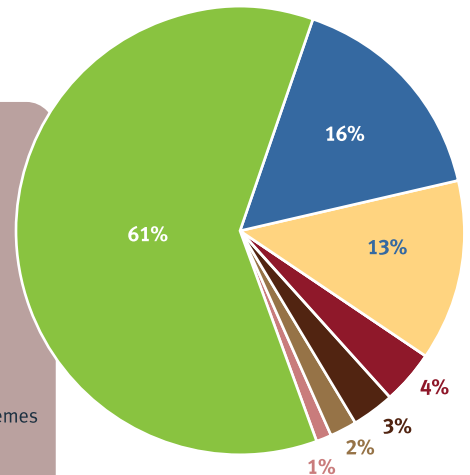
MOZAMBIQUE, SOUTH AFRICA and ZIMBABWE. Forest concessions allowing private companies to exploit forest resources make up about 17 percent of the total. Most are short-term, but longer-term concessions of 25 or 50 years are granted in CAMEROON and MOZAMBIQUE, and account for 4 percent of the total. Local forest owners and users have some form of control over about 10 percent of Africa's forests, mostly as individual ownership or local community management through joint management, leases, timber licences and management concessions.



### Forest management categories

#### in public forests

- Strictly limited: no extraction rights for others
- User rights/customary rights/permits to hunt and gather dead wood and NWFPs
- Joint forest management with communities. Community timber concessions/licences
- Private company volume permits/logging concession schemes
- Community forest leases/forest management concessions
- Private company leases/forest management concessions
- Other





# Innovative approaches to support sustainable forest management and poverty alleviation

Depending on how it is applied, any tenure system – State, community or private – can contribute to sustainable forest management and poverty alleviation. Some innovative forest tenure and management approaches in Africa are demonstrating the potential to provide such benefits.

## **Titling of common property**

Common property systems operate very effectively in many African countries. Under these regimes, individuals cannot usually own or inherit land or resources, but they can use them as sources of food, fuelwood, medicines and other materials. Common property systems can ensure that even the poorest and most vulnerable people benefit from forests. They also give local forest users a vested interest in protecting forest resources from overexploitation or damage, and people often respect “their own” rules and systems more than those of external government bodies. However, local power holders sometimes put their own interests before those of the community in forest management decision-making and implementation. In many countries, traditional forest

management systems have been weakened by inadequate legislation, insecure access rights, and socio-economic change. Many customary forests are left unmanaged and effectively open to anyone who wants to use them, with negative effects on forest conditions and the livelihoods of local people, particularly the poorest. To establish and support communities’ legal ownership and management of forest resources, some governments are introducing land titling, along with capacity building in forest management decision-making and enforcement for the community institutions responsible for managing common property. Land titling policy needs to be phased in gradually, so that community stakeholders can absorb new approaches and practices and learn from experience. In the GAMBIA, forestry field staff help local forest management committees to develop three-year preliminary management plans. When a plan has been successfully implemented, the community signs a Community Forestry Management Agreement, leading to permanent ownership of the forest. The Forestry Department provides training in record-keeping, bookkeeping and numeracy, as well as forest

management skills. Stakeholders also need to have clear benefits. In the United Republic of TANZANIA, a village council can draw up a forest management plan for a village land forest reserve (VLFR), for which it bears most of the costs and receives most of the benefits. Central government provides incentives such as waivers on royalties and taxes for VLFR products, and the proceeds from confiscations and sales of illegally harvested forest products and equipment.

**Titling of common property needs ...** phased implementation, with formal ownership and responsibilities being handed over step by step; capacity building for stakeholders; and guaranteed benefits from managing land and resources carefully.

## **Private sector investment**

Private sector investment can fill the financial gaps that hinder the functioning of many government forestry administrations. More and more African governments are involving the private sector in managing former public forests. After a decade of decentralization and tenure reform in UGANDA, large forest areas are now managed by private freeholders and leaseholders.

Secure and long-term tenure and ownership rights encourage investment in sustainable forest management. As well as providing employment to local communities, some free- and leaseholders contribute to poverty alleviation by allowing local people to cultivate crops in areas opened for tree planting.

Since 2001, the Government of SOUTH AFRICA has transferred 60 percent (nearly 250 000 ha) of its high-potential State plantations to the private sector under lease agreements. The government retains land rights, giving it some control over how forests are used. New owners are obliged to respect local communities' existing rights and claims over the plantation areas, and community trust shareholdings in privatized plantations have proved successful. As well as saving the government about US\$50 million a year in management costs, the privatization of State plantations has also improved forest conditions. Certification with an internationally accredited organization is now a condition for the continuation of leasehold agreements with plantation owners.

#### **Private sector investment in forest management needs ...**

secure and long-term tenure rights; mechanisms for ensuring sustainable forest management (including effective forest law enforcement and access to markets); and recognition of local communities' existing rights and claims over land.

#### **Joint forest management**

In some African countries, such as SENEGAL, GHANA and the United Republic of TANZANIA, joint forest management (JFM) is resulting in improved forest conditions, biodiversity conservation, reduced illegal activities and local people's increased involvement in sustainable forest management.

In JFM arrangements, the State retains ownership of the forest, but shares the responsibility for managing it with the community. Local people are willing to assume the added responsibility when they have a say in how their forests are managed, but many JFM initiatives are undermined by powerful groups that are reluctant to share their authority.

Under JFM, communities receive shares of the benefits from forest resources. So far, however, most JFM arrangements are based on conserving and protecting forests, rather than commercial exploitation, so they have not had much impact on poverty alleviation, so far.

Financial incentives are very important, as demonstrated by comparing the cases in SENEGAL, where communities receive part of the fines collected for non-compliance and can commercialize some forest resources, and the United Republic of TANZANIA, where forest dwellers are losing interest in JFM because its financial benefits are less than those they derived from forest resources before JFM was implemented.

#### **Joint forest management needs ...**

local communities' involvement in decision-making; protection of less powerful and least-advantaged socio-economic groups; and benefits for local communities.

#### **Empowerment of less advantaged groups**

Many forest communities lack forest management capacities and sense of ownership over resources. The private forestry sector can help rectify this situation by not only providing employment opportunities for forest people, but also supporting communities through the complicated process of registering forest rights and obtaining benefits from them. Governments can encourage such initiatives through incentives and by making them a condition for the granting of licences and concessions

to exploit forest resources. SOUTH AFRICA's scheme to privatize State plantations favours companies that commit to improving the living conditions of the black population, through ownership of plantations, employment opportunities and access to forest resources.

Most natural forest and wildlife exploitation in MOZAMBIQUE is carried out by private companies. Innovative legislation aims to ensure that communities are consulted about how their land and resources are used. Communities that have registered their land-use rights must be consulted before concessions are granted, and receive royalties from concessionaires on the resources extracted from community land. Concessionaires must also involve local communities in forest management plans and decisions. Although lack of clarity about consultation procedures is threatening this scheme, successful relationships with logging contractors have brought communities jobs; logging residuals for woodcarving, building material, charcoal and fuelwood; and facilities, training and market access for income-generating activities.

#### **Empowerment of less advantaged groups needs ...**

clear rules and procedures for ensuring community benefits; a sense of ownership; incentives for private enterprises investing in local development; capacity building of local people in registering their rights and using their resources sustainably; and access to markets for communities' products.

#### **Fair benefit sharing systems**

If the presence of commercial logging companies restricts forest communities' use of forest resources without bringing any benefits the result is hostility or conflict. The few African countries to establish benefit sharing systems have had positive results.



In CAMEROON, the State retains 50 percent of royalties from forest concessions, district governments receive 40 percent, and local communities 10 percent. In MOZAMBIQUE, 20 percent of the revenues from forest and wildlife resources go to local communities, and 50 percent of the fines for misuse of forest resources go to the local people who participate in preventing and reporting it. The revenue from GHANA's forestry plantations is shared among the farmers (40 percent), the Forestry Commission (40

percent), tribal landowners (8 percent), traditional authorities (7 percent) and local communities (5 percent).

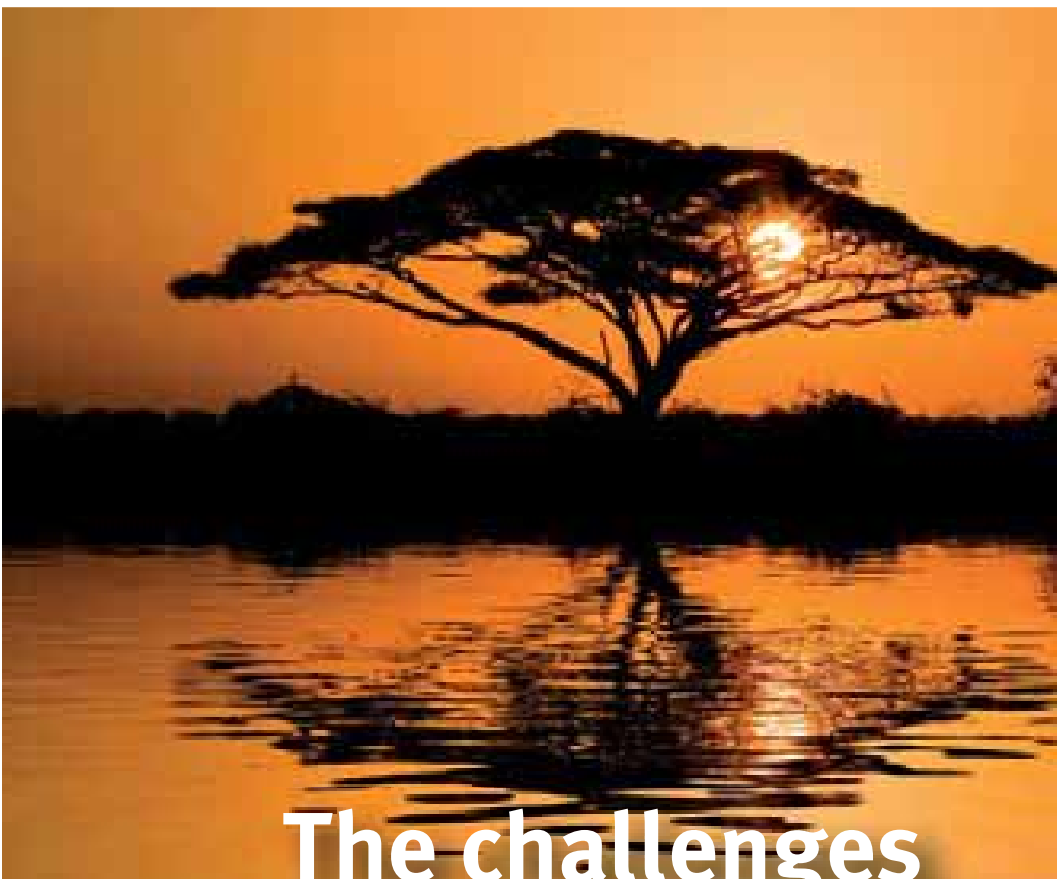
**Fair benefit sharing systems need ...** clarity and transparency about how and to whom benefits are distributed; and simple procedures for taking part.



### **Decentralization**

Decentralization of forest management accelerated in the 1990s, when forests' potential roles in poverty alleviation and rural development started to receive global attention, and the need to halt forest degradation became urgent. Central governments are beginning to hand over management authority to local institutions, as a way of increasing forest communities' say in how resources are used (particularly when local institutions are democratically elected) and, therefore, encouraging sustainable forest management. In some cases, such as SOUTH AFRICA, central government monitors the performance of the agencies to which it has delegated authority, and can rescind that authority if the forests are not properly managed. Decentralization can also involve widening the focus of forestry planning to include non-forest sectors – such as education, tourism, market development and health – in the design of forestry policies and programmes that promote sustainable management and socio-economic development. Successful decentralization requires more than the handing over of responsibility. The institutions and individuals assuming responsibility need the funds and capacity to do so effectively; central government must ensure that they receive them.

handed back to local communities from 1980 until 2000, when the State took over all remaining private land for resettlement under short-term leases. The combination of sudden policy change and short leases left the occupiers of former private forests very unsure about their future tenure rights, and encouraged them to exploit their leased land for short-term gains from clearing forest for agriculture and selling wood and wildlife for immediate profit. Settlers with longer leases can take a longer-term view, so are more likely to manage their forest land sustainably.



## **The challenges**

Not all of the efforts to improve tenure systems and increase their contributions to sustainable forest management and poverty alleviation in Africa have been successful. This does not mean that the efforts have been wasted, however. Some of the changes being introduced require an enormous social and political shift in ways of thinking and working that had changed little since the advent of colonialism more than a century ago. Such a shift takes time and is likely to encounter resistance and challenges. Reform efforts that have not reached their objectives highlight issues that need more attention, which for Africa include the following.

### **Ineffective legislation**

Many potential beneficiaries of tenure reforms are not taking advantage of their new opportunities because laws are unclear and poorly implemented, and forest

dwellers are unaware of their new rights or how to apply them. As a result, forest communities in many countries are not benefiting from new tenure arrangements that would give them access to valuable resources and additional revenue. Sometimes, different bits of legislation contradict each other. For example, in MOZAMBIQUE, land-use and resource exploitation rights are dealt with in separate laws, so communities that have obtained land-use rights under one law may be prevented from exploiting the land's resources by another law. Some large-scale land reallocations are carried out too quickly, and most valuable land ends up in the hands of powerful individuals and groups, rather than forest inhabitants.

Insecure tenure under the new systems is another challenge. Under ZIMBABWE's Fast-Track Land Resettlement Programme, land held by private commercial farmers was

Laws can also be ineffective when they are seen as too restrictive, as is much of the legislation that aims to prevent or limit tree felling, the harvesting of forest resources or the use of fire to open up forest areas for agriculture or pasture; many forest communities have traditionally depended on these activities for their subsistence. The situation is compounded when governments lack the resources to enforce restrictive laws. A successful solution in the GAMBIA, the United Republic of TANZANIA and other countries is to make villages responsible for controlling the use of their forests and reporting illegal activities, in exchange for a share of the proceeds from fine revenues and confiscated produce and equipment.

### **Complex procedures**

All too often, forest communities cannot take advantage of new forest tenure rights because the registration and implementation procedures are too complex and expensive, as in CAMEROON, SENEGAL and MOZAMBIQUE, for example. Communities wishing to establish and implement community forestry often lack the capacity to design management plans. Simple forest management tools that forest people can use are being introduced and piloted in SENEGAL, where communities set their own rules and prices for the harvesting and sale of forest products. Until such tools are ready for widespread application, governments should encourage forest concessionaires, non-governmental organizations (NGOs) and other bodies to support communities through the process of registering and implementing communal forestry.

### **Lack of incentives**

Incentives for encouraging communities to invest time and money in establishing and implementing forestry agreements can be

economic, such as the provision of revenue or infrastructure, or non-economic, such as the granting of control over customary land. Many innovative incentive schemes fail because they make excessive demands on the rural communities they aim to benefit by not taking into account the circumstances of forest people. For example, many isolated villagers have no access to banks, and lack the official documents such as identity cards that are taken for granted in cities. Some rules for distributing benefits are unclear, or authorities are half-hearted about enforcing them, which tends to penalize the poorest and most vulnerable stakeholders in particular.

In GABON, many concessionaires do not contribute to local communities because the rules are vague and community interests poorly represented. Commercial enterprises must be encouraged to support local development, by making it a condition for forest exploitation licences and by providing tax breaks and other incentives.

### **Resistance to change**

Particularly where forests provide income for governments or private bodies, tenure reform is likely to meet with resistance, which stems from a fear of losing power and control over valuable resources. Central governments are slow to devolve resources and management authority to lower levels, which in turn are reluctant to share decision-making and revenues with communities. Benefits that do reach the community level are often grabbed by powerful local groups, preventing the advantages of tenure change from reaching the poor and vulnerable and reducing the potential effects on sustainable forest management and poverty alleviation. In UGANDA, pressure from politicians (combined with an absence of proper guidelines) has discouraged communities from applying new legal provisions that allow them landownership through community land associations.

Forest users – from large commercial companies to poor small-scale farmers – will

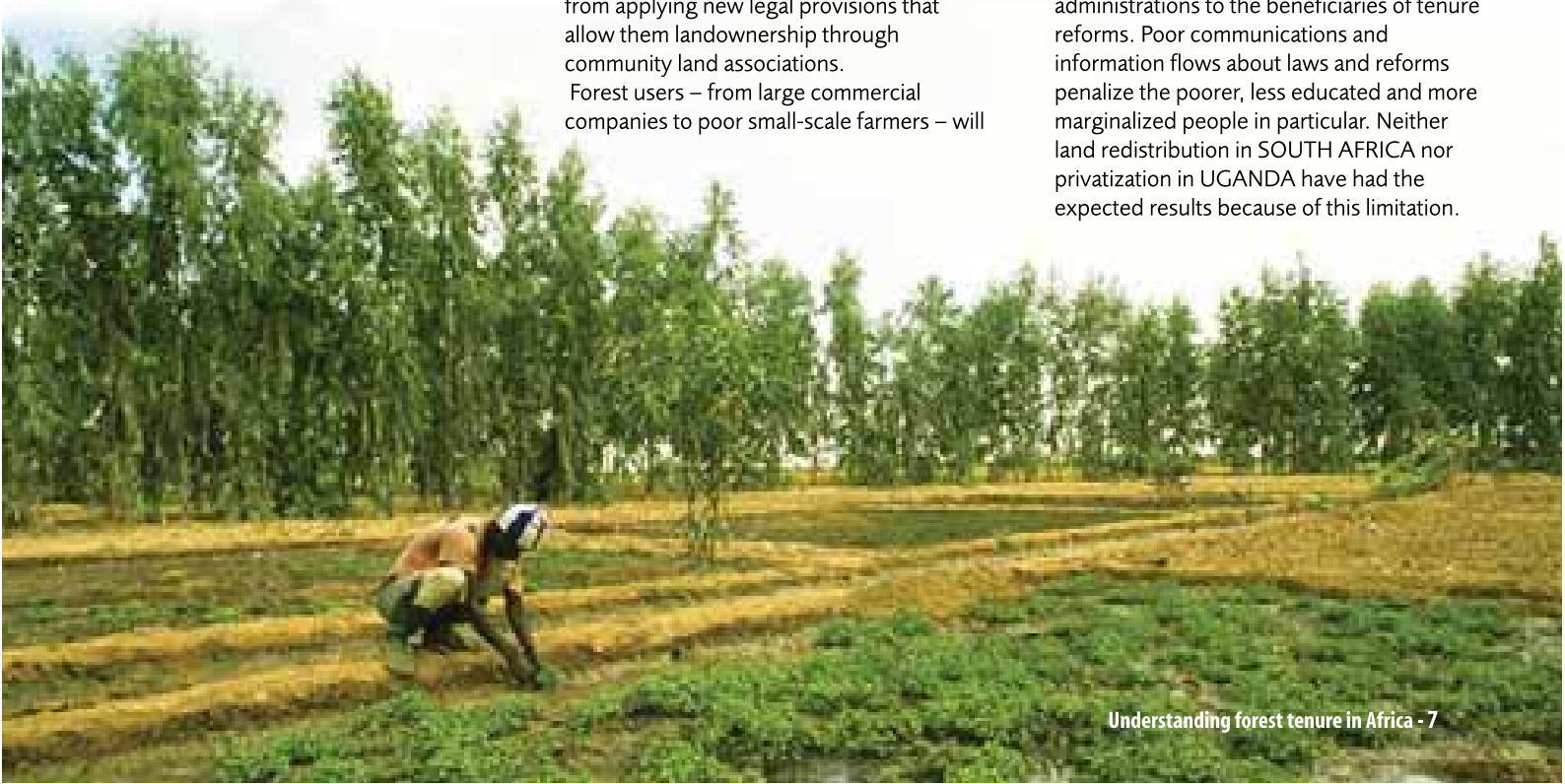
oppose tenure changes that seem to threaten their existing sources of materials or income. In parts of GHANA, for example, illegal logging provides income to local people, particularly the young and unemployed, who are also well aware of the high profits earned by timber concessionaires. To curb illegal activities, governments should provide incentives that compensate for potential lost income, and must enforce laws effectively.

### **Lack of institutional capacity**

Many of the local government institutions that are expected to assume new forest management responsibilities lack the capacity to do so. Information about reforms and their implications is often scarce, and central governments are reluctant to devolve funds, authority and expertise to local extension services and administrations. In UGANDA, newly established district forest services lack the resources to collect revenues, establish partnerships and produce management plans with communities, the private sector and forest land administrations. The result is encroachment on to local forest reserves, which have become open-access resources.

Many forest communities do not recognize or respect local administrations' authority, partly because previous top-down approaches to forest management paid little heed to the interests and views of local people. Giving people a say in who represents them in local government helps reduce this antagonism. In SOUTH AFRICA, however, attempts to install democratically elected administrations are provoking protests from traditional authorities, who see this as a challenge to their own power and privileges.

One of the most significant weaknesses identified in the case studies is the lack of support from extension services and local administrations to the beneficiaries of tenure reforms. Poor communications and information flows about laws and reforms penalize the poorer, less educated and more marginalized people in particular. Neither land redistribution in SOUTH AFRICA nor privatization in UGANDA have had the expected results because of this limitation.





### Poor-quality resources

There seems to be a tendency to give communities control of degraded forest areas and retain the more productive resources for joint management or concession arrangements, as in the United Republic of TANZANIA's village land forest reserves. The Derre Forest Reserve in MOZAMBIQUE is managed by a community-based organization that has good relations with NGOs and the State, but the only benefits for the community are a few subsistence goods. Attempts to involve private companies in the commercial exploitation of forest resources have failed because the timber density is too low and the community is too poor to develop markets or add value to products. Communities need good-quality forest resources that they can exploit, and support in managing those resources to generate income in ways that are sustainable.

### The shadow of the past

The foundations of many African tenure systems were laid in the early decades of the twentieth century by European colonial administrations that decreed the State as the owner and manager of forest land and resources.

Traditional tenure systems and community rights to land and resources were not officially recognized; instead, governments assigned communities patches of land for subsistence. Forest people lost access to the land and resources they regarded as their own, and could not participate in forest management planning or implementation.

Post-independence government policies did little to change tenure systems, and sometimes compounded their effects by tightening State control over all resources, either for conservation or to generate revenue and boost national economies. Local communities continued to be left out of forest management and decision-making, resulting in increasing poverty and hardship, resentment and – given governments' difficulties in enforcing forest use regulations – community encroachment and illegal harvesting in reserve and other State forests. Forest resources deteriorated and local people lost their sense of ownership and interest in forests and their resources.



## The way forward for Africa

Although governments are recognizing the need for change, and a range of innovative systems are being applied in Africa, the forestry sector has not yet adopted the concept of reforming tenure as a way of promoting sustainable forestry management and socio-economic development. Most African forests are still controlled by central government, with ownership and management rights usually transferred to other stakeholders only when it is obvious that the State itself cannot protect forests from further degradation. More efficient and equitable management does not yet seem to be an aim in itself.

Successful tenure reforms described in the case studies allocated sufficient time to the change process, identified and built the capacity of all stakeholders, and established monitoring systems that allow learning from

experience. A well planned implementation process helps to build stakeholders' sense of ownership over resources, which is a far more effective incentive for sustainable forest management than is the goad of restrictive regulations, no matter how efficiently they are enforced.

The following paragraphs outline some of the priority issues to consider in future forest tenure reforms in Africa.

### Reaching the marginalized

A tenure system cannot benefit poor and vulnerable people unless they are involved in all stages of its planning and implementation. Sufficient resources must be provided to ensure that stakeholder dialogue includes disadvantaged groups and helps them to gain and retain tenure rights.







### Capacity building

Stakeholders must be aware of tenure policy and laws and require greater capacity to exercise their rights and responsibilities. Capacity building is especially needed to help forest communities and small forest owners design management plans, carry out resource assessments and market forest products; to help local authorities comply with innovations, e.g. respond to land titling requests; and to help all stakeholders negotiate with one another. Government extension services and other traditional capacity builders can call on the assistance of NGOs and the private sector, which often have better resources and facilities and are closer to stakeholders.

### Incentives and benefit sharing

For tenure reforms to work, they must provide benefits to the local people and institutions involved in forest management. Ownership rights must be legally recognized, so that local managers can negotiate, make claims and receive compensation. Benefits from community forestry must reach communities through transparent and accountable systems that can be monitored. Communities should also have a say in how benefits are distributed, and investment is required in the financial and development planning capacity of village institutions.

### Policy, law and governance

The participation of all stakeholders in the development of policies and laws is essential for the sustainability and success of a tenure system. This means using more participatory approaches in forest administrations and ensuring that marginalized groups have a clear voice. Policies that are harmonized across all sectors can work towards common goals for sustainable development and poverty alleviation. Appropriate legislation defines the responsibilities and authority of all the government ministries involved, at the local, regional and national levels. Policies, regulations and procedures should be clearly expressed, as simple as possible, and adapted to the various local capacities, conditions and needs.



### Adapting old systems to new situations

Ghana's Taungya was introduced in 1928 to help restore forest cover, solve the land shortage problems of farmers living near forest reserves, and provide the Forestry Department with labour for forest plantations. The weakness of the system was that it gave tenant farmers access to land, but not ownership of the trees they planted on that land, which discouraged sustainable forest management.

A few years ago, the Taungya system was overhauled, in consultation with farmers, landowners, local communities and NGOs. Under the modified system, tenant farmers own the products of their forestry plantations, and receive 40 percent of the outputs.

The modified Taungya system has become part of the government's strategy to alleviate poverty and restore forest cover. Since 2002, an estimated 60 000 ha of land in degraded forest reserves has been replanted, jobs have been created for women and men, food production has increased, and dialogue between the Forest Services Division and forest communities has improved.



# Elements of a successful tenure system

**Enabling environment:** Sustainable forest management and poverty alleviation must be government policy priorities and the forestry sector must be committed to tenure reform. Forest management institutions must receive capacity building for their new responsibilities, and sufficient funds must be allocated to implementing and sustaining the changes.

**Incentives:** The proceeds of forest management should be fully retained by or shared with forest communities through clearly defined distribution channels. Governments can make investment in local development a condition for granting forest concessions, and offer tax breaks for doing so.

**Diverse tenure systems:** Different tenure systems should be envisaged and applied according to what is most appropriate for the specific case and to rally all existing capacities. All forest tenure and use regulations must be harmonized to avoid contradictions and confusion.

**Information flows:** Information must reach all stakeholders, including remote forest communities. Good communications' enhance communities' capacities to manage resources profitably and sustainably, and help governments to ensure that new policies and laws bring the expected positive results.

**Equity of access:** Governments should ensure that community involvement is not limited to traditionally powerful community members, but that all social groups are included, including women, the young, the elderly, the landless and the very poor.

**Phased implementation:** A gradual handover of responsibilities ensures that administrators and implementers acquire the necessary skills to carry out their new tasks effectively and successfully, and helps build communities' or other stakeholders' sense of ownership over forest resources.

**Involvement of other sectors:** Other sectors have a valuable role to play in, for example, forest ecotourism, control of illegal activities, and production and marketing for income-generating activities. Sectors that have already undergone reforms can also provide useful lessons for reformers of the forestry sector.

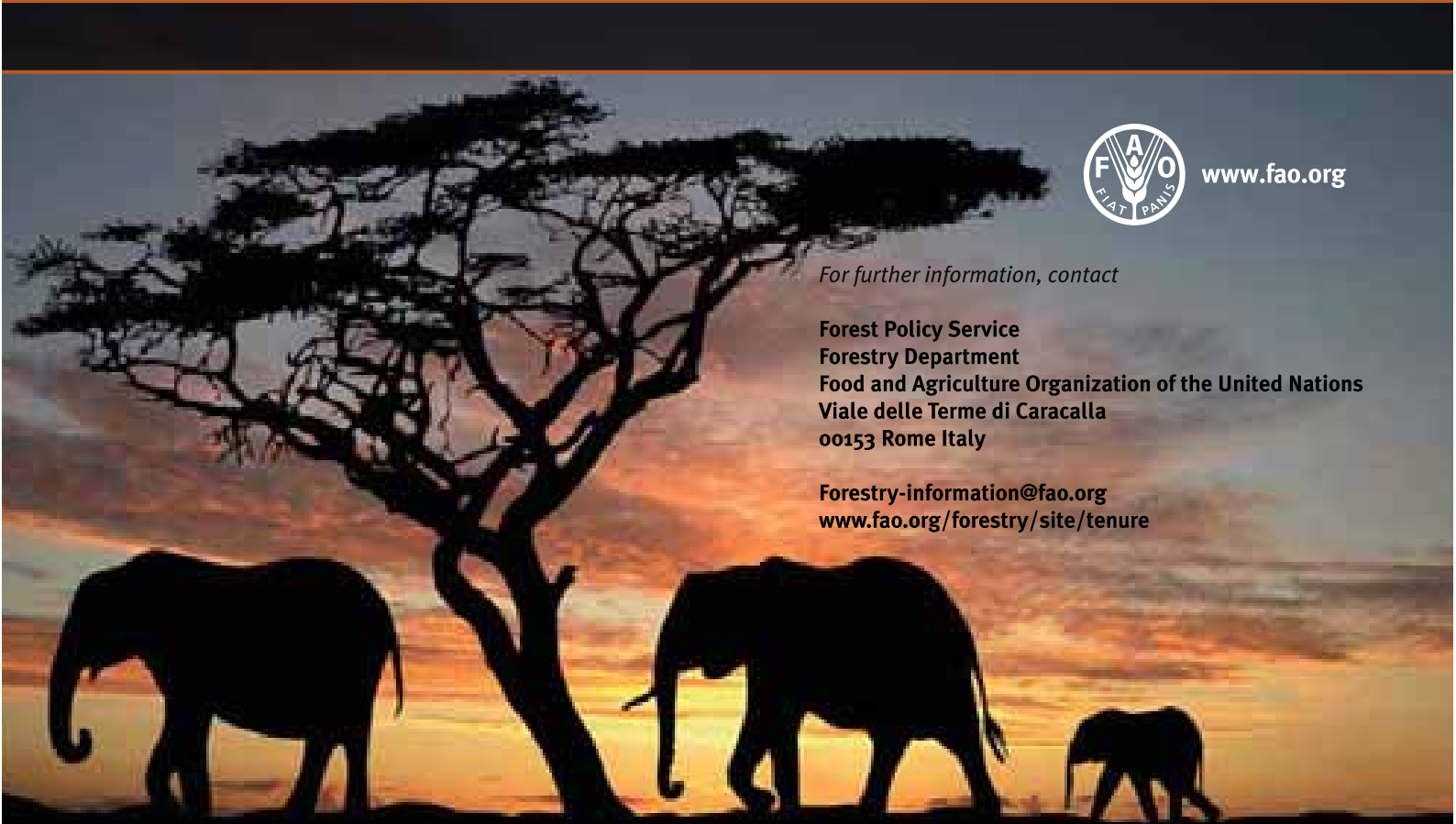


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