
3. WHAT IS LAND TENURE

Land tenure

3.1 Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. (For convenience, "land" is used here to include other natural resources such as water and trees.) Land tenure is an institution, i.e., rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions.

3.2 Land tenure is an important part of social, political and economic structures. It is multi-dimensional, bringing into play social, technical, economic, institutional, legal and political aspects that are often ignored but must be taken into account. Land tenure relationships may be well-defined and enforceable in a formal court of law or through customary structures in a community. Alternatively, they may be relatively poorly defined with ambiguities open to exploitation.

3.3 Land tenure thus constitutes a web of intersecting interests. These include:

- **Overriding interests:** when a sovereign power (e.g., a nation or community has the powers to allocate or reallocate land through expropriation, etc.)
- **Overlapping interests:** when several parties are allocated different rights to the same parcel of land (e.g., one party may have lease rights, another may have a right of way, etc.)
- **Complementary interests:** when different parties share the same interest in the same parcel of land (e.g., when members of a community share common rights to grazing land, etc.)
- **Competing interests:** when different parties contest the same interests in the same parcel (e.g., when two parties independently claim rights to exclusive use of a parcel of agricultural land. Land disputes arise from competing claims.)

3.4 Land tenure is often categorised as:

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John Henry Wigmore



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