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Building Constituency

Enhancing Capacity Towards Accountability

CSO Land Reform Monitoring in Asia



K. S. Anwar



Founded in 1979, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) is a regional association of 17 national and regional networks of non-government organizations (NGOs) in Asia actively engaged in promoting food security, agrarian reform, sustainable agriculture,

participatory governance, and rural development. ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGO and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of NGOs highlight the need for a development leadership to service the poor of Asia—providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives.

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CSO Land Reform Monitoring in Asia



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Contents

7	Foreword
9	Message
11	CSO Land Reform Monitoring Framework in Asia
20	Monitoring Land Reforms in Asia: Status Check
	Country Reports
52	Bangladesh
68	Cambodia
80	India
95	Indonesia
109	Nepal
124	Pakistan
137	Philippines
153	CSO Land Reform Monitoring: A User's Guide for Land Rights Advocates

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Foreword

In many developing countries of Asia, agrarian reform remains a central task of governments for reducing poverty, strengthening food security, and improving the overall well-being of the rural poor. It requires that governments strengthen people's access and sustainable use of land and productive resources – as means to secure the livelihoods especially of peasants, rural workers, indigenous peoples, rural women, and small producers.

Monitoring land reform programs (as well as land access for the rural poor) is therefore essential for its contribution to overall governance – land is equitably distributed, tenure rights are secure, and administration is sound and just. Good governance also refers to “the rules, mechanisms, processes and institutions through which land is accessed, used, controlled and transferred, and land-related conflicts are managed”.

Monitoring, however, is not the sole task of governments, but also that of civil society. It will also help civil society organizations (CSOs) sharpen their advocacy by providing accurate evidence and necessary information.

The development of a land reform monitoring framework was initiated by ANGOC and the Land Watch Asia (LWA) campaign. Piloted in seven Asian countries, this land monitoring framework articulates the key assumptions and indicators, and formulates the methodology and mechanisms for CSOs to undertake monitoring – in order to engage constructively

in policy dialogue with their governments, and to share their findings with other countries as part of the regional campaign. This monitoring framework does not provide a fixed, common set of indicators, but defines the direction and parameters for CSOs undertaking land monitoring in support of their policy advocacy work.

The monitoring initiative has produced a monitoring framework, together with a regional summary and seven country (abridged) reports where it has been piloted. Also, a user's guide to CSO land reform monitoring captures the experience and lessons from piloting the land reform monitoring framework is included in this publication. The User's Guide may be considered a work-in-progress.

The Land Watch Asia (LWA) campaign aims to ensure that access to land, agrarian reform, and equitable and sustainable development in rural areas are addressed in national and regional development agendas. The objectives of the campaign are to: take stock of significant changes in the policy and legal environments; undertake national and regional advocacy activities on access to land; jointly develop approaches and tools; and encourage the sharing of experiences on coalition-building and actions on land rights issues.

As a CSO monitoring mechanism, Land Watch Asia has identified five strategic areas for its campaign: capacity building; public awareness and media advocacy; alliance building and people-to-people solidarity; mobilizations;

and policy dialogues. Policy dialogue remains a strategic area for the LWA campaign, in order to engage governments and land-related institutions constructively. Policy dialogue has three sub-components: policy research; dialogue with governments and international organizations; and monitoring land reforms. Given that land reform is an ongoing political act, CSOs take the role of a public watchdog, i.e., monitoring land reforms as a step to ensure accountability from governments.

This publication is made possible with the assistance and partnership of the International Land Coalition and MISEREOR. The following organizations facilitated the pilot of the monitoring framework and preparation of reports for each country: ALRD (Bangladesh), STAR Kampuchea (Cambodia), AVARD (India), SAINS and KPA (Indonesia), CSRC (Nepal), SCOPE (Pakistan) and PhilDHRRA (Philippines). We would like to thank Roel R. Ravanera for crafting the monitoring framework, and Catherine Liamzon for anchoring the processes of finalizing the framework, writing the regional summary,

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Through this publication we share our land monitoring experiences. Your feedback will be warmly appreciated. Write to us at angoc@angoc.org or to the listed partners in this publication.

Nathaniel Don E. Marquez
Executive Director, ANGOC

Message

Over the last several years, we have witnessed a dramatic intensification of the rush for land and associated natural resources (water, forest, fisheries) in all regions of the world, especially in developing countries. Land has become a key global resource, increasingly commoditized and disputed. Its governance has become more complex and difficult. The mission of the International Land Coalition (ILC) to promote secure access to land for the rural poor is more relevant than ever. But it has also become more challenging. In addition to the extensive power inequalities in the competition for land, we are confronted by fast-paced changes in the complexity of how this resource is used and managed.

Consequently, understanding changes in land governance is paramount. This allows being in a position to respond effectively to mounting challenges, especially those affecting the rural poor. This is the cause behind the strong belief of ILC in land monitoring as an essential and intrinsic component of efforts to promote improved land governance. Since 2004, ILC's land monitoring efforts have focused on improving the understanding of land-related policies and laws responding to the real needs of rural people.

Many ILC members, both intergovernmental and civil society organizations, are engaged in monitoring initiatives at different levels and for varied purposes. Currently, a number of monitoring initiatives are generating and

aggregating land-related data, which contribute to improved transparency and enhanced accessibility to key information for open land governance debate, for the empowerment of grassroots organizations and for informed and inclusive societal choices.

Land Watch Asia has pioneered a regional two-pronged strategy consisting of land monitoring linked to land advocacy, and country-level engagement supported by effective regional coordination and collaboration. This strategy, coordinated by ANGOC, a founding member of ILC, has resulted in significant achievements, especially in influencing policy formulation and land and agrarian reform processes in many countries. There have been notable achievements in supporting the struggles of small farmers, the landless, indigenous peoples, and women to oppose evictions. The latter have become a greater risk, resulting from the higher value of land globally, especially in densely-populated countries and fast-growing economies of the Asian continent.

This report from Land Watch Asia shows a high level of maturity and competency, demonstrating that quality data generation and analysis should not be the exclusive prerogative of the academe and state agencies. Civil society have their own perspectives on the land governance debates, and the best way to stand for their causes is to back them with credible information that they generate themselves rather than from other typically biased sources.

The challenge for us at the ILC Secretariat and for the members of the Coalition is to improve coordination and synergy among the various land monitoring efforts at the country level to more effectively influence national land policy reform processes. We hope that in the context of the 15 to 20 focus countries within which ILC will be engaging in a substantive, strategic manner in the next four years, the shared intention of moving toward improved coordination of monitoring efforts could be put in practice and lead to palpable impacts. We also hope that the learning component of monitoring efforts would be strengthened, including thorough exchanges among members and partners at the regional level and between regions.

Let me conclude by expressing our deep gratitude to ANGOC for the trailblazing role it has played on systematic and comprehensive land monitoring activities led by civil society organizations, and for continuing to coordinate successfully the land monitoring initiative of the Land Watch Asia campaign. This has exceeded its benefits as a monitoring exercise, and is now a tool contributing to concrete changes in the life of the people. ILC is proud to have accompanied this initiative and is committed to continuing support for ILC Asia members in their land monitoring efforts.

Monitoring for better governance of the complexity of land is an endless process, and we will be here, working together.

Madiodio Niasse
Director,
International Land Coalition Secretariat

CSO Land Reform Monitoring Framework in Asia

Background

Land Watch Asia (LWA) is a regional campaign to ensure that the rural poor's access to land is addressed in national and regional agendas towards sustainable development. The campaign involves civil society organizations (CSOs) in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, the Philippines, and Sri Lanka.

Convened by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), LWA has several aims. First is to take stock of significant changes in the policy and legal environments in relation to land access of the rural poor. Second, advocacy activities promoting land access must be strategically positioned and strengthened at national and regional levels. Approaches and tools to this end must be conceived and pursued jointly among CSOs. Finally, lessons and experiences on coalition-building and actions on land rights issues must be shared.

ANGOC and LWA pursue its campaign activities with national governments, intergovernmental organizations, and regional institutions, which play critical roles

in protecting and enhancing the poor's access to land. The campaign activities of LWA are strongly anchored on the participation of these stakeholders. Their roles retain a primacy to the overall strategy of the LWA campaign.

This monitoring framework has been developed to enhance the capacities of CSOs in monitoring agrarian reform, which forms one of the identified program areas of LWA within its policy advocacy component.

Rationale

The blight of rural poverty continues to afflict food producers in Asia – those who are marginalized and disadvantaged, including farmers, indigenous peoples, women, pastoralists, and fishers. Compounding their woes is poor access to land and other productive resources, in spite of policy and program initiatives on agrarian reform. The prolonged neglect of the agricultural sector has been a major reason behind rural poverty and hunger. However, in recent years, investments in agriculture have increased. The 2009 World Investment Report of the United Nations Conference on Trade and Development (UNCTAD) documented a growth of 17% in foreign direct investments (FDIs) in South, East, and Southeast Asia in 2008. Inflows in agriculture exceeded \$3 billion per annum between 2005 and 2007, up from below \$1 billion per annum between 1989 and 1991 (UNCTAD, 2009).

Paper prepared by Roel R. Ravanera for the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA).

Growing commercial competition for land is accompanied by increasing investments in agriculture. Land grabs are also taking place amid a host of other challenges confronting rural communities throughout the region such as local elite interests, climate change, and poor policy and legal frameworks on land. Agricultural investments, in turn, are potential hosts for other tensions within the rural communities.

With this changing policy environment, issues and processes on land have grown more complex. The work of CSOs will require more research and understanding of the issues, fully appreciating, documenting, and analyzing differing contexts among the eight countries, and producing reliable data. The key result areas of these steps will inform CSO policy dialogues on land with government and intergovernmental institutions.

This CSO land reform monitoring initiative can provide feedback on the status and impacts of various interventions in local communities, especially those affecting women and cultural minorities. For beneficiaries of agrarian reform programs, land reform monitoring is a validation of greater security in land tenure and broader access to land. Its participatory nature could extend the purposes of monitoring into educating and empowering different stakeholders. Among like-minded institutions, land reform monitoring can be used in facilitating partnership, networking, and complementation.

This land reform monitoring framework will articulate the assumptions, indicators, methodology, and mechanisms for CSOs to constructively engage governments and examine other countries' experiences as part

Fig. 1 Process in Crafting the LWA Land Reform Monitoring Framework



of the regional campaign. This framework intends to clarify the direction and parameters in monitoring land reform implementation and to create a guide for the LWA members in conducting their policy advocacy work.

Objectives

The CSO Land Reform Monitoring Framework aims to:

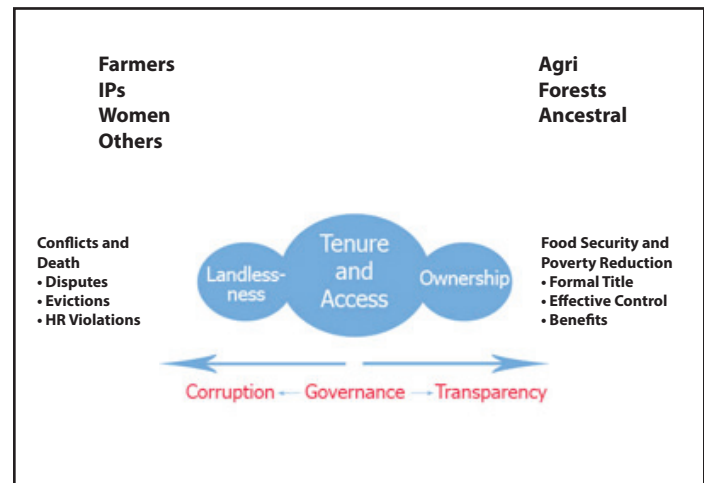
- identify key indicators for CSO Land Reform Monitoring;
- ascertain the various users and uses of the framework;
- suggest instruments to gather data and generate output tables for land reform monitoring; and
- recommend an institutional mechanism to implement the framework.

Framing Land Reform Monitoring for LWA

A participatory broad-based consultation was adopted in developing the framework to orient CSO and LWA members who are uninitiated in systematic land reform monitoring. Indicators and implementation processes and mechanisms were identified and formulated in the process.

The process started with a draft framework based on existing literature. (A major source is the ANGOC publication *Securing the Right to Land*, which presents regional and country perspectives on access to land for the rural poor.) It was then improved and expanded by academic experts and practitioners, then subjected to roundtable discussions and e-consultations. National and regional meetings were convened to solicit additional ideas, refine the indicators, and discuss viability of the process and mechanics. Two sets of

Fig. 2 LWA Land Reform Monitoring Framework



pilot testing were conducted, the results of which were presented in a regional meeting attended by partners and representatives from governments and intergovernmental organizations.

After eight months, during which pilot tests of the framework were conducted in seven countries and participants' inputs were gathered, the initiative was markedly embraced by the members.¹ Along the way, key bottlenecks were resolved and the campaign was readied for implementation. A user's guide to CSO land reform monitoring was drafted to capture the experience and lessons from the piloting process. The document is accomplished by measure of the framework's development, and is therefore not intended to be a definitive manual.

The Land Reform Monitoring Framework

Tenure and access to land are the main outcome indicators in monitoring agrarian reform programs in Asian countries. The

¹ The seven countries where pilots were undertaken are: Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan and the Philippines.

framework assumes that strengthening land tenure and access leads to food security and poverty reduction. The opposite condition, landlessness, leads to conflicts and violence.

Access to land by farmers, indigenous communities, and women, together with other land-based sectors, is essential for their survival and development. Land is not merely a foundation of their livelihood, but also of their identities and cultural practices. Even national food security hangs on this balance between the economic and the cultural.

Land tenure, access, and control over the land are governed by customs, rights, and at the national or state level, legislations. Governments implement land or agrarian reform programs to institute these legislations. Governing these programs are rules, authorities and institutions.

Security of tenure over land among these sectors and their constituencies is cemented by land ownership or lease, any of which involves various rights. These include the right to use, dispose, or transfer as inheritance, depending on existing traditions or legislations. These rights or entitlements are manifested frequently through legal documents such as land titles. Greater ownership allows the ability to invest, plan, and care for these lands. Subsequently, beneficiaries attain self-reliance in their needs, improvements in the quality of lives, environmental sustainability, and a collective contribution to feeding their compatriots.

Landlessness is not only the result of evictions, leasing out to investors, and contractual arrangements but is also an inherited condition between dispossessed parents and their

children. Increasing agricultural investments and commercialization of lands have been recently feeding the vicious cycle of these processes. Case studies by LWA members show that when this happens, it can lead to conflicts and violence.²

Governance plays a critical role in determining control over the land. The welfare of land-based communities and the preservation of the environment have infinitely better chances with democratic and transparent processes. This principle highlights the importance of the policy work of LWA and other CSOs.

Scope and Indicators

Given the broad CSO concerns and extensive processes involved in monitoring, attempts by CSOs on land reform monitoring are usually constrained by lack of resources and unsuitable mechanisms. As a strategic measure, the scope must be clearly defined and targeted, and the mechanisms should fit its members' operational capacity.

Scope

CSO monitoring encompasses other land-related issues that also inform NGO missions. Broader social issues such as food security, poverty, governance, and the environment are not marginalized. These issues compel attention and will figure in the results and analyses of the LWA land reform monitoring initiative, even as it retains its focus on tracking the implementation statuses of agrarian reform programs.

² Refer to ANGOC's regional journal, Lok Niti "Land Grab: Changing the Terrain of Land Tenure". Vol 18/1 2012.

Levels of Operation

LWA members operate at the local, state, national, and regional levels. Some of them conduct or have conducted land reform monitoring on their own as a component of other programs to address specific concerns.

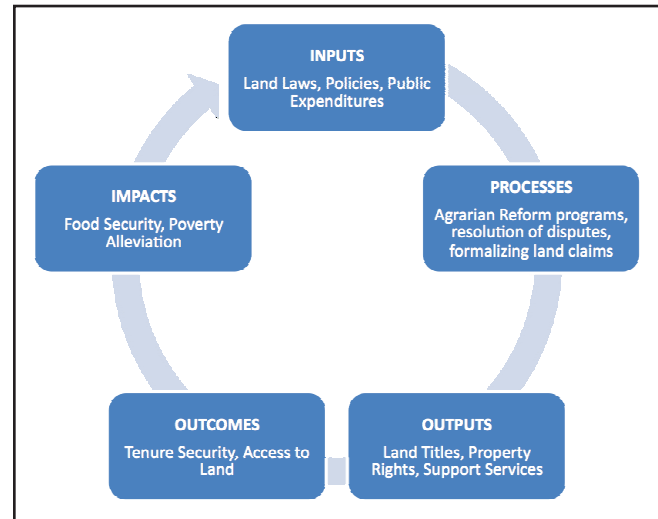
For reasons of practicality, the LWA land reform monitoring initiative will operate at the national level in all countries except India, where agrarian reform programs are legislated and implemented at the state level. Governments in Asia have varied agrarian reform programs given the diversity of land characteristics and political environments. Land administration and availability of data also vary across countries.

There is value, however, in including selected indicators that will allow regional comparisons. The new wave of agricultural investments transcends national boundaries. Although many of these investments are agreed among Asian countries, these transactions have to be analyzed at the regional level. Moreover, regional institutions such as the Association of Southeast Asian Nations (ASEAN), South Asia Association for Regional Cooperation (SAARC) and the Asian Development Bank (ADB) are positioned as stakeholders in these land transactions.

Selecting the Indicators

The monitoring framework follows a certain logic of inputs, processes, outputs, outcomes and impacts (Bending, 2009). In relation to agrarian reform issues, “inputs” are land laws, agrarian policies, and budgets; “processes” relate to the implementation of agrarian

Fig. 3 Conceptual Land Reform Monitoring Framework



reform programs, resolution of dated and current land disputes, as well as verification and formalization of claims over land areas; “outputs” are results and accomplishments such as the number of land titles issued, property rights restored or distributed, and provision of support services; “outcomes” are consequences and positive effects of the previous three factors, for instance in the form of tenure security and access to land; while “impacts” are tied to the ultimate aims of food security and poverty alleviation (see Fig. 3: conceptual framework as applied to land reform monitoring).

Focus, included indicators, and data to be collected are incumbent upon national focal points. This allows flexibility to address specific national concerns linked with their advocacies and action agenda.

In the pilot monitoring projects conducted in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, and the Philippines, several indicators were tested. Some indicators had to be dropped due to unavailability of data. Refer

to the regional summary of the results of the country pilot experiences “Monitoring Land Reforms in Asia: Status Check”.

Common Regional Indicators

While the national contexts vary and agrarian reform programs differ across countries, there is agreement in the desired outcome: greater access to land and stronger land tenure for the farmers and indigenous communities, particularly women and other disadvantaged sectors. After all the agrarian reform laws have been crafted, programs implemented and titles issued, summary questions for accomplishment remain: is the farmers’ tenure on land more secure? Do they have greater access to their lands?

Access to land, which “is the ability to use land and other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities”, (FAO in IFAD, 2008) covers the following issues:

- Distribution or concentration of land ownership, in this case, effective ownership or possession of a title deed as the legal owner, right to cultivate the land (usufructuary right), and the right to harvest the cultivation (benefits);
- Displacement of smallholders; and
- Landlessness, “the state of those agricultural workers not owning or renting land and without access to permanent employment” (FAO, 2003).

Land tenure, on the other hand, “refers to the rules, authorities, institutions, rights and norms that govern access to and control over land and related resources. It defines the rules

and rights that govern the appropriation, cultivation and use of natural resources on a given space or piece of land. It governs who can use what resources, for how long and under what conditions. Strictly speaking, it is not land itself that is owned, but rights and duties over it” (IFAD, 2008).

There are three main aspects of enhanced access to land: (i) strengthening land tenure security and land rights; (ii) increasing the amount of land that someone has access to; and (iii) improving the productivity of land. Alternatives to enhancing access to land for agriculture may include promotion of non-farm activities and urbanization (IFAD, 2008).

After a series of validation workshops and the piloting phase of the draft monitoring framework by the countries, the tables on the following page show a list of indicators that are generally available and accessible.

Additionally, indicators on inputs such as budgets and policies are also deemed important. LWA members may choose to pursue monitoring land-related policies (e.g., land use, women’s access to land, policies on other marginalized groups like indigenous peoples and fishers, and policies or guidelines on foreign investment in land) as well as agrarian reform budgets.

Establishing national and regional mechanisms for land reform monitoring³

LWA will undertake land reform monitoring in Asia. Members of LWA will take the lead in their respective countries. The ANGOC

³ For more details, refer to the user’s guide accompanying this CSO Land Reform Monitoring Framework.

<p>A. Land Tenure</p> <p><i>Land Disputes, which are “conflicts arising out of competing interests or when different parties have varying interests on the same parcel of land” (FAO, 2002).</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Number of people killed (per 100,000 population) <input type="checkbox"/> Number of people detained(per 100,000 population) <input type="checkbox"/> Number of people harassed (per 100,000 population) <input type="checkbox"/> Number of cases received (per 100,000 population) <input type="checkbox"/> Number of cases investigated (per 100,000 population) <input type="checkbox"/> Number of cases adjudicated (per 100,000 population) <input type="checkbox"/> Number of cases of land grabbing <input type="checkbox"/> Percentage of area of land grabbed <input type="checkbox"/> Average time in years for dispute resolution <p>Additional indicators</p> <ul style="list-style-type: none"> <input type="checkbox"/> Annual loss of time due to disputes <input type="checkbox"/> Annual Monetary loss associated with land disputes/litigation <input type="checkbox"/> Annual loss of assets due to land disputes <p><i>Evictions, considered “the permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection” (Committee on Economic, Social and Cultural Rights).</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Number of households evicted/ displaced from farms (per 100,000 population) <input type="checkbox"/> Number of households becoming totally homeless because of eviction
<p>B. Access to Land</p> <p><i>Ownership</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Land ownership distribution by size <input type="checkbox"/> Gini coefficient <p><i>Tenancy Rights</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Number of sharecroppers <input type="checkbox"/> Percentage of sharecroppers with legal documents <p><i>Landlessness</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Gini coefficient (for analysis) <input type="checkbox"/> Number and percentage of landless persons among rural population

Regional Secretariat will provide the necessary support in processing national data and consolidate them for regional comparisons.

National

The following activities will be undertaken at the national level:

1. Adoption of the monitoring framework

A consultation process of adopting the proposed CSO Land Reform Monitoring Framework will be initiated. The framework may be revised according to the needs, relevance, and suitability to country situation. Agreed common regional indicators, however,

will be maintained and used by LWA members in all countries.

2. Setting up national steering committees and secretariats

Using the monitoring framework, members of LWA will set up their own National Steering Committee that will provide policy direction and guidance. It is suggested to build on various expertise and to include NGOs, farmer organizations, indigenous people's organizations, members of the academe, and other relevant sector representatives. Government "champions", whenever appropriate, may be invited as members of the steering committee.

The National Steering Committee will be supported by a secretariat that will be responsible for day-to-day operations.

3. Conduct of land reform monitoring

The National Secretariat under the guidance of the steering committee will undertake land reform monitoring. It should not only collect and collate information but also provide analyses as bases for more strategic interventions among members. It should strengthen its information capacity to influence policy makers.

4. Data validation

The success of land reform monitoring depends largely on the credibility of data. Collected information will be validated and triangulated. Data sources should be researched and double-checked.

5. Dissemination of reports

Reports will be produced annually. To influence programs and policy directions, reports will be submitted to appropriate government, intergovernmental organizations, and the

media. Forums and dialogues will also be convened to advocate urgent issues. Blogs and other information technology platforms will be utilized to reach a wider audience.

Geographic information system (GIS)-generated maps will also be used to enhance the presentation of monitoring data. These maps are powerful analytical, advocacy and communication tools, especially when employed in land issues. It can complement the data gathered by demonstrating relationships, such as the correlation between landlessness and poverty, visually.

Regional

At the regional level, a similar process and mechanism will be established; selected indicators for regional comparison will be central to analyses. Comparative analysis will figure greatly. Follow-up studies will also be conducted to substantiate data results.

Challenges encountered and lessons learned

Inputs from participating countries have revealed common ground through the pilot testing of the framework. A general agreement that there is a deficiency, if not absence, of successful implementation of essential land reform programs exists. For instance, in Indonesia, policies have been crafted but have not been implemented.

Representatives of Pakistan also share that the unavailability of "updated and reliable official data regarding land use and tenure" caused setbacks in the completion of their study. Another challenge is the scarcity of institutions directly advocating land rights

and its attendant issues. Land reform had been a strong movement in the early 1970s but has weakened in the past decades. Only recently has there been an urgent call for another large-scale advocacy, with the onset and exposition of massive land grabbing.

Indigenous communities and women are major concerns of the participants. It has been observed that most of land acquisitions in the rural areas have reached the uplands, affecting many indigenous communities. And with the increases in population and demand for land, most of those left landless are women.

Postscript

The increasing competition for land that is anticipated to intensify in the near future requires good governance to balance competing interests of various sectors towards attaining food security and sustainable rural development. Monitoring these developments will be valuable in making sound and informed policy decisions. Inputs of CSOs will be critical for their ability to articulate the situations of farmers and other vulnerable sectors.

This framework provides the general parameters for LWA members in monitoring land reform programs in their own countries. It is not meant to be a detailed manual but a reference for anchoring their policy and advocacy work. The accompanying user's guide to CSO land reform monitoring provides the road map but leaves enough room for creativity and value additions.

For those who are more academically inclined and would want to pursue the development of Land Reform Development Index that has

been thoroughly discussed by some partners, this framework can serve as the foundation in developing quantifiable indicators using mathematical formulations.

If resources would allow, LWA should invest in establishing a database that will facilitate the collection, processing, and dissemination of data and results. Such database will be a valuable contribution in the efforts of CSOs to uphold land rights in rural Asia.

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Monitoring Land Reforms in Asia: Status Check

Launch pad

Monitoring should be a regular feature in the activities of civil society organizations (CSOs) to inform and shape policy advocacy with solid evidence. In 2010, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) came up with the CSO Land Reform Monitoring Initiative to strengthen the land rights campaign in the region. The initiative is essentially an attempt to make the practice of monitoring more systematic and accessible to CSOs, in the process developing their capacities. The land reform monitoring framework sets the direction for CSOs to more strategically monitor land reform implementation in seven countries involved in the Land Watch Asia campaign – Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, and the Philippines. The monitoring framework delineates scope, key indicators, and methodology for land monitoring, and suggests institutional mechanisms for its implementation.

CSOs have monitored several dimensions of land, ranging from land-related policies and budgets to land disputes and distribution of

land ownership. However, efforts have been patchy thus far. Some CSOs have been able to institutionalize monitoring, whereas most have only monitored intermittently, given time and resource constraints. Our “competitive advantage” as CSOs is our continued engagement with and unflagging support for rural communities, which can lend us the claim that we know what is actually happening on the ground.

This monitoring initiative strives to depict the real situation of the poor and landless, which tends to be glossed over in macroeconomic reports. It is a sincere effort to incite the public to go beyond numbers and understand the story they seek to tell. For instance, how many people have been removed forcibly from their homes to give way to oil palm plantations in Indonesia or socioeconomic concessions in Cambodia? How many peasants are landless? How many are small and marginal landowners? How many landowners are non-tillers? Are governments doing anything at all to enhance not only access to land but also ownership, and not only ownership but control of the land? These are but some of the questions that the monitoring initiative raises and seeks to answer, before they are subjected to analysis.

This article presents a summary of the results of the pilot monitoring initiative, and is peppered with process notes to elaborate on the monitoring framework as tool. It primarily draws information from the pilot

Regional summary prepared by Catherine Liamzon for the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA).

Pilot Monitoring Reports

Country	Focal Point	Title of Report
Bangladesh	Association for Land Reform and Development (ALRD)	Land Reform Monitoring Report: Bangladesh
Cambodia	STAR Kampuchea	Land Monitoring Report: Cambodia
India	Association of Voluntary Agencies for Rural Development (AVARD)	Country Land Reforms Monitoring Report
Indonesia	Sajogyo Institute (SAINS) and Consortium for Agrarian Reform (KPA)	Land Issue and Policy Monitoring Initiative: Indonesia Report
Nepal	Community Self-Reliance Centre (CSRC)	Land Reform Monitoring Indicators, Nepal
Pakistan	Society for Conservation and Protection of Environment (SCOPE)	CSO Land Monitoring in Pakistan
Philippines	Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHARRA)	Systematizing Access to Land Monitoring in the Philippines

monitoring reports submitted by Land Watch Asia country focal points. It also gleans data from government sources and NGO sources, as identified throughout the article. In some instances, we have referenced the original sources (as cited in the country reports) in footnotes, for the reader's ease.

Without being overly ambitious in its scope, it serves as an overview on the common threads of land tenure and access to land that compose most of the fabric of today's modern Asian societies.

Limitations

CSO monitoring suffers from several constraints. First, the issue of land invites a wide range of perspectives. The Asian experience on land ownership and access is so diverse, to say the least, making comparability questionable. Developing a framework for monitoring land reform in the region underwent several consultation processes, including pilot testing, which actively involved

members of the Land Watch Asia campaign. This was not a straightforward undertaking, as we were confronted by many challenges: availability, accessibility, and credibility of data; and relevance and comparability of the proposed indicators, to name a few.

At least for now, another limitation is that monitoring has focused on farmers. Fishers, forest dwellers, indigenous peoples, and other marginalized groups are as yet excluded, though countries have free rein to include these in monitoring.

Third, it seeks to supplement, or in other cases, challenge official data. However, CSOs cannot engage in extensive data gathering, so they cannot do without using government data. CSOs recognize though that official data shy away from saying how government policies and programs have affected communities adversely. Nor do the data readily admit government's poor performance by stating the facts as they are: most governments are guilty of overstating performance and covering up failures.

Finally, because monitoring should also be sustainable – and not just strategic – it should use indicators to which CSOs can remain faithful over the years. This implies the selection of indicators that are relatively inexpensive to monitor, yet relevant and doable. This is why we selected land disputes, land grabbing, and evictions, as some of the indicators to focus on strategically.

Monitoring “land reform” – what land reform?

For instance, monitoring land reform as such is problematic. Since the CSO land reform monitoring initiative was launched, it has been pointed out quite a few times that only programs actually being implemented can be monitored. In Indonesia’s case, land reform, let alone agrarian reform, has never been fully implemented. In the 1960s, the government initiated land reform. However, land reform was stigmatized due to “the war” against communism. Perceived as a subversive act rather than social justice measure, it was therefore discontinued.¹ They therefore suggest calling it “land management”.

Furthermore, “land reform” connotes mere land distribution to the landless, and therefore becomes a limiting concept that renders an injustice to its genuine spirit. “Agrarian reform”, in contrast, is conceptually seen as broader in scope than land reform, to include fisheries and forestry. Moreover, agrarian reform is not merely about land redistribution, nor access to land. Instead, it encompasses a range of social services like credit, technology, post-harvest facilities, and irrigation.

¹ SAJOGYO and KPA, August 2011. *Land Issue and Policy Monitoring Initiative: Indonesia Report*.

Another important distinction made is that agrarian reform, unlike land reform, implies structural change – restructuring access and ownership of land and water resources. This is nothing short of an overhaul of the existing structures of ownership of agrarian resources – to redress historical injustices and exploitative relationships.

However, for simplicity’s sake, we have decided to use land reform and agrarian reform interchangeably, unless otherwise indicated.

Varying contexts of land reform in Asia

The underlying assumption of the CSO land monitoring initiative is that the contexts vary per country, both in terms of land reform per se and the monitoring of land reform. The countries demonstrate diversity in histories, land use and tenure systems, land policies, and experiences in land reform. Also, the levels of CSO capacities, institutional relationships in land campaigns, levels of access to government, and relationships with state and other institutions, influence the degree of monitoring that country focal points can undertake.²

By no means exhaustive, this section presents a simple introduction to the diverse contexts for land reforms in Asia, and in turn, the focus of monitoring as chosen by the country focal points.

Bangladesh

Characterized by rising inequality and landlessness, Bangladesh has to be understood

² ANGOC. 2011. *CSO Monitoring Land Reform in Asia: Status Check; A Regional Workshop + Dialogue under the CSO Land Reform Monitoring Initiative. Highlights of the Proceedings*. Jakarta, Indonesia, 13 – 14 July.

in the context of its political economy. Its economy is split between the powerful minority – comprising one million – and the “un-empowered” majority of 149 million. Land reform has progressed at a snail’s pace, while moral support and financial resources for it are lacking. Activists have encountered harassment from government and opposition from land grabbers and powerful people. Longstanding unresolved issues of land reform comprise: acquisition and distribution of *khas* land; limited land rights of ethnic and religious minorities; women’s access to land; and fishers’ access to water bodies. Other issues include land grabbing and commercial shrimp farming.³

Monitoring in Bangladesh has adhered generally to the proposed indicators laid out in the CSO land reform monitoring framework. It has looked at policies and the budget; as well as land disputes, evictions, ownership and distribution of land, and landlessness, in the context of the government’s *khas* land distribution program.

Cambodia

Land reform in Cambodia reached a milestone in 2001 with the promulgation of its Land Law. This was followed by laws and programs that improved access to land for the poor. The government’s Land Administration, Management and Distribution Program, aims to strengthen land tenure security and land markets, and prevent or resolve land disputes; manage land and natural resources equitably, sustainably and efficiently; and promote land distribution with equity. The Sub-decree on

Social Land Concessions (SLCs) was issued in 2003 to give land to the poor, while the Sub-decree on Economic Land Concessions (ELCs) was issued in 2005 to grant state land for industrial and commercial agriculture use.

In recent years, land has come under intense demand and competition, due to domestic, regional and international economic trends. Cambodia is witnessing urbanization, real estate boom, special economic zones, hydropower projects, and economic corridors.

Monitoring has focused on four main components: inputs (laws and policies, programs, budget, and aid), land tenure (issuance and distribution of titles), access to land (landlessness, land grabbing, tenancy and sharecropping), and land disputes (cases received and resolved, affected households).

India

Land reform is a state subject in federal India. Land reform legislations, implemented in its early post-Independence period, resulted in the abolition of the *zamindari* system; redistribution of ceiling surplus land; tenancy reforms; regulation of sharecropping; and the provision of homestead lands to landless households, among others. However, the “unfinished task of land reforms” is enormous, especially given the large size, diversity, federal structure and uneven progress across states. Monitoring in India, then, is more practicable when done on a state level. AVARD has chosen to start monitoring in Bihar, based on the recent report and recommendations of the Bihar Land Reforms Commission.

³ *Khas* land pertains to government land for distribution in Bangladesh.

At the national level, monitoring will check particularly the passage of the national land reforms policy and land use plan, and the implementation of other significant land-related policies such as the Forest Rights Act. Monitoring would ascertain the status of land reforms to strengthen dialogue by looking at: access to land and homestead; sharecropping; landlessness; protection of land of Scheduled Castes and Scheduled Tribes; land disputes; budget; land records and maps; and the reordering of the governance structure.

Indonesia

The Basic Agrarian Law of 1960 serves as a basis for restructuring land control and ownership. However, taking into account the diverse agrarian systems within the country, it was drafted in broad and generic terms. The Basic Agrarian Law was only in effect from 1961 to 1965; no real agrarian reform has transpired since 1966. The government has a National Program on Agrarian Reform (PPAN), but so far “land reform” has entailed asset legalization and limited redistribution of land. This law needs to be supplemented with regulations specific to the local context, which are being discussed in the wake of the revival of land reform in the country. Indonesian NGOs have thus chosen to focus on monitoring policy, in particular the process of drafting the law.

Rather than the implementation of the agrarian reform program per se, monitoring has involved policy, programs and budget; land problems (landlessness, tenancy, and conflicts); and impacts, or the degree of land-related violence as manifested in evictions, deaths, and arrests.

Nepal

Nepal is a land-scarce country, whose agrarian system remains highly feudal to this day. Efforts at land reform have been unsuccessful thus far. The country, a fairly new democracy, has a window of opportunity for incorporating land reform in the constitutional drafting process, which has been protracted. Land reform commissions in 2009 and 2010 produced land reform reports with recommendations. However laudable they may be, their implementation is still wanting, and needs to be monitored.

CSOs have been lobbying for the formulation and implementation of land-related laws and government programs. Such focus has been a central component of its monitoring as well. Other monitoring variables include land ownership and distribution; disputes and conflicts; land fragmentation; displacements; rural-urban migration; and changes in landholdings.

Pakistan

Pakistan has had three land reform efforts under three different governments (1959, 1972, and 1977). The Land Reform Act of 1977 was an attempt to tackle land tenure insecurity and inequality in access to land, redress gaps in prior legislation and implement tenancy, land ceiling and land distribution reforms. However, land reform has never been able to take off in the country. Some provisions of the 1977 act have even been regarded as “un-Islamic” by the courts. Further, the country has a highly complex system of land laws and overlapping institutions based on legal customary and Shari’a laws. The Corporate Farming Ordinance of 2000 facilitates

transnational corporations' land leases. This policy is an additional and serious threat to any further attempts at enhancing the poor's access to land in the country. On a more positive note, the vibrant peasant movements in the country can give land reform the impetus it needs to be carried out.

Obtaining updated and reliable data in Pakistan is a real challenge, but monitoring has managed to look at the legal framework, patterns of land distribution, tenancy, land disputes, and corporate farming.

Philippines

The Philippines' experiences in agrarian reform span more than two decades. The country already has a comprehensive legal and policy framework with the purport of enhancing access to land to basic sectors of society: farmers, fishers, indigenous peoples, and forest communities. In view of this, monitoring has extended beyond the traditional confines of agrarian reform implementation for small farmers, and into claiming ancestral lands of indigenous peoples and securing rights of fishers to municipal waters and foreshore lands. It looks at the government's targeted areas for reform under three different laws: agrarian lands, municipal waters, and ancestral domains, vis-à-vis actual accomplishments. This focus on tenure security also includes threats such as disputes, overlapping claims, and encroachment.

In future, some of the policy issues for land monitoring will include: the completion of the land acquisition and distribution component of CARPER (by 2014); the provision of support services; budget; and the efficiency of the agrarian reform process and dispute resolution.

Status Check: Land Tenure

Land disputes

Land disputes are "conflicts arising out of competing interests or when different parties have varying interests on the same parcel of land".⁴ We use "conflicts" and "disputes" interchangeably.

Land-related killings, detainments and harassment

Land disputes may escalate to direct violence. Disputes attributed to land have resulted in killings, detainments, and harassment.

The estimated total number of deaths in Bangladesh attributed to land litigation in 2002 was 32,073. Likewise, for the same year, an estimated total number of 1.18 million people were detained, while 26.3 million were harassed due to land litigation.

In Indonesia, six people were killed in agrarian disputes in the period 2007–2010. The Consortium for Agrarian Reform (KPA) logged the deaths of at least 19 farmers and activists in the struggle for land in 20 provinces during the Reform Era. In terms of arrests, at least 102 people were arrested from 2006 to 2010 in 14 cases; another source mentions 936 farmers and activists arrested from 1997 to 2000 and 217 for the period 2002–2009.⁵ Yet one more source (SPI) cites 18 deaths from 2007 to 2009; and 166 victims of agrarian conflict in 2007, 312 in 2008, and 84 in 2009.⁶

⁴ Food and Agriculture Organization. 2002. *Land Tenure and Rural Development*. Land Tenure Studies. Rome.

⁵ Excludes 2008. KPA was unable to compile data for the year 2008.

⁶ Serikat Petani Indonesia (Indonesian Farmers Union) cited in SAINS and KPA, 2011, *Land Issue and Policy Monitoring Initiative: Indonesia*.

Forty-three criminalization cases and cases of officer violence were recorded in the country from 2004 to 2010. In 2009, there were some 4,000 cases of human rights violations in the country: 62% of which were agrarian and environment-related issues.⁷

Plantations are the leading cause of mounting agrarian conflicts in Indonesia, making up 38% of the total number of disputes. Some 663 communities in 19 provinces face 172 plantation companies owned by either the government or private sector. Data compiled by KPA from 1998 to 2007 show 184 dispute cases in the country. Twenty-eight percent of disputes were on farms, while 16% were on forests. Compensation, public facilities, and mining make up the rest of the cases. Furthermore, according to the National Land Agency (BPN), 7,491 cases were reported in the span of 40 years. Agrarian conflicts covering 19 provinces are increasing.

Within the Philippines' legal framework are mechanisms for settling land disputes; but in spite of this, farmers still fall prey to human rights violations.⁸ From 2005 to 2010, 16 people were reported killed, while 39 people were harassed and one person was detained. This is most likely understated, as specific data are compiled at the local level. Organizations monitoring and documenting incidents of agrarian-related violence against farmers documented a total of 2,377 cases, but timeframes for recording vary, while there are potential overlaps.⁹

⁷ Human Rights Commission, as cited by Gunawan (2011) and SAINS and KPA, 2011, *Land Issue and Policy Monitoring Initiative: Indonesia*.

⁸ Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA). 2011. *Systematizing Access to Land Monitoring in the Philippines*.

⁹ Organizations documenting agrarian-related violence are: Asian Human Rights Commission, Task Force Detain-

Landowner resistance in surrendering lands has also been a source of land disputes. One study found that land conflicts between farmers and other farmers are the number one type of conflict (41%), only followed by conflicts with former landowners (at 35%).¹⁰

Land-related cases received, investigated, and adjudicated

The word "case" is variably applied to different country contexts. Conventionally, a case would pass through a dispute resolution system, whether formal or informal. But in other instances, a "case" is treated simply as an occurrence or incident recorded by NGOs or government.

If a case is filed or received, then it is, or should be, investigated. Adjudication is a formal form of conflict resolution, where a judge pronounces a verdict in clear favor of one party. The monitoring initiative's indicators look at the number of cases that are received – or recorded; how many are investigated and how long does this take; and how many are actually adjudicated.

A significant part of cases are land-related in the countries covered. It is reasonable to assume that this is because of the high dependence on land in most countries, where agriculture is a primary source of livelihood. In Pakistan for instance, an estimated 60% to 80% of cases brought before lower-level civil courts and the high courts are land-related.¹¹

ees of the Philippines, Task Force Mapalad, Partnership for Agrarian Reform and Rural Development Services, and FIAN International.

¹⁰ PhilDHRRA. 2008. *Philippine Asset Reform Report Card*.

¹¹ United States Agency for International Development. November 2008. *Pakistan Rule of Law Assessment Final Report*.

Similarly, in Indonesia, data from the Supreme Justice shows that 60% to 70% of processed cases are land-related. Land disputes also comprise the largest category of cases – 31% of those filed – brought in the court system of Nepal.¹² (Landlord-tenant disputes and family law cases that may include property disputes are separately classified and, comprise yet large portions of the total number of court cases.)

In some countries, informal and traditional dispute resolution mechanisms exist; only unresolved land dispute cases end up in court. However, cases in the formal court system can languish for several years. Court cases tend to be complex, requiring knowledge of the intricacies of the system, as well as substantial investments of time and financial resources. The protracted processes of litigation are often “delaying tactics” to preserve the status quo, thereby serving powerful interests.¹³ To illustrate, one study in Bangladesh reveals the disastrous effects of the “curse” of [inefficient] land litigation: families in litigation spend inordinate sums of money and time, only to become more destitute in the end– to the point of selling the land to recoup expenses – than when litigation began.¹⁴

For the abovementioned reasons, the formal court system does not benefit the poor. The scales of the judiciary seem tipped away from the poor. A suggestion that emerged in this monitoring initiative was to look into whether cases are settled in favor of the rich, or of the poor. In Cambodia, for example,

¹² From 1999–2003, 40,000 cases brought in final courts were land disputes.

¹³ USAID Land Tenure and Property Portal and CSRC, 2012, *Land Reform Monitoring Indicators, Nepal*.

¹⁴ Abul Barkat and Prosanta K. Roy. 2004. *Political Economy of Land Litigation in Bangladesh: A Case of Colossal National Wastage*. Dhaka: Association for Land Reform and Rural Development / Nijera Kori.

complainants frequently lose even if land dispute cases proceed to the courts.¹⁵

In some countries, such as Bangladesh, the formal court system is the only recourse for dispute settlement. The annual number of new land-related cases in the country is 63,158: 206 cases per 100,000 population. Some five million acres (2.02 million ha) of Bangladesh’s privately-owned land are under litigation. The annual number of land-related litigation is 3.2 million. At the local level, settling disputes does not normally work; but at the same time, settling it at the higher levels is not an affordable option for the poor.

A tremendous backlog of 103,000 land cases awaited resolution in Nepal (2007). In 2010, 34,840 cases were registered; 14,583 were solved, based on data from the Department of Land Reform and Management. Because land cases take at least a year to resolve – but often several more – in the formal court system, the country’s poor and marginalized pursue claims in more accessible forums, such as the District Revenue Department Offices. Village development committees can handle 13 types of disputes, including land-related cases involving encroachment and boundary issues; however, not enough is presently known about how effectively the VDC courts are operating.

In Pakistan, where a land recording and registration system is wanting, every party must prove its right to land when any question arises.¹⁶ By one estimate, there are over a million pending land cases across the country.

¹⁵ ANGOC. 2009. “Overcoming a Failure of Law and Political Will” (Cambodia Country Paper). *Securing the Right to Land: A CSO Overview on Access to Land in Asia*.

¹⁶ United States Agency for International Development. November 2008. *Pakistan Rule of Law Assessment Final Report*.

It takes anywhere from four to ten years for court cases to be resolved, during which the party in possession of the land delays adjudication to prolong use of the land. People are thus inclined to opt for the informal dispute resolution mechanisms at the *panchayat* level rather than the formal court system.

At any point in time, there are 1.4 million land-related cases in Bangladesh, only 25% of which are investigated – possibly the reason land litigation takes an average of 9.5 years. Civil suits take around 11.4 years, criminal suits 7.9 years, and revenue suits 7.5 years, according to survey results. Based on extrapolation, there are 82 adjudicated land-related cases per 100,000 population.

Attempts have been made in Bangladesh to quantify the impacts of these land disputes.¹⁷ The annual loss of time due to such disputes is staggering: an estimated 1,687 million hours.¹⁸ Furthermore, land disputes have cost the economy an estimated \$3,824.6 million. In terms of loss of assets due to land disputes, the figure is pegged at about \$1,772 million annually.

Each year, the Philippine Department of Agrarian Reform receives an astounding average of 46,000 and 14,000 Agrarian Law Implementation (ALI) and DAR Adjudication Board (DARAB) cases respectively. ALI has an average accomplishment rate of 94% in terms of cases resolved, while for DARAB it is 96%.

From 2000 onwards, the mounting DARAB cases filed can generally be due to the shift in focus of land acquisition to private lands.

¹⁷ Dr. Abul Barkat, Professor and Chair of the Department of Economics at the University of Dhaka, has made such attempts.

¹⁸ Extrapolated using annual number of land-related pending cases, number of persons involved in each case, and average loss of hours per year per person involved.

The percentage of resolved cases is high – but in whose favor? Also, the reality is that the absolute number of cases is high, and that they are pending for several years. For ALI, judicial and quasi judicial cases, some 7,889 cases are still pending, as of June 2009.

The average cost for legal assistance is P839/ha, while the average cost for adjudication is P1,049/ha. In terms of time, ALI cases lie in wait for an average of 1 year and 4 months, but this figure is probably understated.

Cambodia's Cadastral Commission claims to have resolved 8,560 cases in 2010, which involve fewer households (about five) and 2 ha of land on average. It received 5,193 dispute cases, resolving 35% of cases: 34% are pending; 25% are rejected due to non-compliance; and 5% are withdrawn.

On the other hand, the NGO Forum on Cambodia recorded 236 land dispute cases in the country: only 17% as of 2009 have been resolved; 67% are pending. The rest (16%) were simply dropped, or information about them was insufficient. Of the 41 resolved cases in the country in 2009, the Cadastral Commission and the National Authority for Resolution of Land Disputes (NALRD) – the institutions primarily mandated to settle land disputes – settled only two, quite a small proportion. In their stead, the local authorities resolved 42%, while the court system resolved 22% of cases.

However, the 236 reported cases of land disputes are far from comprehensive. What they do say is that land disputes, which have been increasing in incidence, have been associated with strong economic growth, historically and geographically. Land disputes are concentrated in provinces where lands are

abundant and economic activities are rising. Land disputes peaked in 2008 during the real estate boom, and afterwards declined, coinciding with the country's economic downturn. The average land dispute case involves 201 ha of land and 125 households. Land disputes have amounted to nearly 30,000 households over 47,500 ha of land. Disputes over lands of larger sizes are usually between forest-dependent communities and grantees ELCs.

Only 11% of cases recorded by KPA in Indonesia from 1945 – 2000 were investigated by stakeholders: government, legal aid agencies, and NGOs.¹⁹ Six percent were investigated but not adjudicated, while a meager 5% were investigated and adjudicated. BPN claims the resolution of 1,778 cases, out of 7,491 reported cases, in the past 40 years. Of these, 4,581 were land disputes; 858, land conflicts; and 2,052, land cases on trial.²⁰

Evictions and Displacements

Evictions refer to the forcible removal of people from the land against their will. Because of the nature of evictions, data are not easy to obtain. Macro-level data on evictions are generally unavailable, especially for big countries. Some NGOs monitor specific regions and provinces.

Households evicted or displaced from their farms due to loss of land – as caused by environmental hazards such as floods, desertification, tsunamis, typhoons – are excluded from this list, but represent an area that should be studied.

¹⁹ Based on KPA data (2002). Data set is from 1945 – 2000. 165 out of 1,455 cases were investigated.

²⁰ National Land Agency (BPN) data, 2008, as cited in Gunawan (2010) and SAINS and KPA, *Land Issue and Policy Monitoring Initiative: Indonesia Report* (2011).

The annual eviction or displacement rate of households in Bangladesh has been estimated at 1%. This translates to 250,000 households annually displaced, or 200 households per 100,000 population.

The heightened demand for land in Cambodia – manifested in development projects, land disputes, and land grabbing – leaves an estimated 150,000 people at risk of eviction.²¹ In fact, in the period 2004 -2008, 14,300 families were evicted in the capital of Phnom Penh. In the longer period, from 1990 to 2008, 26,600 families were evicted – approximately a hundred thousand people – almost 10% of the number of Phnom Penh's residents.

In Indonesia, for the period 2007–2009, a total of 61,350 households were evicted or displaced from farms.²²

Over the last six decades, about 60 million people in India have been displaced from their lands to make way for development projects: an estimated 40% of these are Scheduled Tribes (STs), while 20% are Dalits or Scheduled Castes (SCs). Only about a third is estimated to have been resettled.

Although no data are available, in Pakistan, landlords evicting tenants-at-will or changing terms of working relations can only be expected to intensify as the demand for land increases.²³

²¹ Amnesty International. 2008. *Rights Razed: Forced Evictions in Cambodia*, AI Index.

²² Serikat Petani Indonesia (Indonesian Farmers Union), 2010. *Catatan Pembangunan Pertanian dan Pedesaan Korporatisasi Pertanian telah Meminggirkan Pertanian Rakyat*. Jakarta: Dewan Pengurus Pusat Serikat Petani Indonesia.

²³ Roots for Equity. 2005. *Agrarian Reform Research in Pakistan. APRN Coordinated Research Conference on Agrarian Reform. 17-18 October 2005. Talisay, Negros, Philippines*. Asia-Pacific Research Network.

Land Grabbing

Land grabbing means different things to different groups, but it implies one thing – land is taken without the consent or agreement of the other party.²⁴ The term has come to be associated with large-scale acquisitions or leases of land for agriculture, including corporate farming, usually leading to evictions of communities. Unless explicitly stated otherwise, “land grabbing” as used in this article will refer to this general understanding.

In Bangladesh, land grabbing refers to powerful people occupying *khas* land. In point of fact, the Parliamentary Standing Committee of the land ministry reported that nearly 10,000 acres (4046.86 ha) of *khas* land in Dhaka and its environs are illegally occupied by real estate owners or the land grabbers. The estimated annual number of land grabbing cases exceeds 10,000. Land grabbed comprises approximately 27% of all agricultural land, and 6% of the country’s total land area. As well, agricultural land under contract farming is expanding. Land grabbers illegally occupy 88.5% of *khas* land, at the obvious expense of the landless and poor.

In Indonesia, it is defined as “seizure of land that has been cultivated and settled in by the people.”²⁵ Although the people possess proof of ownership and pay taxes, their lands are still taken by government institutions and the private sector – often for military or plantation purposes. IHCS reports 43 cases of land grabbing – seven of these involve criminalization and violence.

²⁴ ANGOC’s journal, Lok Niti, Vol. 18/1, 2012, “Land Grab: Changing the Terrain of Land Tenure” compiles cases from various countries and situates the land grabbing phenomenon in the Asian context.

²⁵ Indonesian Human Rights Committee for Social Justice (IHCS), 2010.

Cambodia’s economic land concessions number about 139 scattered throughout 18 of the country’s 24 provinces. In 2010 alone, there were 85 large-scale and 47 small-scale ELCs with less than 1,000 ha. Total ELCs encompass about 1.5 million ha. Presently, there are 61 mining concessions and 21 SEZs.

All over India, special economic zones (SEZs) or free trade zones of big businesses and industries are mushrooming. State governments, too eager to generate employment and attract investments, have encouraged the establishment of SEZs; almost 500 approved SEZ projects (2008) cover approximately 60,000 ha of land for this “public purpose”, mostly on agricultural land that affects the livelihood of many poor farm holders.²⁶

In Nepal, commercial pressures on land are being felt. The conversion of agricultural lands, especially in the Kathmandu Valley, along with areas in the hill districts and the Terai, for real estate development is increasing alongside land speculation. Overseas remittances fuel the real estate boom and the process of urbanization, leading to escalating prices of land.²⁷

The influx of agricultural investments

Competition for land is increasing, and food security concerns represent one of the major drivers of this. Foreign governments are leasing or acquiring lands for their own food security. Meanwhile, foreign companies are looking for more commercial farmlands. Agriculture export processing zones are being set up in various parts of the region, often in prime agricultural lands.

²⁶ ANGOC. 2009. *Securing the Right to Land: A CSO Overview on Access to Land in Asia.*

²⁷ Bharat Shrestha. 2011. *The Land Development Boom in Kathmandu Valley.* ILC, CIRAD and College of Development Studies.

China is investing in agricultural lands in countries like Cambodia, Indonesia, Malaysia and the Philippines, while Gulf countries have poured significant investments into Pakistan. The United Arab Emirates bought 324,000 ha of farmland in Punjab and Sindh provinces in 2008, for instance.

Palm plantation areas are constantly expanding in Indonesia, which has overtaken Malaysia as the world's largest producer of palm oil, with some 6.5 million devoted hectares. The country is friendly to investors for oil palm production, providing incentives like tax holidays and subsidies.

The Philippines is considered a lease hotspot. Media reports cite the leasing of farmlands by both foreign governments – Bahrain, China, Korea, Qatar and Saudi Arabia – and transnational companies. The Philippine government welcomes such foreign direct investments, establishing the Philippine Agricultural Development and Commercial Corporation (PADCC) to manage them.

Likewise, in Cambodia, economic land concessions are given to private companies up to 10,000 ha for a maximum of 99 years. Since 2004, an estimated 300,000 Cambodians have been victims of land grabbing – or 1 out of 50 citizens.²⁸ In an Oxfam sample survey, 13% of the landless reported that their land was taken without compensation. Also, some case studies showed that ELCs overlapped with communities' lands, involving more than 300 families per

case over an area from 8% to 25% of the granted ELC.²⁹

Pakistan, through its Corporate Agriculture Farming (CAF) policy, offers incentives sweet enough to lure investors: 100% foreign equity investment; full repatriation of capital, profits and dividends; and exemption from labor laws. The Corporate Farming Ordinance (CFO) passed in 2001 enables stock-listed corporations to lease land in the country for a period of 99 years, broken into two periods of 50 and 49 years.³⁰ Furthermore, transnational corporations can lease land with a maximum ceiling of 1500 acres (607.03 ha). The government itself is identifying state lands to lease under the CFO. Clandestine land deals have been made.

Status Check: Access to land

Indicators on access to land particularly refer to rural, agricultural lands. Definitions of “landlessness” differ from one country to another. It is generally understood as the absolute lack of land, but there are more nuances to the term. How the term “landlessness” is used in specific country contexts is explained below.

Land ownership and landlessness

Land ownership patterns are highly skewed in Asia. Simply stated, land is concentrated in the hands of a few, rich and powerful landowners; whereas many people own small parcels of land, if at all.

²⁸ Cambodian League for the Promotion and Defense of Human Rights (LICADHO). 2010. *Freedom of Expression in Cambodia: The Illusion of Democracy*. Phnom Penh.

²⁹ Ngo, Sothath and Chan, Sophal, (forthcoming). *Economic Land Concessions and Local Communities*. NGO Forum on Cambodia.

³⁰ Roots for Equity. 2005. *Agrarian Reform Research in Pakistan*. APRN Coordinated Research Conference on Agrarian Reform. 17-18 October 2005. Talisay, Negros, Philippines. Asia-Pacific Research Network.

Table 1: Number of households and land area in Bangladesh, as percentage of total (1996)

	Number of households, as percentage of total (%)	Land area, as percentage of total (%)
Landless (0 – 49 decimals)	56	4.9
Marginal and small (50 – 249 decimals)	30.7	36.5
Medium (250 -749 decimals)	11.2	41.3
Large (Over 750 decimals)	2.1	17.3

Source: *Agriculture Census of 1996*, BBS, Government of Bangladesh

In Bangladesh, large landowners account for 2.1% of rural households yet own 17.3% of all agricultural land. Similarly, 13% of households own more than half (58%) of total agricultural land. In contrast, a disproportionate number of households, comprising 70% of the total, are landless and marginal farmers who own an estimated 15% of total agricultural land (Table 1). In the last four decades, the country has witnessed a threefold rise in the number of landless people. In 1960, 19% of households were landless – owning zero to 49 decimals. This figure had risen to 56% by 1996.³¹

In Cambodia, 89% of the poorest quintile owns or operates agricultural lands. Interestingly, the poorest quintile has experienced improved access to agricultural lands, while for the richest quintile access fell from 48% to 39% from 2004 to 2007. Access to agricultural lands is not the same as land ownership; nonetheless 92% of agricultural lands are actually owned, and that only 8% are operated through tenancy, sharecropping and other means (Table 2).³²

³¹ A decimal is approximately 1/100 acre or 40.46 sq. m.

³² World Bank. Cambodia: *Halving Poverty by 2015? Poverty Assessment 2006* (2006), as cited in STAR Kampuchea, *Land Monitoring Report: Cambodia*.

Landlessness – or the state of possessing no land at all – is estimated at 21% as of 2008. This has increased steadily since 1997. The World Bank (2006) has attributed landlessness to population dynamics (consider, for example, newly married couples who have never owned land), deliberate land sales for investments, Khmer refugees from the Thai borders and land grabbing. Land transactions are also one factor contributing to landlessness, what with Phnom Penh residents purchasing land in rural areas.³³

Apart from the “landless”, there are also the “land-poor”, whose land parcels are hardly sufficient to meet household needs. In 2004, it was estimated that 26% of the households in rural Cambodia owned less than 0.5 ha. According to a survey conducted in 2008, 45% of rural households owned less than 1 ha.

In India, most of individual and joint landholdings are marginal and small; 64.77% of holdings are classified as marginal, but only make up 20.42% of the total area of holdings.³⁴

³³ Ibid.

³⁴ Institutional holdings are excluded.

Table 2: Access to land in Cambodia by quintiles (2006)

	Poorest	Next Poorest	Middle	Next Richest	Richest	Cambodia
	2007					
Owns or operates agricultural land (%)	89	85	84	72	39	74
Land owned as % of land owned/operated	94	94	94	88	84	92
	2004					
Owns or operates agricultural land (%)	83	85	81	72	48	74
Land owned as % of land owned/operated	93	93	92	92	88	92
	Change over 2004 - 2007 (percentage point)					
Owns or operates agricultural land (%)	6	0	3	0	-9	0
Land owned as % of land owned/operated	1	1	2	-4	-4	0

Source: *World Bank*, 2006

Small farms also comprise 18.53%, covering 21.10% of the total area (Table 3). About 47.5% of households possess land below 0.5 ha.

In Indonesia, a mere 1.6% of the total landholders possess lands greater than 5 ha in size. In contrast, 23.1% of landholders own less than 0.02 ha (Table 4), which would be classified as landless.³⁵ Landlessness is defined as ownership of absolutely no land or a very small parcel of land (less than 0.2 ha). According to data from the National Development Planning Agency (BAPPENAS), of the total number of farmers, landless farmers comprised 49.5% in Java and 18.7% in the islands outside Java (1999). Based on data from 1983, 69.29% own land and do not cultivate others' land. Those working on others' land, as well as the landless, comprise 5.41%.³⁶

³⁵ Agricultural Census, Statistics Indonesia (BPS), 2003.

³⁶ BPS data, 1983.

The trend is that marginal farmers are rising in number, while the average land area owned by farmers is shrinking. In 2003, an estimated 13.7 million marginal farmers owned an average 0.5 ha of land.³⁷ Ten years prior, in 1993, there were 10.94 million marginal farmers working on an average 0.83 ha of land.

Of the total landholdings in Nepal, 1.4% of landowners own 14% of arable land. Conversely, 47% of land-owning households own only 15% of total agricultural land. The top 5% occupy more than 37% of the land. Seventy-six percent of the poor are small and marginal landholders. Table 5 shows the number of households classified according to size.

³⁷ BPS data, 2003.

Table 3: Number and area of individual and joint holdings as percentage of total in India (2005-2006)

	Number of holdings, as percentage of total (%)	Area of holdings, as percentage of total (%)
Marginal (below 1 ha)	64.77	20.42
Small (1-2 ha)	18.53	21.10
Semi-medium (2-4 ha)	10.93	24.15
Medium (4-10 ha)	4.93	23.27
Large (over 10 ha)	0.83	11.06

Note: Total may not tally due to rounding off

Source: *Agricultural Census, 2005-2006*

Although the number of holdings had more than doubled in the last forty years, the average landholding is shrinking: in 2001 it had dwindled to 0.8 ha per family and further declined to 0.6 ha in 2009.³⁸ The reasons for the rise in number of holdings are population growth and the continued reliance of people on land.

Based on data from the Central Bureau of Statistics, about 32.1% of households do not own any land (2002).³⁹ Landless farmers work about 2% of total farm holdings. An estimated 300,000 *haliya*, *haruwa* and *charuwa* are landless.⁴⁰

Only 37% of Pakistan's rural households own agricultural land. Among its rural population, between 20% and 40% fall under the landless or near-landless category (2000). Seven percent of large farms were greater than 200 ha, accounting for 40% of agricultural land. Of those with landholdings, 24.02% would be considered landless; 42.27% would have holdings smaller than five acres (2 ha); whereas a tiny 0.86% hold lands greater than 55 acres (Table 6).

³⁸ Central Bureau of Statistics (CBS), 2009.

³⁹ CBS, 2002.

⁴⁰ Different tenancy systems exist in Nepal. The *haliya* (plains) and *haruwa* refer to agricultural workers hired to plough their masters' fields. In the *charuwa* system, poor people are hired to graze cattle of landlords. Nominal wages are paid for these systems.

In the Philippines, as Table 7 shows, farms less than 3 ha comprise 81% of the total number of farms but only 40% of total agricultural land. In contrast, farms more than 25 ha make up 0.2% but occupy 10% of total agricultural land. Large farms – greater than 10 ha – make up 22% of the total farm size in the country although they only represent 2.2% of the total number of farms. About 83% of farmland is either owned or partly-owned.

The average farm size is 2 ha (2002), decreasing from 2.2 in 1991. The average farm size per beneficiary of the agrarian reform program is smaller, at 1.49 ha. There are now more farms that are less than 3 ha in size. In contrast with other countries, however, large parcels of land (greater than 10 ha) are decreasing in number. Finally, land fragmentation is an issue particularly in South Asia: Bangladesh, India, and Nepal. Landholdings in Bangladesh are fragmenting, as land ownership concentration in a few large landowners is intensifying. Each landholding in Nepal comprises an average 3.3 parcels, with an average parcel size of 0.24 ha in 2001. Inheritance and housing have led to this phenomenon, which needs to be addressed.

Land redistribution

Land reform aims to give land to farmers or tillers, and in some cases, to the landless. It is recognized that land distribution alone is not enough, yet constitutes a fundamental starting point to reducing poverty and enhancing the poor's livelihood. Land registration or titling – asset legalization – is not equivalent to land redistribution.

Governments have made some efforts at land reforms, but evidently much work (and advocacy from CSOs) still needs to be done.

The need to secure land rights remains pressing in Asia, but continues to be neglected. In Bangladesh, only 20% of *khas* land has been distributed. But effective ownership of land implies three key conditions: title, right to use and right to harvest. Of the 3.3 million acres (1.34 million ha) of total *khas* land, the landless and poor effectively own only 11.5%. However, among poor farmers receiving *khas* land, only 46% have effective ownership: the non-retention rate stands high at 53.7%.

Social land concessions (SLCs) are given in Cambodia to the poor. The government targeted the distribution of lands to 10,000 landless families under the auspices of the Land Allocation for Social and Economic Development (LASED) project. As of 2010, 3,156 households with a total area of 24,126 ha had received their SLCs. The government has also earmarked more than 36,000 ha in twelve provinces for SLC distribution to targeted landless poor beneficiaries.

Table 4: Percentage of category of landholders in Indonesia, 2003

Category of landholding (ha)	Percentage of total (%)
<0.10	10.9
0.10-0.19	12.4
0.20-0.49	27.9
0.50-0.99	19.7
1.00-1.99	16.1
2.00-5.00	11.4
>5.00	1.6
Total	100.00

Source: BPS Agricultural Census, 2003

Furthermore, the land registration process is presently underway. To date, six to seven million parcels or 25% of land are now secured by land certificates, 75% of which are for rural land parcels. As of 2007, 36% of Cambodian households owning land have government-issued land titles, signifying a 22% increase in 2004. This 14-percentage point increase can be attributed to the World Bank's LMAP that issued close to one million land titles between 2002 and 2009. Even with the process of obtaining land titles in Cambodia, the poor seem at a disadvantage: 44% of the richest quintile own lands with titles, compared to 30% of the poorest quintile owning land secured by title. Still many Cambodians own lands not officially recognized by the state.

In the Philippines, 83% of the total scope for Land Acquisition and Distribution (LAD) has been accomplished.⁴¹ Although the program seems to be nearing its homestretch, with more than a million hectares still awaiting distribution to 640,955 beneficiaries, the harsh reality is that the remaining lands are the most difficult to secure. Sixty-two percent

⁴¹ Scope is 5,153,857 ha and the accomplished area is 4,273,203 ha.

Table 5: Number of households in Nepal, by size group

Raking	Ownership (in ha)	Number of households	Number of households as percentage of total (%)
Landless	0–0.1	287,100	10.13
Marginal	0.1–0.3	670,000	23.64
Small	0.3–0.5	648,000	22.86
Medium	0.5–3	1,131,560	39.93
Rich	3–10	93,700	3.31
Richest	More than 10	3,800	0.13

Source: Central Bureau of Statistics, 2006

of these are private agricultural lands that are to be acquired compulsorily.⁴² These lands are planted to sugarcane, coconut and other tree crops, and nontraditional export crops.

Landholding inequality is starkest here. As of June 2010, the accomplishment for this mode is a miserable 19%. A careful look at the numbers shows that the rate of accomplishment is compensated for by the excess in distribution on non-private agricultural lands, at 134%, and under the Voluntary Land Transfer scheme at 247%. Recalculating these rates of “over accomplishment” at 100% will result in a drop in the total LAD accomplishment rate at 70%.

India has potential surplus land amounting to an estimated 21 million ha. However, only 2.7 million ha have been declared ceiling surplus land, of which the government has taken possession of 2.3 million ha – roughly 85%, distributing 1.9 ha to 5.5 million households. Of these beneficiaries, 37% are Scheduled Castes and 16% are Scheduled Tribes. The implementation of the country’s ceiling surplus law has stalled. Much of the remaining declared surplus land is stuck in disputes:

⁴² Total private agricultural lands for distribution amount to 1,039,817 ha. Lands to be subjected to compulsory acquisition make up 685,255 ha.

revenue and judicial court cases.

Bhoodan or lands that were donated all over India reached approximately 1.928 million ha. Although this amount seemed fairly large, in reality, only 446,000 ha were cultivable, and 731,000 ha were unfit for distribution. Thus far, 989,000 ha have been distributed.

Under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, a total of 1.2 million titles for 1.6 million ha of forest land were distributed in 2011. This process is ongoing, amid expectations that titles granting rights to additional forest lands will be given.

The allocated land for distribution in Indonesia has increased 60% per year since 2005: from 54,500 ha in the period 1961–2004 to 349,519 ha or an average of 87,349 ha per year. Similarly, redistributed land has increased 2.5 times since 2005. Average yearly distribution was 26,220 ha from 1961 to 2004. This number surged to 367,701 ha for the period 2005–2008. During those same periods, land reform beneficiaries also grew by 135% from 34,195 to 72,991 households per year. A remarkable 13 million certificates were produced from 2006–2008, in stark contrast to the number of households that received land titles as land reform beneficiaries in 44 years.⁴³

Based on the report of the Land Reform High

⁴³ BPN data as cited in SAJOGYO and KPA, *Land Issue and Policy Monitoring Initiative: Indonesia Report*. (August 2011).

Commission, there are some 429,851 ha in Nepal identified as available for distribution: degraded forest land public land, *Guthi* land, river basin, and land to be received from ceilings.⁴⁴

Pakistan's Federal Land Commission asserts that to date, the government has expropriated 1.8 million ha – less than 8% of the cultivated area – and redistributed 1.4 million ha to 288,000 beneficiaries. However, it should be noted that two-thirds of the expropriated land, and three-fourths of the distributed land were accomplished under the first land reform effort, in 1959.⁴⁵

Gini coefficient

Gini coefficients are used to measure inequality. Zero reflects an ideal situation or perfect equality, while 1 represents the “worst” or maximal inequality. Generally, available Gini coefficients measure income inequality. In rare cases, it is available for inequality in land ownership.

In Bangladesh, from the period 2005 – 2010, the income inequality increased despite a decline in poverty: the Gini is 0.686. Inferences can be drawn that land inequality follows the same trend as income inequality. Nepal's inequality in land distribution, as measured by the Gini coefficient, was 0.544 in 2001.⁴⁶

Based on data from the International Fund for Agricultural Development's Rural Poverty

⁴⁴ *Guthi* land refers to land made for religious or philanthropic purposes.

⁴⁵ United States Agency for International Development. 2010. *USAID Country Profile: Pakistan. Property Rights & Resource Governance*. September 2010.

⁴⁶ CBS. 2006.

Table 6: Percent distribution of households in Pakistan, by landholdings

	Number of agricultural households, as percentage of total (%)
Landless	24.02
Under 5 acres	42.27
5 – 12.5 acres	22.40
12.5 – 35 acres	8.97
35 – 55 acres	1.48
More than 55 acres	0.86

Source: HIES data 2001 – 2002; recalculated.

Report, 2001, Pakistan's Gini concentration of holdings from 1981 to 1990 was 0.58.

Sharecroppers and tenants

Tenancy is the general term employed to describe the arrangement of those farming on land that is not their own. Various forms of tenancy exist in different countries, with sharecropping being the most common. Sharecropping is the traditional arrangement where the sharecropper gives a pre-agreed share or portion of the agricultural harvest to the landlord as rent. The landlord provides the land, while the sharecropper provides cheap labor. Arrangements vary – for instance, some have 50-50 terms, where half of the produce is given to the landlord.

Sharecropping is considered a flexible form of labor that responds to production conditions, hence its popularity.⁴⁷ Another advantage of sharecropping is that a minimum of cash is needed.⁴⁸

⁴⁷ Food and Agriculture Organization. 2001. *Good Practice Guidelines for Agricultural Leasing Arrangements*. Rome.

⁴⁸ S. Lastarria-Cornhiel and J. Melmed-Sanjak in Land tenancy in Asia, Africa and Latin America: A Look at the Past and a View to the Future. Working Paper No. 27. (Land Tenure Center, University of Wisconsin-Madison, 1999) as cited in Food and Agriculture Organization, *Good Practice Guidelines for Agricultural Leasing Arrangements*. (Rome. 2001).

Table 7: Number and area of farms in the Philippines as percentage of total

Farm size (ha)	Number of farms, as percentage of total (%)	Area of farms, as percentage of total (%)
Below 1.00	40	9
1 – 2.99 ha	41	31
3 – 4.99 ha	11	18
5 – 9.99 ha	6	20
10 – 24.99 ha	2	12
Over 25 ha	0.2	10

Note: Total may not tally due to rounding off

Source: National Statistics Office. Census of Agriculture and Fisheries. 2002.

In some cases, sharecropping is different from tenancy; with the latter defined as leasing land. Leaseholders are lessees: they lease the land and pay the landowner rent. Mortgage and use permits are other forms of tenancy that have been identified.

Tenancies may be: long-term or short term; secure or insecure; formal or informal.

Bangladesh has 7,985,079 tenant farmers (2008).⁴⁹ According to estimation from official statistics and large-scale studies, the total number of sharecroppers would be 12.1 million for 2009. Of these, only less than 1% actually have legal documents, because landlords, afraid that they will lose their lands, resist.

The number of sharecroppers is climbing, for three reasons. First, high input costs and low market access make it farming unviable for poor farmers. Second, many large landowners have lost interest in cultivating land by themselves. Lastly, small and medium landowners are interested to lease land from relatively poor, as well as relatively large, landowners.

⁴⁹ Preliminary report of the Bangladesh Agriculture Census.

In Cambodia, 8% of agricultural lands are operated through tenancy, sharecropping, or other modes.

Roughly 67% of tenant-operated land in Pakistan is sharecropped (2000).⁵⁰ Most sharecroppers give the landowners half of the produce. The Tenancy Act stipulates fixed-term tenure of one to three years for sharecroppers. These sharecroppers – *haris* – are also without titles, as most agreements are unwritten. In many cases, sharecroppers do not receive their rightful share of the production; their size of their share can vary, depending on the particular crop. In Sindh, for example, sharecroppers work as agricultural laborers for sunflower, earning daily wages, but in the next season, they cultivate rice and enjoy their fair share. Sharecroppers lack awareness of their rights; they have no legal documents and their services can be terminated by the landlord at any time.

At independence, approximately 50% of farmland was cultivated by tenants. Tenants have contracts that are renewable for a number of years. However, in practice, their situation is

⁵⁰ United States Agency for International Development. 2010. *USAID Country Profile: Pakistan. Property Rights & Resource Governance*. September 2010.

insecure and can be evicted at any time, since their access to legal recourse is limited anyway.

Share-tenancy was abolished in the Philippines and completely replaced by leaseholding, which was seen as a path to land ownership. All sharecroppers have become lessees, whether or not a leasehold agreement has been executed. As of June 2009, there are almost 1.2 million holders of leasehold contracts covering 1.6 million ha or 18% of total farmland.

In Indonesia, the Regulation on Sharecropping has never been implemented. The practice still persists, informally. Data on sharecroppers are not documented by government or NGOs.

Of total agricultural land in Nepal, 9% remains under the tenancy system.⁵¹ According to national estimates, about 30% of the rural population rents agricultural land – almost all of whom enter sharecropping agreements as opposed to monetary payments. Some 541,000 tenants registered with the government to receive grants on half their tenanted land; but surveys suggest the number of tenants is at least thrice as high. Sharecropping, however, is said to be decreasing because of out-migration, and increased leaseholds for commercial farming.

In India, 38.5% of the total rural households leasing land are landless laborers. Seven percent of the total operated area in India (2003) was leased by 11.5% of rural households.⁵² Other estimates place tenancy between 15% and 35% – largely informal and therefore insecure. In certain regions, tenancy incidence goes up to as high as 50%. About 90% of the leased area is unrecorded and informal.

⁵¹ Community Self-Reliance Centre. 2005. *Land First*. Vol. 2. Kathmandu.

⁵² National Sample Survey Organisation. National Sample Survey, 60th round.

It should perhaps be mentioned here that feudal and exploitative practices still endure in some places, with sharecroppers and agricultural laborers facing high rents and insecure tenure, and receiving cruel or unfair treatment.

Bonded labor, particularly debt bondage exists in Nepal, for example. *Haliya* and *haruwa* are plowmen who have an annual contract to work on their landlords' farms. However, the wages they receive are nominal, making it impossible to pay off the principal; they end up paying only the interest. Compounded interests eventually "bond" the whole family to the debt.⁵³ Freed bonded laborers live in only slightly better conditions, but the government has a program to address their needs, particularly of the *kamaiya*.⁵⁴ In certain parts of Pakistan a similar practice – begari or forced and free service – continues.⁵⁵ Private jails as well as chained *haris* or sharecroppers were discovered. These *haris* were unable to pay their loans or their ancestors'. In both countries, landlords are known to resort to unscrupulous practices to retain these tillers in their service. This has prompted the Sindh High Court of Pakistan proposed amendments to the Sindh Tenancy Act, in order to reform the feudal relationship between landlords and sharecroppers.

⁵³ ANGOC. Asserting Freedom from Central Control (Nepal Country Paper). Securing the Right to Land: A CSO Overview on Access to Land in Asia. Quezon City, Philippines.

⁵⁴ *Kamaiya* is another bonded labor system in Nepal, widely prevalent in the five districts of the Mid-Western and Far-Western regions.

⁵⁵ Roots for Equity. 2005. Agrarian Reform Research in Pakistan. *APRN Coordinated Research Conference on Agrarian Reform*.

Budget, laws and policies

Budgeting for agrarian reform

Agrarian reform – or at least enhancing access to land – requires official government allocations for its implementation. This proposed indicator looks specifically at the agrarian reform budget, or lack thereof. It invites analysis based on how the budget is actually spent.

The budget earmarked specifically for agrarian reform is indicative of the degree of importance governments attach to it. Laws and programs that facilitate improving access to and control over land, but without the corresponding funding, are futile. In fact, infusing more funding is one of the most frequently made recommendations to push the agrarian reform agenda; the others include political will and the establishment of clear targets. Again, funding is certainly not the be-all and end-all of agrarian reform implementation, but it remains a significant avenue to achieve results in agrarian reform.

It is hardly surprising, then, that dismally performing governments in regard to agrarian reform are those same governments with minimal funding for it.

In countries like Bangladesh, no budgetary head or line item such as “agrarian reform budget” exists. For the first time in the country’s history, the national budget of FY 2010-2011 declared that 5,534 acres (2,250 ha) of khas land will be distributed among 34,452 landless households for the year – but this is not matched by any figure in the budget.

Nepal’s national budget merely allocates 0.01% to its Ministry of Land Reform and

Management. Of this already negligible amount, 70% is spent on human resource and administrative expenses. The remaining 30% leaves very limited scope for actual land reform program implementation.

Such goes to show that it is not so much the budgetary figure or allotment that is important, but rather where the money actually goes and how it is spent. Recognizing the inherent limitations of looking at only budget lines, several CSOs in various countries, as part and parcel of their watchdog role, have launched budget monitoring initiatives. They study the variances between government budget and actual spending, as well as the concrete outputs and outcomes of such expenditures. Close budget monitoring has yielded interesting results. For instance, in the Philippines, PhilDHRRA observed that over-releases from the agrarian reform fund were made – coincidentally or not – during election years (2004 and 2007).

Findings from budget monitoring in Cambodia show that a scant average of 0.45% of its annual total budget (2005-2010) is allotted for the land sector. In absolute terms, the budget for land is increasing, from nearly \$2 million in 2005, to \$6.5 million in 2010, though in relative terms the budget for land as percentage of the total national budget has remained fairly constant.

The Philippine Department of Agrarian Reform’s budget was almost Php20 million in 2010. From 2007 to 2010, more than Php63 million was allotted. Land tenure improvement received the lion’s share – 61% – of the budget for agrarian reform. In contrast, 35% was allocated to support services delivery, and a meager 4% to agrarian justice delivery. Given that the average cost for land

acquisition and distribution is Php92,600, and that some 1 million ha await redistribution, the government still needs Php96 billion to complete land acquisition and distribution.

Meanwhile, in 2008, the Government of Indonesia only allocated Rp23 billion for the National Program on Agrarian Reform (PPAN). According to the Revised State Plan on Revenue and Expenditure Budget, 2010, the total budget for the National Land Agency (BPN) stood at Rp2,951.6 billion. The amount allocated to agrarian reform implementation forms a small fraction of BPN's budget – a manifestation of government's lack of commitment to agrarian reform. An addition of Rp7 billion was made, part of which would supposedly fund draft acts and government decrees on land issues such as the agrarian reform government regulation for the implementation of Land Reform Plus and socialization government regulation on idle land policing.

Land-related laws and policies⁵⁶

Legislation provides a strong basis – though never enough by itself – for enhancing access to land and upholding land rights of the poor. Table 8 provides a list of laws and policies that help make or break land reforms in Asia.

Conflicting laws and policies on land are not uncommon in the region. The national constitutions lay the basic framework enshrining principles of equality and social justice, only to clash with the neoliberal economic framework governments are pursuing. These principles are flouted by laws

⁵⁶ A more detailed discussion of the legal and policy framework for access to land and security of tenure in Asia is available in *Securing the Right to Land: An Overview on Access to Land in Asia (2nd ed)*.

promoting mining or corporate farming, since these more often than not adversely affect poor and landless communities. Take for example, Indonesia, which has eleven different acts making up a “jungle of regulation”. Such overlapping regulations produce several vertical and horizontal conflicts, and contradict the Indonesian Constitution's mandate on using resources for the benefit of the people.

It is crucial to understand that overlapping laws and regulations on land are a principal source of disputes. Their *raison d'être* is to steer government programs and their implementation in a strategic direction. But when legal and policy instruments are at odds with one another, overlapping mandates and conflicts in implementation naturally ensue.

In Pakistan, some provinces have adopted the National Transfer of Property Act, the Registration Act and the Stamp Act. For these, land transfers must be registered with the Provincial Land Registrar, the Provincial Board of Revenue, or certain private housing and development authorities. These parallel systems do not coordinate information. Furthermore, provinces that have not adopted national legislation can adopt their own regulations that may be contrary to national legislation.⁵⁷

The ministries of Bangladesh in charge of keeping land records, registration, and settlement are uncoordinated and inefficient. Likewise, proper coordination between the District Land Revenue Office and Survey Office is lacking in Nepal.

⁵⁷ United States Agency for International Development. 2010. *USAID Country Profile: Pakistan. Property Rights & Resource Governance*. September 2010.

Table 8: Land-related laws and policies in various countries

Countries	Land-Related Laws and Policies
Bangladesh	Land Reform Ordinance, 1984 East Bengal State Acquisition and Tenancy Act, 1950 Land Reform Action Program, 1987 Agricultural Khas Land Management and Settlement Policy, 1997 Land Reform Policy, 1972
Cambodia	Land Law, 2001 Sub-decree on Social Land Concessions Sub-decree on Economic Land Concessions Sub-decree on State Land Management Sub-decree on Procedures of the Registration of Indigenous Community Land Sub-decree on Procedures of Commune Land Use Planning Sub-decree on the Management and Use of Co-owned Buildings Circular on Illegal Occupancy of State Land; Joint Prakas on State Land Identification, Classification and Mapping Joint Prakas on Mechanism for the Provision of Agricultural Extension Services to Farmers Using Social Land Concession Joint Guidelines on Strengthening of the Cadastral Commission Performance at all levels
India*	The Land Acquisition Act, 1894 Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act (Forest Rights Act), 2006 Hindu Succession (Amendment) Act, 2005
Indonesia	Basic Agrarian Law, 1960 Decree of the People's Consultative Assembly IX/MPR/2001 on Agrarian Reform and Natural Resources Management Law No. 56 /1960 on Agricultural Land Ceilings Presidential Regulation No. 36 of 2005 Presidential Decision No. 30 of 1990 Government Regulation No. 224 of 1961 Law No. 2 of 1960 on Sharecropping (UUPBH) Revitalization of Agriculture, Fisheries and Forestry (RPPK)
Nepal	Land Act, 1964 Land (Measurement and Inspection) Act, 1963 Agriculture (New Arrangements) Act, 1963 Land Administration Act, 1963 Land Revenue Act, 1978
Pakistan	Land Reform Act, 1977 Martial Law Regulation 64 (West Pakistan Land Reforms Regulation, 1959) Land Reforms Regulation, 1972 Corporate Farming Ordinance, 2001 Sindh and Punjab Tenancy Acts
Philippines	Comprehensive Agrarian Reform Program Extension with Reforms (CARPER), 2009 Comprehensive Agrarian Reform Law, 1988 Indigenous Peoples Rights Act, 1997 National Integrated Protected Areas System Act, 1992 Fisheries Code, 1998 Revised Forestry Code Urban Development and Housing Act, 1992

*Land reforms regulations and policies in India are drafted at the state level.

In the Philippines, indigenous peoples and farmers have fought over the same land, which was covered by two different laws – the Comprehensive Agrarian Reform Law versus the Indigenous Peoples Rights Act. Such is the case of the Mangyans in the island of Mindoro, who claimed the land as their ancestral domain. Unfortunately, the Department of Agrarian Reform (DAR) included the area under the land reform program, allowing farmers to till the land. The case highlighted the urgency of coordination between DAR and the National Commission on Indigenous Peoples (NCIP), a constitutional body mandated to promote indigenous peoples' interests.

Policies on women, indigenous peoples and other marginalized groups

Access to and ownership of land of the rural poor are hardly ever equal. The monitoring initiative seeks to focus on monitoring laws and policies that promote equal rights for women, indigenous peoples and other marginalized groups. These marginalized groups have unique concerns that should be especially addressed. The different monitoring reports presented diverse dimensions of marginalized groups' access to land: policy framework, present status, or specific cases.

Whenever possible, disaggregated land-related data by gender, ethnicity or other socio-economic groups for example, should be used. In future, CSOs can advocate for as well as generate disaggregated data on land.

Women

The importance of enhancing women's access to land cannot be emphasized enough. Especially in South Asia, women are grossly discriminated against and thus severely

disadvantaged in terms of land ownership and access, because of cultural mindsets, inheritance laws, and prevailing social practices. In such countries where women's access to land is severely restricted, it can be said that women arguably comprise the single biggest group of marginalized people.

The Islamic practice of *tanazul* – wherein a woman renounces her right to inherit the land – is prevalent in Bangladesh and Pakistan and impedes women's land ownership. Though women in Pakistan can legally own land under statutory, religious and customary law, so far this is an urban phenomenon: rural women rarely own land.

Gender inequity in regard to land rights persists in India. In terms of inheritance, through the Hindu Succession (Amendment) Act, 2005, Hindu women in India, constituting some 80% of the female population, have equal land rights. However, in practice, this is not the case. Also, Muslims are governed by their personal law, which normally grants 62.5% to sons and 37.5% to daughters, regardless of their number.

Furthermore, Indian society is predominantly patriarchal, with a few notable exceptions. In some cases, activists have pushed for fresh land allotments for women or joint allotments of spouses.

Though women can inherit, purchase, lease, and benefit from government land allocations in Nepal, they only own 8% of registered landholdings and about 5% of the land. Their land ownership is concentrated in urban areas in the country's eastern part. A 2006/07 directive waived land registration fees for land registered in the name of women, as well as

other disadvantaged groups, which caused land registration in women's names to more than double. In 2008, 33% of landholdings registered in 11 districts were in women's names.

In Cambodia, 70% of titles are issued in the name of both husband and wife; 20% are registered as women's properties. Philippine laws allow women to own land, yet there are still persisting gender imbalances, especially in rural areas. For example, men have better access to credit, recognized as the primary property owners.

Studies of plantations in Indonesia by Women's Solidarity present the consequent erosion of land ownership, alongside the traditional livelihood of women peasants. It has altered rural women's role – from working their paddy fields or producing local crafts to serving as plantation laborers. Once, they were able to grow enough food to meet their families' needs, but now have to buy food from outside.

Indigenous peoples

No formal definition of “indigenous peoples” exists, but the term broadly refers to ethnic groups or minorities, adivasis, Janajati, uplanders, masyarakat adat and Scheduled Tribes, among others. These groups have their own customary law and traditional institutions.

Indigenous peoples have had a long history of marginalization from their lands, as well as social exclusion and structured discrimination, no matter what country. Indigenous peoples' rights must be seen through a different lens: a point not to be forgotten is that land is a source of cultural identity among indigenous peoples.

Indigenous peoples' lands are usually endowed with natural and mineral resources that make it attractive for socio-economic development projects; but they stand to gain so little from these. Safeguard mechanisms such as free, prior and informed consent (FPIC) notwithstanding, they are continually exploited, threatened, evicted. Laws and policies passed to protect indigenous peoples' right to self-determination, including land rights, where existent, are feebly enforced.

Compared with its neighbors, the Philippines is more progressive in terms of recognizing the rights of indigenous peoples, with the passage of the landmark Indigenous Peoples Rights Act (IPRA). Ancestral lands of indigenous peoples cover an estimated 7.7 million ha. As of 2010, 286 applications for Certificates of Ancestral Domain Titles (CADTs) were filed, a little over half (55%) of which have been approved, representing half of the total ancestral domain area. A CADT application takes an average of 3.4 years before it is finally approved, and even longer before the lands are awarded to the tribes.

The National Commission on Indigenous Peoples, the agency responsible for facilitating titling of ancestral lands, has established targets for certificates of ancestral domain titles for 2011–2014, which fall below previous levels of accomplishments.

Indigenous peoples in Indonesia are “legally” divested of their land through four government schemes. First, through transmigration or the resettling of people into customary or adat lands: people inhabiting densely populated areas like Java were resettled into less densely populated areas, including adat lands. Second, through certification or the provision of legal rights of ownership over land to private

entities. Third, concessions or the award of user rights and permits are given to companies for mining, logging, and plantations. This has resulted in many clashes, with peasants and indigenous peoples have put up resistance; some have been arrested. Lastly, “spatial reconstruction” occurs when the state seizes IP lands for development projects like airports, national parks, and tourism facilities.⁵⁸

Similarly, India’s Scheduled Tribes and other traditional forest dwellers inhabit hilly and forested areas, many of which are mineral-rich or ideal for development projects such as irrigation, energy, and industry. But because they do not legally own such land, only having traditional usufruct rights, they are vulnerable to displacement. Government acquires the land without so much as consultation, compensation, and rehabilitation. Some estimated 24 million STs have been displaced from their lands over the past sixty years in the name of development.

The Forest Rights Act, 2006 finally came into force. It has brought a ray of hope for STs and other traditional forest dwellers, but “the sword of land acquisition [or] grabbing would still be hanging over their heads.”⁵⁹ At least, it has enabled STs as well as other traditional forest dwellers to receive titles for more than 160,000 ha of forest land. Also, the Provisions of Panchayats (Extension to Scheduled Areas) Act is another legislation that aims to safeguard the rights of IPs, requiring that land acquisitions must undergo prior consultation with the Tribal Gram Sabha or village assembly.

⁵⁸ Quizon, Antonio. “Synthesis Report”. *New Challenges and Increasing Pressures on Customary Land Rights in South-east Asia. Phnom Penh, Cambodia. 19 – 22 October 2009.* ANGOC and Oxfam-Novib.

⁵⁹ Association of Voluntary Agencies for Rural Development 2012. *Country Land Reforms Monitoring Report.*

However, as is often the case, implementation is lacking.

Meanwhile, vested interest groups grab ethnic minorities’ land in Bangladesh, where 32 different ethnic groups make up 1.2% of total households.

Finally, an estimated 80% of the indigenous population of Nepal comprises small and marginal landowners.

Other minorities

Minority groups include religious minorities and Dalits or Scheduled Castes.

Bangladesh’s Vested Property Act has suppressed the Hindu minority’s land rights, with about one million Hindu households having lost 2.1 million acres of land. Even with the repeal of this law, nothing has changed.

The Dalits or “untouchables” in the Hindu caste system suffer most from discrimination and socio-economic exclusion. They are predominantly landless and poor. Most of Nepal’s Dalits are landless – 44% in the Terai and 22% in the hills. In India, 20% of the estimated 60 million people displaced from development projects in the last six decades belong to SCs.

Roadblocks to land reform

Specific country contexts indeed vary, but the road towards land rights is strewn with challenges common in the region. These issues emerged from the pilot monitoring conducted by the various country focal points.

More landless and marginal farmers, but on less land

Despite land reform laws and programs, landlessness still persists. Over time, the proportion of rural households with no agricultural land has been growing. Likewise, marginal farmers are increasing in number, whereas the average land area is decreasing. The rise in number of holdings is attributed partly to population growth and dependence on agriculture for livelihood.

Land fragmentation is also happening particularly in South Asia, owing to inheritance practices.

Threats to land tenure: land disputes on the rise

The rising demand for land has intensified competition over it, especially in areas experiencing strong economic growth. Land disputes in the region are on a rising slope – not only in incidence, but in terms of the number of households and land area involved.

Land conflicts ensue among various actors in different permutations. On one hand, former and present landlords, government officials, multinational corporations, assert their stake on communities' land. On the other hand, there are the relatively “smaller” disputes that take place between farmers and other farmers.

All of these groups are fighting for the same piece of forest or agricultural land – to make way for plantation areas, urban areas, mining, military facilities, tourist facilities, and fishing areas, among others.

Their proximate causes are alike across the various countries covered. Overlapping and conflicting land-related laws are a major reason behind land disputes. Also, as previously explained, when laws and policies are not harmonized or strategically aligned, they result in confused mandates, roles, and responsibilities among land-related government agencies.

Also, land disputes can be traced at the source to inefficient land administrations and the weak implementation of land distribution programs. This includes poor land records and registries – characterized by inaccurate or fraudulent records – that continue to plague many countries.

Encroachment on public lands on one hand has been a source of tensions between governments and informal settlers or traditional dwellers. The increasing commercialization of agriculture, the expansion of special economic zones, and thriving economic activity also play a vital role in the rising incidence of land disputes.

Some causes are country-specific. For instance, high incidences of migration in Nepal during the conflict period add to the already complicated situation on land; and land disputes monitored include disagreements within families regarding order of succession and land partition. Landowner resistance to surrender lands in the Philippines is common. Land disputes are widespread in Asia, yet many of these slip under the radar. Those that tend to be noticed are those that erupt in physical violence – and even these are likely to be underreported. To be sure, there are untold stories of land disputes, especially in remote and isolated areas, or places beyond the reach

of CSOs or the media. Land rights are human rights: applying a human rights perspective to land is crucial to understanding the gravity of the situation confronting more than a million rural poor people in Asia. Those with insecure land tenure and access to land are vulnerable to land grabbing, dispossession from their land, and detainments, among others.

Farmers and land rights activists in Asia experience land-related violence, which assumes many forms: molestation, rape, direct terror, intimidation, kidnapping, arrests, detainments, beating, destruction of property, demolition or burning of homes, violent dispersal, evictions, and physical injury. Killings – including attempts – are the extreme manifestation of land-related violence. The figures may vary across the country, yet the fact remains: people are being killed in the name of land. That lives are lost at all points to the glaring absence of the rule of law and the failure of national governments to secure land rights for its people. Any death toll due to land disputes – especially one where farmers are murdered – cannot be condoned.

The mad scramble for farmland

Governments are pursuing the expansion of areas for mining, plantations, contract farming, and special economic development zones. But these areas are often situated on community – including indigenous peoples’ – lands.

A crucial point in land grabbing is that it is often encouraged or facilitated by the host governments – the selfsame governments that have tarried in land distribution for the landless. They may limit foreign ownership of land, but they allow the lease of lands for long periods that can last nearly a century.

Lack of transparency emerges as a critical issue in the land grabbing discussion. Shady deals have been made; and without public consultation and access to such information, land grabbing only becomes easier.

Too often, those who stand to gain by corporatization of agriculture are the feudal elites, while the benefits reaching the poor, if any, are minimal.

Bureaucratic inertia

Without a land bureaucracy, laws and policies already in place cannot be implemented. As it were, throughout the region, agrarian reform is hampered by bureaucratic inertia. Most government staff lack the commitment and capacity to perform effectively their roles. Many civil servants in land ministries are overburdened and financial resources to implement programs are inadequate.

Land administration woes

An efficient and effective land administration system facilitates land reform.

Overlapping policies and conflicting mandates

Since the concept of land is broad, it is inclined to fall within the purview of not one, but several, government agencies. Worse than overlapping mandates are conflicting responsibilities, which are largely due to overlapping policies. Coordination – and cooperation – among such agencies tends to be poor and chaotic. It is the landless who bear the brunt of this problem.

Land records and registries

Part of land administration, land records and registries are in a dismal state in many countries, not least in Bangladesh, Cambodia, Nepal and Pakistan. Records are still manual i.e., not digitized, still subject to wear and tear, and therefore unreliable.⁶⁰

Poor land records can also be traced to erroneous and inaccurate mapping and wrong land surveys. Mapping can be riddled with errors, as countries experience in varying degrees: erroneous description and demarcation of parcel boundaries; errors in trace copies of original cadastral maps; errors in file maps prepared in larger scale from original maps; mismatches between existing maps and new maps prepared by cadastral resurveying; and inaccurate subdivisions on cadastral maps.⁶¹ These lead to overlapping land titles, and multiple registrations of the same land by various parties or overlapping land titles.

In Bangladesh, the system is inefficient, non-transparent and corrupt. Multiple copies of documents and records of rights sit in different offices under different ministries, which suffer from a lack of coordination. It is easy to falsify records, hence allowing dual ownership to occur; in turn these lead to disputes and litigations.

Pakistan suffers from a land recording and registration system such that whenever

questions arise, each party must prove its ownership of the land.⁶²

Many Cambodians do not have land records, as these were destroyed by the Khmer Rouge in the 1970s. Consequently, donors have exerted efforts to issue land titles to legitimize land ownership.

Nepal has a manual land registration system. Paper forms mean that records can be lost, destroyed, distorted or misinformed. Moreover, its maps are outdated and generally considered unreliable. Initiatives by the Ministry of Land Reform and Management include an electronic land information system and digital mapping.

Corruption

Corruption is unfortunately rampant in all countries, taking on different forms and running to various extents. It exists in the land administration system, and alarmingly, in the judicial system.⁶³ Ironically, these agencies bear the onus of facilitating access to land as well as justice. Not only does corruption thwart the landless poor from justly obtaining land, it also deprives them of their already limited resources.

Prevalent styles of corruption include bribery. The wealthy and powerful pay bribes to government officials in order to keep their land and to win land dispute cases. For example, in Bangladesh, even if a landless beneficiary technically only needs to shell out Tk1 per acre for fees, almost all agents in the distribution mechanism accept bribes. Poor records form the basis for land-related corruption.

⁶⁰ CSRC. 2012. *Land Monitoring Indicators, Nepal*. Kathmandu.

⁶¹ These problems were summarized as experienced in Nepal (from the Nepal country paper), but findings from different countries share a similar fate.

⁶² United States Agency for International Development. November 2008. *Pakistan Rule of Law Assessment Final Report*.

⁶³ Sometimes, even the task of gathering data has required grease money. This is the case in Pakistan.

Not seeing the wood for the trees

Governments tend to focus on titling or asset legalization, but this is not tantamount to reform. Titles without the necessary support services only facilitate reconsolidation in some cases. Farmers, receiving little assistance from government in terms of credit, irrigation, technology and post-harvest services, will find it more challenging to make farming lucrative. They may have no recourse but to sell back their land, or simply get a better deal by putting it on the market.

Titles may be issued, but it does not automatically translate to improvements in people's lives. Nor does it even mean that people have their land, have rights to use and harvest, and are in control of it.

Transcending figures, pushing more envelopes

So we have gathered some evidence. We have compiled data. Far be it from this monitoring initiative to undertake "monitoring for monitoring's sake". As we have established, the figures are not enough. Analysis and interpretation of the data must be applied.

The numbers are hints – they signify the struggle for land. They try to tell us about the real stories of human rights violations that take place, of the violence and crimes committed against land rights activists and communities fighting to secure their land rights; of intimidation, kidnapping, murders, arrests, and direct terror.

Beyond the monitoring, there are stories of peasant movements – of people gathering strength in numbers and inspiring hope and

courage among thousands of those who are land-deprived. The Land Watch Asia campaign is a mosaic of these stories.

The results of the CSO land reform monitoring initiative have led to two kinds of recommendations. The first set has used the results to guide and inspire policy advocacy. The second proposes recommendations not only in terms of land reform monitoring per se but also in strengthening capacities of CSOs to propel the land rights campaign forward. CSOs must continue to exert more pressure on governments for legal and administrative reforms, coupled with redistributive land reform.

Go for genuine agrarian reform

Governments should implement a comprehensive and genuine agrarian reform, as opposed to commonly shallow and piecemeal efforts at redistributing land. Genuine agrarian reform denotes changing the unjust structures in society, of putting an end to feudal and exploitative relations. CSOs must push for an agrarian reform that goes beyond land redistribution and into the provision of a wide range of social services. Only then can agrarian reform be genuine, in that it is far-reaching and effects tangible improvements in the lives of beneficiaries.

Formulate and implement national land use policies

The neoliberal growth model has spurred demand for agricultural land for infrastructure, industrialization and urbanization, and indigenous peoples' lands in hilly areas and forests for mining and other industries. Given conflicting demands for land, a national land

use policy will take on the task of outlining or establishing national priorities for land use, which sectoral laws, e.g., forestry policy or agricultural policy, do not. It will harmonize various conflicting laws. Furthermore, without a land use law, the rural poor are at risk of losing their lands. A land use law will also help ensure food security and sustainable development.

Improve the bureaucracy

Widespread reforms are needed in all nooks and crannies of the land administration and management bureaus. This includes resolving conflicting policies and overlapping institutional mandates. Stamping out corruption in land administration is also needed. Lastly, it entails mustering the political will needed to implement land reform.

Resolve disputes more efficiently

Since land-related cases make up the majority of cases in the courts, the various formal dispute resolution mechanisms – in the court system or within the ministries of land reform – should be more efficient, fair and transparent. Dispute resolution at the grassroots level through local-level courts or traditional mechanisms has been suggested as a means of reducing the caseloads of higher-level courts.

Access to information

Data gaps exist as national data on land distribution, land disputes, and landlessness are outdated, unreliable, or simply unavailable in several countries. This impedes monitoring. With regard to land investments, access to timely and reliable information promotes transparency to these transactions. The general public, not least, communities, should have

access to information, especially where land deals are concerned.

What next for CSOs?

The CSO Land Reform Monitoring Initiative is in its incipient stages. It will always be a work in progress. In due time, it hopes to have established baseline data so progress in agrarian reform implementation can be more evenly measured. The Land Watch Asia campaign commits to continue monitoring land reform and the realization of land rights, and use the results as further basis for engaging national governments as well as intergovernmental organizations in policy discussions. CSOs also have to identify the appropriate mechanisms or avenues where the results can be strategically discussed.

Learning how to monitor better – and share better

In specific regard to the monitoring initiative itself, not only the results, but the process has been valuable. CSOs should continue to beef up their capacities in undertaking monitoring and adding more rigor to their research. This can be done through capacity development programs, and continuous sharing of experiences for learning.

The monitoring initiative has shown that CSOs have done well monitoring inputs such as the formulation and implementation of land-related laws as well as budgets or financing for agrarian reform. Land disputes – their incidence, typologies, and sources – represent a promising area for CSOs to monitor. Land grabbing, including the impacts on communities, are also another area which CSOs can choose to concentrate its efforts on.

Land ownership and distribution, as well as landlessness, are trickier, but are well worth the investments of time, money and effort, since they expose the gravity of land inequality and land poverty.

CSOs have been researching on various land issues. The CSO land monitoring initiative represents another opportunity for CSOs to complement the results of existing studies with additional data, and share these findings with a variety of stakeholders.

But beyond sharing of information, CSOs are encouraged to come together and jointly analyze the data available. The different perspectives contribute to the thinking process, thereby enriching data analysis as well as increasing CSOs' ownership of the monitoring initiative.

Empowering the landless

The CSO monitoring initiative aims to contribute to the empowerment process of the poor and landless, through the use of the results and analysis as inputs to education and awareness building and community organizing - in terms of what to demand vis-à-vis the government's land policies or programs. Monitoring may be one part, but the heart of advocacy is poor people's empowerment, mobilizing them to take concerted action for change.

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Bangladesh

Summary

In 2011, a new land use policy was tabled for discussion in the Parliament of Bangladesh. If passed, this would supersede the 2001 National Land Use Policy that critics found weak. In the meantime, determined land rights activists have maintained their position that agrarian and land reform requires radical, structural change in land ownership. Pre-conditions have to be addressed before the actual work can start to resolve the complexity of longstanding, core issues in agrarian reform. These issues are: (i) the distribution of *khas* agricultural land among the poor and landless, (ii) the limited land rights of the religious and ethnic minorities, (iii) women's access to land, and (iv) the fishing community's access to water bodies.

The major factors hindering the implementation of agrarian reform include: (i) insufficient and confusing laws and legal dispute settlement bodies, (ii) an inefficient administration system that churns out dual or multiple land ownership documents, and (iii) an expanding shrimp cultivation industry that edges out small farmers in favor of big shrimp farms. Urbanization poses severe challenges as well, drawing two different crowds. They are the

An abridged version of the paper, "Land Reform Monitoring Report: Bangladesh", prepared by Dr. Abul Barkat for the Association for Land Reform and Development (ALRD)

List of Acronyms used

ADB	Asian Development Bank
ARB	Agrarian Reform Budget
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ALRD	Association for Land Reform and Development
CIRDAP	Centre on Integrated Rural Development for Asia and the Pacific
EPA	Enemy Property Act
ILO	International Labour Organization
LRDI	Land Reform Development Index
LRMT	Land Reform Monitoring Tool
LWA	Land Watch Asia
NGO	non-government organization
ODA	official development assistance
R&D	research and development
UNPFII	United Nations Permanent Forum on Indigenous Issues
VPA	Vested Property Act

landless seeking employment and livelihood, and the resource-rich land grabbers seeking opportunities to own land rising in value.

The role of civil society including peasants' organizations, non-government organizations, and other organizations, has never been

fully recognized in government policies. Nonetheless, NGOs have formed networks with international support groups like ANGOC to drive their goals forward. The exercise of constructing the Land Reform Development Index (LRDI) and the Land Reform Monitoring Tool (LRMT) is the first of its kind in the country. It has been found of practical value in monitoring the directions of land reform. Furthermore, it makes it possible to identify areas (by block components, variables, and indicators) of priority interventions and advocacy towards pro-poor land reform.

Monitoring Indicators

The two broad blocks framing the issue of land reform are the input block comprising budget and land policies, and the outcome block, comprised of land tenure and access to land.

The key variables and indicators are shown on the table on the page 54.

Bangladesh has proposed a final monitoring tool and its use is discussed in the body of the report. Given this new tool and research findings, several suggestions are being raised for the consideration of key actors in agrarian reform. These are:

Government

- Share the land reform development index and the associated monitoring scheme and tools with the relevant persons/ departments in the government and the academe.

NGOs and partners

- Share the land reform development index and the monitoring scheme and tools with land-rights based NGOs working in the field.
- Organize an expert group meeting to work out an expected ideal situation/ normative scenario for each indicator by time deadline (e.g., reduce the number of people killed/100,000 population by 10 times by the year 2015, and so on).
- Organize large-scale dissemination meeting (seminar, conference) to sensitize all relevant persons both at home and abroad including development partners.
- Continue more research on this endeavor for further refinement and consensus building involving the core team members deployed by ANGOC.

Context: Status of land reform

Limited access to land by the poor and rising inequality in society continues to confront 66% of the total population of Bangladesh (or 99 million people).

Central to agrarian reform are issues that have become harder to resolve given the land ownership structure. These issues are:

- the distribution of *khas* agricultural land among the poor and landless,
- the limited land rights of the religious and ethnic minorities,
- women's access to land, and
- fishing community's access to water bodies

Input Block	Outcome Block
<p>Budget</p> <ul style="list-style-type: none"> • Agrarian Reform Budget • R & D expenditure in agriculture • Share in Official Development Assistance (ODA) in agriculture 	<p>Land Tenure</p> <ul style="list-style-type: none"> • Land disputes <ul style="list-style-type: none"> - No. of people killed, detained or harassed/100,000 population - No. of cases received, investigated, adjudicated/100,000 population - No. of land grabbing cases, percentage of area of land grabbed - Average time in years for dispute resolution; annual time loss to disputes - (Annual) Monetary loss associated with land dispute/ litigation; (Annual) Loss of asset due to litigation • Evictions <ul style="list-style-type: none"> - No. of households evicted/ displaced from farms/100,000 population - No. of households becoming totally homeless due to eviction
<p>Laws and Policies</p> <ul style="list-style-type: none"> • On land use • For marginalized groups • On foreign investment in land 	<p>Access to Land</p> <ul style="list-style-type: none"> • Ownership <ul style="list-style-type: none"> - Ownership by category according to size of landholdings and according to income - Percentage of farmers having effective ownership of government-distributed <i>khas</i> land (satisfying all 3 indicators) - Percentage of total <i>khas</i> land distributed among landless farmers/cultivators/peasantry • Tenancy Rights <ul style="list-style-type: none"> - Percentage of sharecroppers and percentage of sharecroppers with legal documents - Percentage of contract farmers' area in relation to total agricultural area • Landlessness <ul style="list-style-type: none"> - Gini coefficient - Bottom-to-top ratio (bottom 10% to top 10%)

The nature of urbanization constitutes another significant dynamic of poverty and access to land. Marginal farmers and those rendered landless migrate to the cities in search of livelihood. Urban sprawl is consequently driving land prices up and increasing the incidence of land grabbing.

Land ownership or the lack of it has largely determined the socio-economic divide. During the last 20 years, the total population has increased by 40 million with majority being poor (32% of the total population). Over half of the poor are agriculture workers; most are landless and what they earn is spent on food. In sharp contrast, across the divide are

the rich (2.7% of total population) who own large landholdings and other assets.

Land ownership status also determines both education and health divides, and more so the gender divide. Existing laws of inheritance, patriarchal values, and social practices perpetuate discrimination against women.

Widespread land grabbing victimizes many among the 32 different ethnic minority groups (1.2% of total households). About one million Hindu households have lost their 2.1 million acres (850,000 ha) because of the enlistment of their property under the Vested Property Act (VPA).¹

Poor fishers' access to *khas*-water-bodies is highly restricted, affecting the livelihood of about 38 million people. At best, 5% of the total 830,356 acres (336,000 ha) of *khas*-water-bodies available have been distributed among the poor, on lease basis. The fishers also have to contend with a complex and exploitative marketing system that involves six different intermediaries who benefit most from the value chains.

Shrimp cultivation in the coastal areas covers about 2 million ha and involves 1.5 million persons. The shrimp export industry has grown rapidly, contributing 10% to 12% of the country's total export. The poor producers, however, have not benefited from this economic development; on the contrary, they have been made vulnerable to loss of property rights to scrupulous businessmen.

¹ VPA continued as the Enemy Property Act (EPA) enacted during Indo-Pakistani War in 1965. Local influential people and land officials have maintained the reasons and complex mechanisms that uphold the VPA.

Conceptual Framework and selected variables and indicators

In the construction of a Land Reform Development Index (LRDI), the two broad blocks used to frame the issue of land reform were the input block comprising budget and land policies, and the outcome block, comprising land tenure and access to land.

Data pertaining to the input block was obtained directly from official government sources and in some cases, estimated. For the outcome block, data came mainly from relevant research studies. Some data from secondary sources were re-estimated to suit the purpose of the indicator; in other cases, due to unavailability of relevant data, expert judgment was sought.

There are six indicators for the input block falling under budget and policy/laws. For the outcome block, the five indicators falling under land tenure and access to land are specified further into 21 indicators.

Findings and Analysis

Input Indicators

1. Budget

i. Agrarian reform budget

There is no such budgetary heading as “agrarian reform budget” (ARB) in Bangladesh. The precise amount of ARB is not available, neither in revenue nor in development budget. What is contained in the national budget of the last financial year (2010-2011) is a declaration that 5,534 acres (2,250 ha) of *khas* land will be distributed among 34,352 landless households during the year.

This specification is a first in the history of Bangladesh. It is important therefore to obtain the data from sources at the Land Ministry and Ministry of Finance, not only on the ARB amounts but also financial outlays for all key components of land reform.

ii. R&D expenditure in agriculture as percentage of total agricultural budget and agricultural GDP

The total amount of R&D expenditure in FY 2010-2011 is Tk1,850 million (\$26 million). The estimated R&D expenditure in agriculture is 2.26% of the agriculture budget and 0.12% of the agricultural GDP.

iii. ODA in agriculture

In FY 2008-2009, the total ODA was \$1,794.9 million, of which agriculture's share was \$30.1 million. Therefore, the share of ODA in agriculture is 1.68%. The actual share may be higher because a part of ODA ("Rural development and institutions" with \$57 million) can be attributed to ODA in agriculture, but to what extent it is difficult to ascertain.

2. Land Policies

Land policies pertaining to land reform are weak, both in terms of policy diversity and implementation mechanisms. Because the National Land Use Policy (2001) was a weak one, a new land use policy is now under discussion in Parliament. Specific policies for marginalized groups, namely for indigenous peoples, women, and fishers, and policies or guidelines on foreign investment in land are non-existent. However, various

laws and policies related to distribution of *khas* land do exist. However, implementation is unsatisfactory because, so far, only 12% of the total agricultural *khas* land has been distributed among the rural poor. The rest are in the hands of land grabbers with powerful connections.

Outcome Indicators

Land tenure - Variables and indicators

There are a number of indicators for land disputes and evictions, for which relevant values have been estimated based mainly on research studies published between 2002 and 2008.

1. Land disputes

Land dispute has been measured using 12 indicators. Indicator-wise values with associated implications are presented as follows.

i. Number of people killed per 100,000 population

In 2002, the estimated total number of deaths attributed to land litigation would be 32,073. Considering the 2002 population size of Bangladesh, the ratio comes to 25.1 deaths per 100,000 population. This indicator is a tricky one because ideally speaking, in a smooth, peaceful land reform endeavor, the ratio of killings should drop; however, in a real life situation where land is scarce and where a huge amount of distributable *khas* land is captured by land grabbers, the ratio of deaths (per 100,000 population)

may increase (in the initial phase of reform).

ii. Number of people detained per 100,000 population

The estimated total number of people detained due to land dispute/litigation would be 1.18 million in 2002. This means a ratio of 921 persons detained per 100,000 population.

iii. Number of persons harassed per 100,000 population

The estimated total number of people harassed due to land dispute/litigation would be 26.3 million in 2002. The ratio comes to 2,071 persons harassed per 100,000 population. It is important to note that the number of persons harassed due to land disputes/litigation depends mainly on three factors: the number of land dispute/litigations, number of persons involved in each dispute/litigation, and average years of litigation mitigation time (e.g., in Bangladesh, the total number of land litigation at any time is 1.4 million; on average 45 persons are involved in each litigation, and the average mitigation period is 9.5 years).

iv. Number of land-related cases received per 100,000 population

The annual number of new land-related cases (law suits) is 63,158. This means 206 cases per 100,000 population. This ratio is relatively high due to high dependence on land as well as stiff competition for access to and ownership

of land. Unless land-related legal and administrative reforms coupled with re-distributive land reform are proactively pursued, this ratio is bound to go upwards in an increasingly over-populated Bangladesh.

v. Number of land-related cases investigated per 100,000 population

Extrapolation based on research findings shows a ratio of 51 cases investigated per 100,000 population. Note that only 25% of cases are investigated within a year of filing. This might explain why it takes an average of 9.5 years to mitigate land litigation.

vi. Number of land-related cases adjudicated per 100,000 population

Based on the relevant research findings, the number of cases adjudicated has been extrapolated using information on the rate of disposal and on how long land disputes (litigation, suits) are pending in various types of court. Extrapolation shows a ratio of 82 land-related cases adjudicated per 100,000 population.

vii. Number of cases of land grabbing - not available

Land grabbing is rampant in Bangladesh. Based on expert judgment, it has been estimated that the annual number of land grabbing cases is over 10,000.

viii. Percentage of area of land grabbed

It has been estimated by Dr. Abul Barkat that the area of land grabbed would be equivalent to 27% of all agricultural land and 16% of total land area in Bangladesh. This is a relatively high incidence.

ix. Average time in years for land dispute resolution

On average, it takes 9.5 years to resolve a land dispute—11.4 years for civil suits, 7.9 years for criminal suits, and 7.5 years for revenue suits (all are land-related disputes/litigation).

x. Annual loss of time due to disputes – not available

Extrapolation can be done based on the annual number of land-related pending cases (2.5 million cases), number of persons involved in each case (as plaintiff, defendant, their family members, and witnesses; 45 persons per case), and average loss of hours per year per person involved (15 hours per year per person). These show that the annual loss of time due to land disputes amounts to 1,687 million hours (or equivalent to 211 million work days).

xi. Annual monetary loss associated with land dispute/litigation

The estimated annual amount of monetary loss associated with land disputes/litigation is Tk248,599 million (\$3,824.6 million) in 2002.

xii. Annual loss of asset due to land disputes/litigation

The study titled “*Political Economy of Land Litigation in Bangladesh*” provides data on this indicator. The estimated amount of annual loss of assets attributable to land litigation is Tk115,195 million (\$1,772 million in 2002).

2. Evictions

This variable under the “land tenure” component has been measured using two indicators. Estimated values on these two indicators with associated implications are presented below.

i. Number of households evicted/displaced from farms per 100,000 population - not available

In order to estimate the annual number of households evicted/displaced from farms, a set of assumptions has been deployed, which includes 25 million rural households, and 1% annual eviction/displacement rate of rural farm households. Based on these, the approximate number of households evicted/displaced would be 250,000 annually, or over 200 households per 100,000 population. The actual number (ratio per 100,000 population) could be higher than this estimate because of displacement due to climate change and natural calamities (not included in the estimation).

ii. Number of households becoming totally homeless due to eviction – not available

Based on informed judgment, it has been estimated that in 2008, over 5,000 households became totally homeless due to eviction.

Access to Land - Variables and indicators

This outcome component of land reform is the sum total of a) ownership, b) tenancy rights, and c) landlessness.

1. Land ownership

Land ownership has been measured using three indicators:

i. Ownership by category according to size of landholdings and income

Agriculture Census provides land ownership statistics by five landholding size categories, namely: landless, marginal, small, medium, and large. Census data from 1996 shows that land ownership is highly skewed with large landowners (only 2.1% of all rural households) owning 17.3% of all agricultural land while majority (70% of landless and marginal farmer households) own at best 15% of total agricultural land. Officially, almost all landless people live below the poverty line.

ii. Percentage of farmers having effective ownership of government-distributed khas land

This indicator shows the effective retention rate of land ownership among recipients of *khas* with reference to the owner possessing the deed in hand, the land itself (possession right), and the ownership over crops (right to harvest). Research shows that only 46% farmers have effective ownership over those lands, reflecting a high non-retention rate at 54%.

iii. Percentage of total khas land distributed among landless farmers/peasantry

As of 2001, at best 20% of total *khas* agricultural land had been distributed among landless farmers. Although the Agricultural Khas Land Management and Settlement Policy 1997 requires the distribution of *khas* annually, the low achievement implies that: first, a huge amount of *khas* land (80% of all *khas*) remains undistributed; and second, this huge amount of *khas* land is lying with the land grabbers. Both of these are core issues of land reform.

2. Tenancy rights

i. Number of sharecroppers

The number of sharecroppers is on the rise, from 7,985,079 in 2008 to 12.1 million in 2009. Of these, less than 1% have legal documents. The reasons for the increase in numbers are:

- the high input cost and low market access that discourages poor-landless-marginal farmers to continue with farming, preferring

to engage in non-agricultural activities or in informal sector jobs;

- many relatively large landowners disinterested in cultivating land themselves, switching to non-agricultural activities; these landowners therefore, lease-out their agricultural land to the sharecroppers; and
- small and medium landowners interested to lease-in land from the relatively poor and relatively large landowners.

ii. Percentage of sharecroppers with legal documents

Estimates based on informed judgment show that less than 1% of the sharecroppers in Bangladesh, have legal documents as sharecroppers. However, the Land Reform Law, 1984 has the provision of giving legal documents to the sharecroppers. Advocacy by ALRD and other land-rights NGOs and civil society may help accelerate the process of providing legal documents to the sharecroppers.

iii. Percentage of contract farmers' area in relation to total agricultural area – not available

Experts opine that agricultural land under contract farming (for tobacco, shrimp cultivation, and the rich leasing-in from the poor) is on the rise. Estimates based on informed judgment show that the area under contract farming will not exceed 5% of the total agricultural area. The issue of contract

farming deserves serious thinking because of the resulting injustice on and impoverishment of the farmers and environmental deterioration. Contract farming for tobacco in the Chittagong Hill Tracts, for example, is a gross encroachment on the land rights of the indigenous peoples.

3. Landlessness

i. Gini-coefficient

Gini coefficient as a measure of inequality shows the highly unequal land ownership pattern in Bangladesh. The Gini coefficient is 0.686 (in 2005). Between 2005 and 2010, there has been a reduction in poverty from 40% to 31.5% (Household Income Expenditure Survey, Bangladesh Bureau of Statistics). However, the same source reports that while poverty rates have declined, income inequality has increased. Therefore, an inference can be drawn that the Gini coefficient value has increased implying greater land inequality in Bangladesh. If so, this justifies the need for accelerated land reform in Bangladesh.

Finalizing the monitoring tool

The land reform development index (LRDI) and land reform monitoring tool (LRMT) is of high utility. It has practical value in monitoring the directions of land reform. This is because of the following reasons.

First, the state of land reform has been envisaged both in terms of inputs (e.g., budget, laws) and outcomes (land tenure and access to land).

Second, both inputs and outcomes have been measured (for the first time) using appropriate indicators under broad variables (e.g., land disputes, evictions, ownership, tenancy, landlessness).

Third, the framework can be used by the government and civil society to track and monitor the status of land reform at any time.

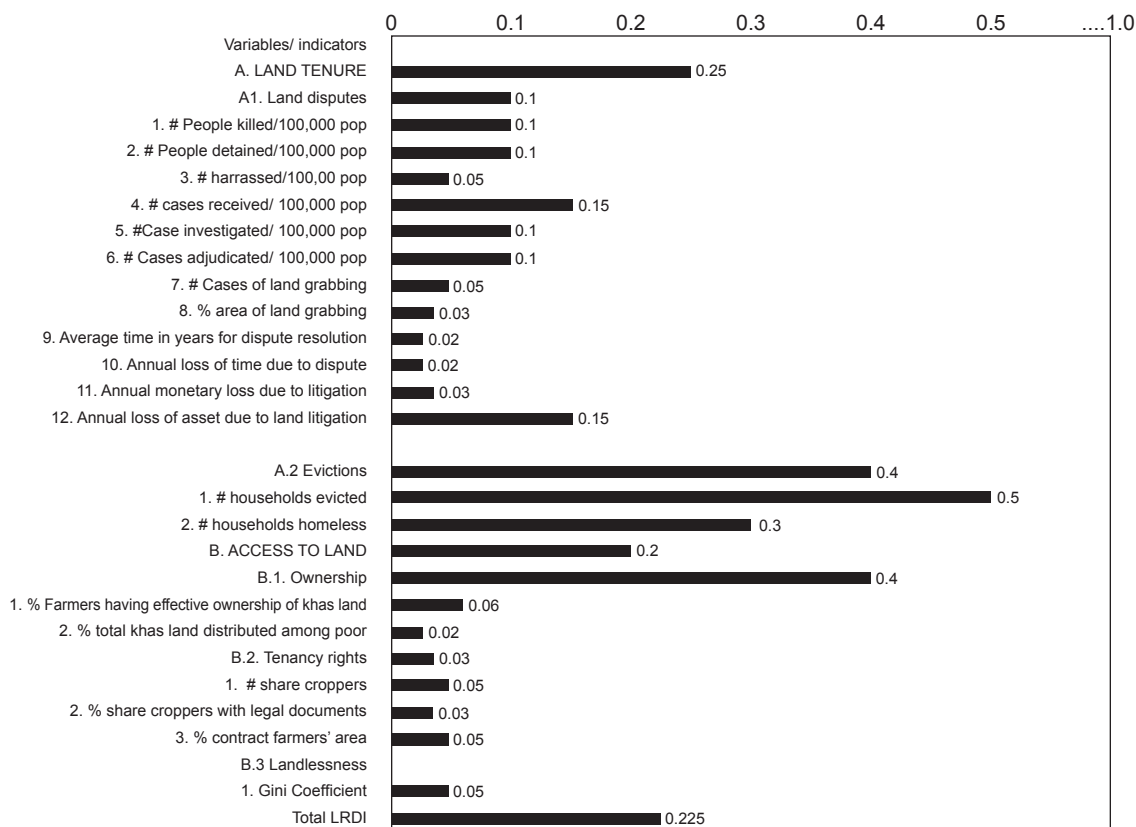
Fourth, using this monitoring framework, it would be possible to identify areas (by blocks, components, variables, and indicators) of priority interventions and advocacy towards pro-poor land reform. For this purpose, the example below (see Figure 1) presents the LRDI for 2010. All stakeholders could find this informative.

The figure shows the tool to monitor the status of land reform as of 2010. This figure should be updated every year or once in two years.

On analysis:

- a) The overall LRDI is 0.225. In a “best scenario,” LRDI should be close to 1. The 2010 LRDI is closer to “zero,” implying land reform is still at its inception. Therefore, vigorous efforts are needed to accelerate land reform in Bangladesh.
- b) Relatively speaking, both the two blocks (broad components) of land reform are lagging much behind the expected level.

Figure 1: Land Reform Development Index (LRDI), Bangladesh 2010 (hypothetical scenario)



Of the two components, the “access to land” block (with transformed value 0.2) is lagging behind the “land tenure” block (0.25 value). This implies that more emphasis should be given on the “access to land” block.

c) Indicators with transformed value, say those equal to or less than 0.02 represent the least addressed domains of land reform. These areas needing aggressive interventions including advocacy efforts are:

- cases of land grabbing (0.05)
- area of land grabbing (0.03)
- average time in years for dispute resolution (0.02)
- annual loss of time due to land disputes (0.02)
- annual monetary loss due to land litigation (0.03);
- percentage of farmers having effective ownership of government distributed land (0.05)
- percentage of total *khas* land distributed among poor (0.02)
- number of sharecroppers (0.05)
- percentage of sharecroppers with legal documents (0.03)
- percentage of contract farmers’ area out of total agricultural area (0.05)
- Gini coefficient (0.05)

The utility of this exercise shows precisely where to prioritize interventions, that is, where the transformed values are low.

Conclusion

Based on the research and exercises performed in this study, the following recommendations are being made:

Government

- a. Share the land reform development index and the associated monitoring scheme and tools with the relevant persons/departments in government and academia.
- b. Discuss with the Land Ministry and the relevant bodies under it (DLRS, Land Appeal Board, etc.) the relevant values attributable to the agrarian reform budget.
- c. Push for the declaration of the budget for the distribution of *khas* land to 34,532 landless households as indicated in the National Budget, FY 2010-2011, Ministry of Finance.
- d. Discuss with the Board of Investment the development of policies or guidelines for foreign investment.

Donors

At the regional and global level, through ANGOC, LWA, ILC-Asia:

- a. Campaign with ADB, World Bank, and other international financing institutions about their role as investors on land.
- b. Dialogue with intergovernmental organizations.
- c. Advocate with UNPFII/ILO to amplify country-wise impact of ILO Convention No.107, 169 for Indigenous Peoples.

- d. Dialogue with CIRDAAP to institutionalize the land rights agenda at the Asia-Pacific regional level.

NGOs and partners

- a. Share the land reform development index and the monitoring scheme and tools with land-rights-based NGOs.
- b. Organize an expert group meeting to work out an expected ideal situation/normative scenario for each indicator by time deadline (e.g., reduce number of people killed/100,000 population by 10 times by the year 2015, and so on).
- c. Organize large-scale dissemination meeting (seminar, conference) to sensitize all relevant persons—both at home and abroad including the development partners of ALRD. Use publications, seminars, dialogues, trainings (for ALRD’s partners), radio, TV spot, ALRD’s newsletter, and website tools as communication medium.
- d. Continue more research on this endeavor for further refinement and consensus building involving the core team members deployed by ANGOC.

How to prepare the Land Reform Development Index (LRDI) tool

There is a value for each indicator, as shown in the table below. Convert or transform each value into a scale of ‘0’ to ‘1’, ‘0’ being the lowest value (worse situation) and ‘1’ being the highest value (best situation).

In order to perform the conversion exercise, an ideal or normative value for each indicator needs to be constructed or assumed. For example, under “land disputes” variable, the present obtained/estimated value for the indicator titled “number of people killed (per 100,000 population)” is 25.1. Presuming that a consensus has been reached that in an ideal situation (normative situation), the number of persons killed should be 10 times less than what it is today, i.e., from 25.1 persons killed/100,000 population the figure should go down to 2.51 persons (25.1 ÷ 10) person/100,000 population (most ideal situation, however, should be not 2.51 but ‘0’).

Now, in a 0 to 1 scale, the *finally transformed value*, as shown in Figure 1, would be 0.1 (2.51 ÷ 25.1). Using this estimation procedure coupled with judgmental normative situation (ideal situation), the transformed values for all 20 indicators (as shown in Figure 1) have been estimated.

The transformed value for a variable is an average value of all indicators representing the variable (e.g., the transformed value for variable “land dispute” is an average of transformed value of 12 indicators under this variable). Similarly, the transformed value for the block/component “land tenure” is an average of the two variables representing this block (variables here are “land tenure” and “evictions”).

And finally, the land reform development index (LRDI) is a simple average of the two blocks/components, namely “land tenure” and the “access to land”. The higher the LRDI the better, while the lower the LRDI, the worse.

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Cambodia

Summary

Since the promulgation of the Land Law in 2001, Cambodia has proceeded on two tracks with the Land Management and Administration Project. The first track provides private state land for the poor who rely on land for basic needs; this is the Land Allocation for Social and Economic Development (LASED) Project. The second track provides land for big companies and investors seeking long-term concessions for agricultural and agro-industrial development.

There are various land issues that compound the reform effort. These issues have arisen as a result of increased global trade, high food prices, and energy costs. These issues are attributed, but not limited to the development of special economic zones (SEZs), economic corridors, real estate boom and urbanization, development of hydropower dams, and the improvement of the railway system. The Royal Government of Cambodia (RGC) and its development partners have been working to resolve problems in the midst of growing poverty of the landless, who count among the rural poor.

Civil society organizations (CSOs) have been exploring partnerships in support of land reform. One such partnership, Land Watch

An abridged version of the paper, "Land Monitoring Report: Cambodia", prepared by Ngo Sothath for STAR Kampuchea

List of Acronyms used

ABiC	Agri-Business Institute Cambodia
ACI	Agrifood Consulting International
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
CDC	The Council for the Development of Cambodia
CIDA	Canadian International Development Agency
CN\$	Canadian Dollar
CSO	civil society organization
DANIDA	Danish International Development Agency
ELC	Economic Land Concession
GTZ	German Agency for Technical Cooperation (Deutsche Gesellschaft für Technische Zusammenarbeit)
ha	hectare
LAMDP	Land Administration, Management, and Distribution Program
LASED	Land Allocation for Social and Economic Development
LMAP	Land Management and Administration Project
LWA	Land Watch Asia
MAFF	Ministry of Agriculture, Forestry, and Fisheries
MoE	Ministry of Environment
NARLD	National Authority for Resolution of Land Disputes
NRMLP	National Resource Management and Livelihood Program
RGC	Royal Government of Cambodia
SLC	Social Land Concession
TWG	Technical Working Group

Table 1. Variables and Indicators for Land Reform Monitoring in Cambodia

A. Inputs	B. Outcomes: Land Tenure
<p>1. Regulation</p> <ul style="list-style-type: none"> • Laws • Sub-decrees • Declarations <p>2. Mechanisms</p> <ul style="list-style-type: none"> • Institutions for policy dialogues and monitoring of reform • Project deliveries <p>3. Financing</p> <ul style="list-style-type: none"> • State budget • Aid disbursement 	<p>4. Ownership</p> <ul style="list-style-type: none"> • Number of titles issued • Distribution of issued titles by types of ownership • Percentage of land secured by any type of document • Percentage of land secured by government title • Percentage of land that can be used as collateral for loans
C. Outcomes: Access to Land	D. Outcomes: Land Disputes
<p>5. Land access</p> <ul style="list-style-type: none"> • Distribution of land possession by size of landholdings • Access through tenancy, sharecropping, and other means <p>6. Landlessness</p> <ul style="list-style-type: none"> • Landless and land-poor • Land transaction • Land grabbing • Forced eviction 	<p>7. Trend and Nature of Disputes</p> <ul style="list-style-type: none"> • Number of land dispute cases over time • Attributes of disputes (geographical, urban/rural, etc) <p>8. Dispute Resolution</p> <ul style="list-style-type: none"> • Number of cases received • Number of cases resolved • Number of affected households and population • Area of disputed lands (hectares)

Asia, has enabled CSOs to put together a set of monitoring indicators falling under four variables: inputs, land tenure, access to land, and land disputes (see Table 1).

The need for speedy and robust reform in Cambodia’s agrarian structure is made imperative by report findings such as the increase in landless households. Although the reform program has made progress, it has been slow and imbalanced. While the RGC managed to pursue economic development goals through the participation of private companies through economic land concessions and other means, the attention to social land

concessions for the poor who require land for basic needs has been less driven.

The recommendations for the RGC and partners are:

Government

- Accelerate land distribution to the poor and vulnerable to meet the targets of the LASED project.
- Ensure that the approved and granted projects in the form of ELCs, mining concessions, SEZs, hydropower dams, and others neither cause nor contribute

to landlessness, land grabbing, and forced eviction of poor people whose lands are in the project sites. Where there is inevitable overlapping, the government should have a clear and good compensation policy and process for the affected people.

CSOs

- In continuing its monitoring, CSOs should assess whether implementation has yielded fair benefits for the poor. CSOs should also draw valuable experiences and knowledge from other land reform programs and use this to inform the government and donors.
- CSOs should document and share positive impacts of land reform with the goal of encouraging more reform processes. Innovative practices can be sought and promoted, which will also make them more credible program partners.

Donors

- Work closely with both the RGC and the CSO counterparts to fund and monitor the reform program.

Context: the status of land reform

About 94% of an estimated six to seven million agricultural lands are considered small farms* (ACI, 2005). Many of these farms are in the hands of the land-poor who cannot support basic household needs. This group includes the 26% of rural households owning even less than 0.5 ha of agricultural land.

*less than 3 ha.

Land tenure is uncertain for many. As of 2007, only 36% of lands are covered with titles (World Bank, 2009); most have been titled only in recent times through the systematic process of the Land Management and Administration Project (LMAP). This suggests that many landowners remain vulnerable to land grab or forced eviction. Among the poorest quintiles of the population, only 30% owned land secured by government title (World Bank, 2009).

Studies point to a trend of landlessness that grew faster between 1997 and 2004. This is attributed to several factors including the increasing population, rising prices of land that spur land grab, land administration and management decisions that grant Economic Land Concessions (ELCs) to private companies often at the risk of dispossessing local communities whose lands may overlap with boundaries. Another factor is the slow implementation of the Social Land Concessions (SLCs) that could protect small farmers. Only 30% of the 3,150 households targeted have received SLCs as of 2010.

High estimates of victims of land grabbing and forced eviction underscore the imperative to address these issues. About 300,000 Cambodians have been dispossessed of lands since 2004 (LICADHO, 2010) and about 150,000 people are living at risk of eviction under threat from development projects, land disputes, and land grabbing (Amnesty International, 2008).

Land dispute cases showed an upward trend as well for the period 2001–2010. About 60% of the cases involved agricultural land. Dispute resolution was at a low of 17%, with an almost equal percentage (16%) unresolved due to lack

of information (NGO Forum on Cambodia, 2010). Further, the resolved cases were not mainly accomplished through the RGC's Cadastral Commission or the NARLD, which were set up for this purpose.

State financing for land reform has remained constant over the period 2005-2010. The land reform budget is a meager 0.45% on average of the government's annual total budget. Aid disbursement for land reform, on the other hand, has been 3.8% of total aid for the years 2009 and 2010. Together with the government's budget, about \$40 million was made available for land reform expenditure between 2009 and 2010.

Conceptual framework

Adopting the framework introduced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia to the local situation in Cambodia, CSOs have finalized monitoring indicators as presented in Table 1 (page 69).

Findings and Analysis

A. Inputs for Land Reform

1. Regulations

The Land Law of 2001 was intended to determine the regime of ownership for immovable properties in Cambodia for the purpose of guaranteeing the rights of ownership and other rights related to immovable property.

In 2003, the government launched the Land Administration, Management, and Distribution Program (LAMDP), a 15-year program to

address the lack of farmers' land tenure, lack of management over natural resources, and inequitable distribution of land.

Also in 2003, the government issued two sub-decrees. The Social Land Concessions (SLCs) provided for the transfer of private state land to the poor. The Economic Land Concessions (ELCs) on the other hand, granted contracts for agricultural and agro-industrial development to private companies up to the size limit of 10,000 ha per concessionaire for a maximum of 99 years.

In the further implementation of the Land Law, there are other policies and regulations that pertain to state land management, registration of indigenous community land, commune land use planning, the management and use of co-owned buildings, illegal occupancy of state land, state land identification, classification and mapping, mechanism for the provision of agricultural extension services to farmers using social land concession, and strengthening of the Cadastral Commission's performance at all levels.

2. Mechanisms

- a. The Cadastral Commission, established in 2002, aims to resolve conflicts at the district, provincial, and national levels related to unregistered, immovable properties.
- b. The National Authority for Resolution of Land Disputes (NARLD) aims to resolve disputes beyond the jurisdiction of the Cadastral Commission that involved high-profile, influential people including senior police and military officials. Since the membership of NARLD includes these influential sectors, their suitability to resolve disputes has been criticized. (Schwedersky,

2010). To clarify, if the land in dispute were registered, even if these were high-profile cases, these remained with the court system.

- c. The Technical Working Group (TWG) on Land aims to improve coordination among government, donor community, and relevant NGOs. It also undertakes policy dialogue and monitoring of land reform programs.
- d. Other critical mechanisms have been embedded in several major programs:

- LMAP (2002-09): The Land Management and Administration Project was carried out in 11 out of 24 provinces, facilitating the issuance of about 1 million land titles through the systematic land titling process. The project strengthened the mechanisms for land dispute resolution by improving the capacity of the Cadastral Commission and providing legal assistance for the disadvantaged people. Donors like the World Bank, the GTZ (German Agency for Technical Cooperation), and the Government of Finland provided the initial budget of \$35 million. The Canadian International Development Agency (CIDA) made available additional funds of CN\$10 million.

- NRMLP (2006-10): The Natural Resource Management and Livelihood Program provided a mechanism for livelihood support for 707 communes in 14 provinces. The NRMLP aimed to produce the Commune Land Use Plan (CLUP) to define boundaries and allocations clearly, be it forestland,

farmland, residential lands, or reserved lands (The National Committee for Sub-National Democratic Development, 2009).

- LASED (2007-2012): The Land Allocation for Social and Economic Development Project implemented pilot measures in three provinces (Kratie, Kampong Cham and Kampong Thom) for granting social land concessions and linked these SLCs with parallel measures for rural development: infrastructure, training, and access to markets. The program aims to develop a countrywide implementation strategy.

3. *Financing*

State Budget Allocation

From 2005 to 2010, the government allocated about \$4.4 million per year to cover expenditure in the land sector. In absolute terms, the budget allocation has increased but in percentage terms, at only about 0.45% of the annual total budget, the allocation has remained constant over the same period. (See Figure 1.)

Aid Disbursement

The land sector reform in Cambodia has been financed by a variety of donors not limited to those supporting the NRMLP, LMAP, and LASED programs. Based on the online database¹ of Official Development Assistance, aid disbursement reached about \$35 million each year for 2009 and 2010 representing 3.8% of the total aid disbursement to Cambodia in both years.

¹ <http://cdc.khmer.biz/OwnReport/own report result.asp?ActionQuery=Search> (accesses 21 Sept 2011)

Together with the government's budget, it suggests that about \$40 million was made available in 2009 and 2010 for land reform.

B. Land Tenure

There are five monitoring indicators for this variable as identified below.

1. Number of titles issued

Approximately 1.6 million land titles were issued covering 25% of the total land parcels (estimated between 6 and 7 million). About 1 million were secured through the LMAP's systematic registration process during 2002-2009 while the 0.6 million titles were issued through sporadic registration process since 1989. The unsecured land (75% of total parcels) has remained subject to various threats (RGC, 2009).

2. Distribution of titles by types of ownership

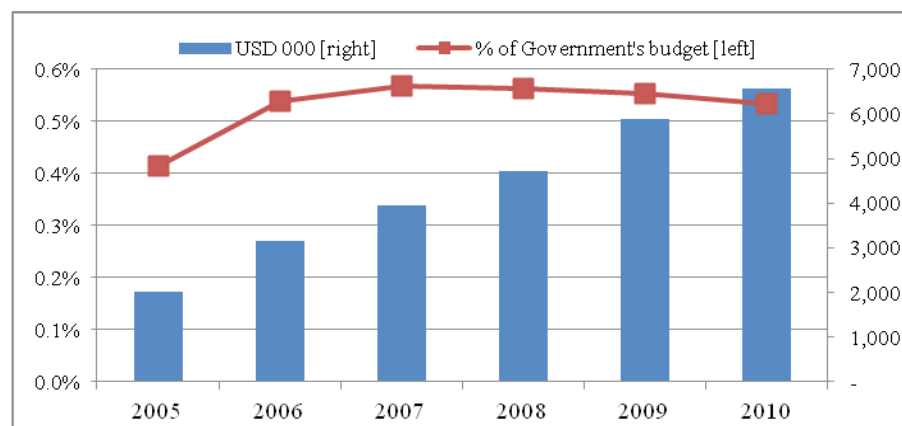
Majority of the land certificates (75%) covered rural lands while 25% covered urban areas. In terms of land ownership, 70% of the issued titles fell to shared properties of couples, followed by 20% to women. Another 5% were owned by men and the remaining 5% by monasteries (RGC, 2010).

3. Distribution of land tenure

Data from 2004-2007 showed percentage figures for the following:

- land secured by any type of document

Figure 1: National budget and its allocation for land sector



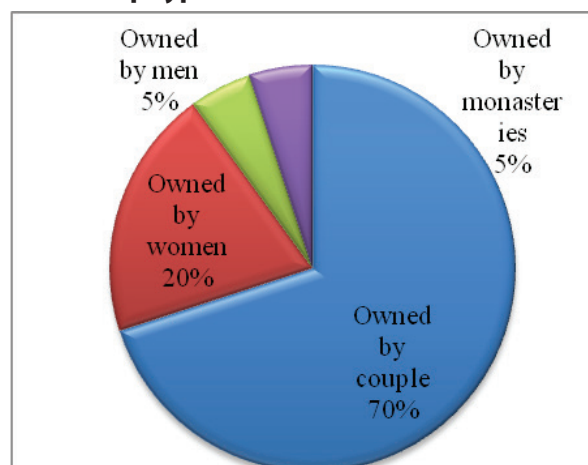
Source: Budget Law, from www.cambodiabudget.org (accessed, 21 Sept 2011)

- land secured by government title
- land used as collateral for loans

The government provided land titles to 36% of households as of 2007, up from 22% in 2004 (World Bank, 2009).

The process was facilitated by the implementation of the World Bank-led LMAP (2002 to 2009). This reflects how, before LMAP, a large majority of Cambodians possessed lands without the state's recognition. Such limited access to land tenure implies that people are vulnerable to land grab or land dispossession.

Figure 2: Distribution of land titles by ownership types



Source: RGC (2010)

The data also show inequality in terms of access to land tenures. In 2007, while 44% of the richest quintile owned lands with titles, only 30% of the poorest quintiles had the same security. (World Bank, 2009).

C. Access to Land

1. Land access

- Distribution of land possession by size of landholdings

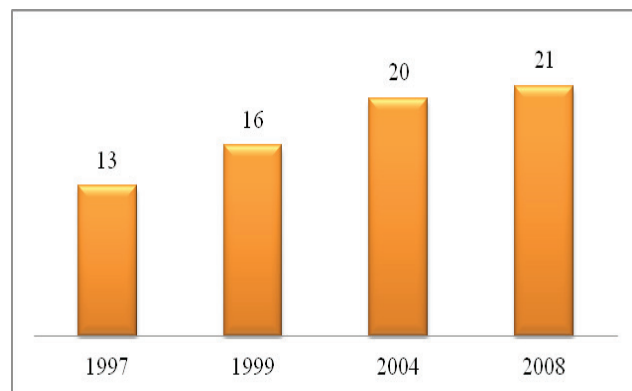
About 94% of the total farms in Cambodia are small (less than 3 ha). The rest are medium farms (about 5.5%) and large farms (0.8%) (Agri-Business Institute Cambodia, cited in Agrifood Consulting International, 2005).

Between 2004 and 2007, data indicated that Cambodians who owned or operated agricultural lands remained unchanged at 74%. Further, in 2007, 89% of the poorest quintile owned or operated agricultural lands representing a 6-percentage-point increase from 2004. In contrast, the richest quintile having access to agricultural lands fell by 9 percentage points from 48% in 2004 to 39% in 2007 (World Bank, 2009).

- Access through tenancy, sharecropping, and other means

In terms of mode of access to land, 92% of the agricultural lands that are owned or operated are actually owned land. The rest or 8% is land operated through tenancy, sharecrop, or other means (World Bank, 2009).

Figure3: Landlessness among rural households (% of rural households)



Source: WB (2006) and CDRI (2008)

2. Landlessness

- Landless and land-poor

The land-poor (those owning about less than 0.5 ha land) are estimated at 26% of the households in rural Cambodia (CSES 2004, cited by World Bank, 2006). A later survey by CDRI (2008) estimated that 45% of the rural households in Cambodia possessed less than 1 ha per household.

The number of the landless among rural households has also increased over time and at a faster rate between 1997 and 2004. This has been attributed to a number of underlying factors, among these—the return of the Khmer refugees from Thai borders during 1993/1994; the natural population growth dynamic that led to newly-married couples who had never owned land; the deliberate sales of lands for either investment or consumption purposes. Land grabbing as well contributed to the increase of landlessness (World Bank, 2006).

- Land transactions

In rural, LMAP sites, about 80% of the land transactions outside Phnom Penh between 1995 and 2001 involved purchases by the residents from Phnom Penh (Sophal & Sarthi, 2002). About 62% of the land sales were between 1998 and 2004 and were made for the following reasons: to address health care issues (25%), business investment (24%), lack of profitability because of small size or poor soil or remote location (8%), to finance their food purchase (7%) (CDRI, 2007).

- Land grabbing

Land alienation is common in ELCs granted to private companies for large-scale plantation. Studies show how the ELCs overlap with the community's land by 8% to 25% of the ELC size, involving more than 300 families per case. A CSO estimated that nearly 300,000 Cambodians have been the victims of land grab since 2004, which is roughly 1 out of every 50 citizens (LICADHO, 2010). In a sample survey by Oxfam, 13% of the landless reported not having been compensated for the land taken from them (Biddulph, 2000).

- Forced eviction

According to Amnesty International (2008), around 150,000 Cambodians are living at risk of eviction under threat from development projects, land disputes, and land grab. Between 1990 and 2008, a total of 26,600 families were evicted. This could have involved more than 100,000 people evicted in Phnom Penh (Sahmakum Teang Tnaut, cited in Housing and Land Rights Issues in Cambodia, 2009).

- Land allocation

The LASED Project aimed to provide lands to 10,000 landless families. In 2010, the RGC reported that 12 provinces had already identified 36,917 ha for social land concessions for distribution to 14,791 targeted families. As of 2010, a total of 3,156 families had benefited, majority of them in the provinces of Kratie, Kampot and Kampong Cham (RGC, 2010).

D. Land disputes

1. Trend and nature of disputes

- Number of land dispute cases over time

According to the database of the NGO Forum (NGOF) on Cambodia (2010), using data from its members and NGO partners, there were a total of 236 cases across the country as of 2009². Tracked since 2001, the cases of land disputes have been increasing, reaching a high of 39 cases in 2008 due to the real estate boom that year. The number of cases dipped in 2009 following the economic downturn in late 2008, but went up again in 2010.

On analysis, the incidence of land disputes is concentrated in provinces that have growing economic activities and abundant lands. Further, of the five provinces with the highest cases, in two of these provinces where the number of disputes is fewer (in Kandal and Phnom Penh), the number of households involved in the disputes is higher.

- Attributes of disputes

The phenomenon of land disputes is both rural and urban but largely rural. The NGOF (2010)

² Sithi.org reported 226 cases across Cambodia, which involved about 47,000 victims (accessed 11 Sept 2011)

reported that about 60% of the dispute cases involved agricultural lands in the rural areas. A land dispute case involved about 201 ha of lands and 125 households on average. This suggests that land disputes in Cambodia have involved about 47,500 ha of land and 30,000 households. The data indicate that 41% of the cases involved less than 50 households, 20% involved more than 200 households, and the disputes of larger land size are usually between the forest-dependent communities and the ELCs.

Resolution of disputes showed that only 17% of 236 cases as of 2009 had gone through the process with some results. About 67% remained under processing. The remaining 16% of cases were dropped or of unknown status.

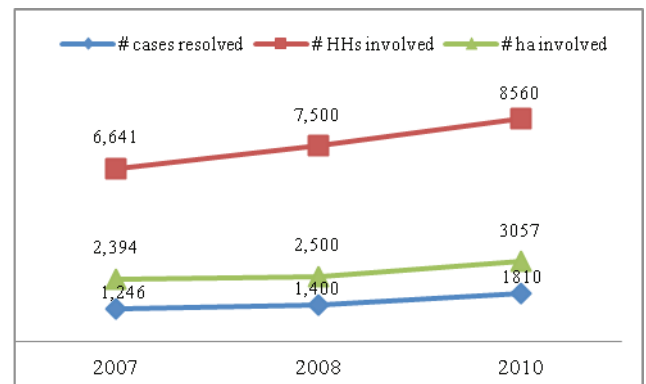
Further, out of 41 resolved cases, only two were settled by the Cadastral Commission and the other two cases by the NARLD. Of the 17% of cases resolved as of 2009, 42% were conciliated by the local authorities and 22% were resolved by the court system.

2. Dispute Resolution

The number of dispute cases as well as the number of households and land areas involved have increased over time. Over the period 2007 to 2010, the number of resolved cases increased from 6,641 to 8,560. On analysis of these figures, a dispute case involved about five households and nearly 2 ha of land on average. (See Figure 4.)

The Cadastral Commission received 5,193 dispute cases in total but managed to get only 35% of the cases resolved. About 34% were pending cases, 5% withdrawn, and 25% rejected due to non-compliance with the

Figure 4: Land disputes resolved by Cadastral Commission



Source: RGC (2007); RGC (2008); RGC (2010)

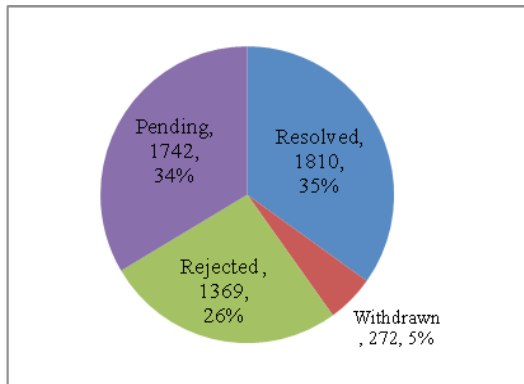
jurisdiction of the Cadastral Commission (RGC, 2010). (See Figure 5.)

Major development projects

Various development projects, both in the planning stage and under implementation, have undermined the land sector in Cambodia. ELCs, mining concessions, hydropower dams, SEZs, and transports are the major ones that threaten land access.

- Economic Land Concessions:* There are 139 ELCs in total that have been granted to private companies in 18 out of 24 provinces (Open Development Cambodia). In 2010, 85 large-scale ELCs and 47 small-scale ELCs with less than 1,000 ha each were granted (Ministry of Agriculture, Forestry and Fisheries). Cancelled were 41 ELCs extending on about 380,000 ha. However, ELCs were not just granted by the Ministry of Agriculture, Forestry, and Fisheries (MAFF), but also by the Ministry of the Environment (MoE) for ELCs in the protected area. An estimated total of 1.5 million ha were granted by both

Figure 5: Land disputes at Cadastral Commission



Source: RGC (2010)

the MAFF and MoE to ELCs (NGO & Chan, 2010).

- *Mining concessions:* There are 61 mining concessions in 17 provinces granted to companies. Moreover, SEZs comprised a new development feature aiming to promote export and assembly industry. In 2011, about 21 SEZs were in operation in seven provinces, including Phnom Penh (Open Development Cambodia).
- *Hydropower dams:* About 20 hydropower dams have been planned, approved, and put under construction in nine provinces (Ryder, 2009).

Conclusion

Overall, the findings suggest that the agrarian structure in Cambodia is largely characterized by small farms; that 21% of rural Cambodian households are landless—a figure expected to rise if the trend in landlessness continues.

So far, only 1.6 million titles (25% out of the estimated six to seven million titles in the country) were issued suggesting that the rest of Cambodians are vulnerable to land disputes and land grabbing.

Given limited access to land and land tenure, a speedy and robust reform in Cambodia's land sector is crucially needed. There has been some progress in the reform program, but the progress has been slow and imbalanced. While the RGC managed to grant 1.5 million ha to private companies through ELCs, only about 24,000 ha of social land concession have been allocated to benefit about 3,150 households (about 30% of the target).

To further accelerate the reform process and outcome, the following recommendations are being made:

Government

- Accelerate land distribution to the poor and vulnerable to meet the targets of the LASED project.
- Ensure that the approved and granted projects in the form of ELCs, mining concessions, SEZs, hydropower dams, etc. neither cause nor contribute to landlessness, land grabbing, and forced eviction of poor people whose lands are in the project sites. Where there is inevitable overlapping, the government should have a clear and good compensation policy and process for the affected people.

CSOs

- In continuing their monitoring, CSOs should assess whether the implementation has yielded fair benefits for the poor. CSOs should also draw valuable experiences and knowledge from other land reform programs and use this to inform the government and donors.

- CSOs should document and share the positive impacts of land reform with the goal of encouraging more reform processes. Innovative practices can be sought and promoted, which will also make CSOs more credible program partners.

Donors

- Work closely with both the RGC and the CSO counterparts to fund and monitor the reform program.

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India

Summary

In 2011-12, civil society organizations (CSOs) in India have been pressing for a national land reforms policy and a land use plan as expected from the National Land Reforms Council (NLRC). The NLRC's decision on the policy and plan would be based on the report of the government-constituted Committee on State Agrarian Relations and the Unfinished Task of Land Reform bearing the sub-title, "An Agenda to Reform Agrarian Relations for Equity and Efficiency in Contemporary India", covering seven vital areas.

At the state level in Bihar, meanwhile, the reports submitted by the Bihar Land Reforms Commission with vital recommendations on *Bhoodan*, mutation, sharecropping, ceiling on landholdings, contract farming, government estates, and *Khas Mahal* lands, and the reordering of the administrative structure provide the concrete basis for land reforms and its monitoring in the state.

Considering the greater urgency to expedite the decision on the land reforms policy and land use plan and to hasten the completion of the "unfinished task of land reforms", which has

An abridged version of the paper, "Country Land Monitoring Report", prepared by the Association of Voluntary Agencies for Rural Development (AVARD)

List of Acronyms used

BPL	Below Poverty Line
BLRC	Bihar Land Reforms Commission
CSO	civil society organization
ha	hectare
NLRC	National Land Reforms Council
PESA	The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996
SCs	Scheduled Castes
STs	Scheduled Tribes

extended over several decades, Jansatyagraha - a people's march - is being organized in October 2012 to press for expediting the process. In addition, the urgency to increase public pressure arises from other serious considerations as evident from the changing country context of land reforms, the enhanced demand of agricultural land to be used for non-agricultural purposes; the displacement of millions of people, most of them poor, and the urgent need of their resettlement and rehabilitation; and the unprecedented agricultural slowdown during the post-liberalization era (1991-2006) due to highly reduced public investments and utter neglect.

Given the existing national and state-directed land reform measures, CSOs have recommended a land reform monitoring program involving all key actors. It would be

more pragmatic and manageable to start with monitoring Bihar state, as it works on the recommendations of the Bihar Land Reforms Commission. National indicators such as, access to land, landlessness, national land reforms policies and legislations, process and progress of computerization of land records and maps, process and progress of completing the “unfinished task of land reforms”, decline in agricultural land, food security scenario, and the national land reforms budget, should still be monitored.

The CSO-led monitoring initiative would ascertain the status of land reforms and use it to strengthen dialogue and advocacy.

Monitoring indicators fall into two groups: essential and additional. (See Table 1.)

Further, it is important to adopt a systems approach and avoid counterproductive adversarial approaches. The availability of reliable data from various governmental and non-governmental sources should prove useful to this monitoring tool.

In conclusion, the CSO-led land reform monitoring initiative is essential, feasible, and useful. It should, therefore, be finalized and made operational as soon as possible. A major recommendation in this study is for actors in government, donor, and civil society sectors to work together to facilitate the development and improvement of the land monitoring tool with the following objectives:

- to ascertain the status of land reforms and share information among all concerned to enhance awareness and critical action on:

Table 1. Focus of land reform monitoring in India

Essential Indicators	<ul style="list-style-type: none"> • Access to land; • Access to homestead; • Sharecropping; • Updating and computerization of land records and maps; • Land disputes; • Land reforms legislations and policies; • Land reforms budget; • Reordering of governance and administrative structure
Additional Indicators	<ul style="list-style-type: none"> • Food security; • Women’s rights; • Protection against alienation of land belonging to STs, SCs, etc.; • Decline in agricultural land

These indicators are seen as integral parts of a single land reform package and thus may be adapted, enlarged, and/or reduced to synergize them with regional indicators (identified by Land Watch Asia/Asian NGO Coalition for Agrarian Reform and Rural Development).

- land governance and agrarian relations that aim at enhancing access of the rural poor to land with tenurial security for livelihood, food security, and poverty reduction;
- a rational people-centric national land reforms policy and land use plan; and

- efforts to resolve and/or minimize conflicts and restore and/or maximize peace;
- to strengthen and enrich advocacy and dialogue, which would expedite the completion of the unfinished task of land reforms in India; and
- to enhance the capacity of Land Watch India and CSOs at large to engage more effectively with the government and other institutions on land reforms.

The status of land reforms in India

Land reform gained attention during the country's early post-Independence

Table 2. Colonial land administrations systems in India

Definitions	
<i>Zamindari</i>	Under this system, <i>Zamindars</i> (landlords) functioned as intermediaries between British colonial government and the farmers (cultivators) and collected fixed land revenue from, and exploited the cultivators.
<i>Ryotwari</i>	Under this system there was direct settlement (temporary) of land by the state in favor of the <i>Ryots</i> (tenants/cultivators) recognizing them as owners subject to payment of the land revenue to be revised periodically.
<i>Mahalwari</i>	A modified version of <i>Zamindari</i> system, with temporary settlement of land in favor of tenants village by village or <i>Mahal</i> (estate) by <i>Mahal</i> at the revenue to be revised periodically.

period beginning in 1947. The three land administration systems that characterized the semi-feudal exploitative agrarian system inherited from the British colonial rule were dismantled— *Zamindari* covering about 57% of the area; *Ryotwari* covering about 38% of the area; and *Mahalwari* covering about 5% of the area (See Table 2). Consequently, 54 million *ryots* (tenants/cultivators) were directly linked with the State after elimination of the intermediaries and 37 million ha of land was freed for redistribution to the rural landless.

Legislations

New land reforms legislations by state governments were enacted and implemented with missionary zeal under the National Freedom Movement's call for "land to the tiller". (As of now, there are 28 states and seven union territories in Federal India.) These progressive legislations covered the vital issues such as:

- abolition of the *Zamindari* system;
- ceiling on landholdings and redistribution of ceiling surplus land among the landless tillers;
- tenancy reforms for tenurial security;
- regulation of sharecropping;
- protection against alienation of land belonging to weaker sections;
- consolidation of fragmented landholdings;
- provision of homestead to landless households;
- statutory minimum wages to agricultural labor;
- providing government land to the landless on long-term lease; and
- *Bhoodan* (land gift) and *Gramdan* (village gift)

In practice, progress was made in the elimination of intermediaries, redistribution of considerable ceiling surplus, *Bhoodan* and government lands to the landless households, and improved tenurial security of the peasants. However, land reform progressed unevenly across the states, eventually losing the initial zeal of the post-Independence period.

State-level action

Land reforms legislations and policies and their implementation greatly differed across the states. For instance, Left Front¹-ruled states, like West Bengal, Kerala and Tripura have done well, besides some other states like Uttar Pradesh, Maharashtra, and Jammu and Kashmir. The state of West Bengal launched Operation Berga in the late 1970s and recorded about 1.4 million tenants making their rights inalienable and inheritable, setting a model for other states.

According to performance and attitude, states may be categorized according to those permitting tenancy with safeguards and those prohibiting tenancy.

With regard to sharecropping, landowners have invented and adopted numerous escape routes, such as reverse, short-term, and cash tenancies as opposed to sharecropping, besides contract farming and agro-forestry, especially with the deepening of the green revolution and commercialization of agriculture.

National-level action

In the decades that followed independence, land reform was in and out of the center stage of the national agenda. It was only in the 1970s

¹ An alliance or a coalition of the Leftist political parties.

that the central government included the distribution of ceiling-surplus land as a part of the Prime Minister's 20-point program, and proceeded to evolve a national consensus on revisiting the ceiling laws and ceiling limits.

As a result, the first half of the 1970s recorded some progress on implementation of the ceiling laws. Thereafter, the matter has been languishing in dragged litigations/disputes in revenue and judicial courts.

In terms of legislation at the national level, progress was made consisting of:

- The Hindu Succession (Amendment) Act, 2005, which provided for equal land rights to Hindu women constituting over 80% of the female population.
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which facilitated the recognition of rights of, and distribution of titles to, a large number of Scheduled Tribes and other traditional forest dwellers, to large areas of the forest land already under their use.

Challenges

Over time, however, land reforms have remained unfinished. Since 1991, as the neoliberal development paradigm was put in place formally, land reform issues have become compounded by several realities, as discussed below.

The enhanced demand of agricultural land for non-agricultural purposes, such as infrastructure development, industrialization,

and urbanization, as well as tribal lands in hills and forests for mining, mega projects, and industries:

As of 2011, there are about 17 existing land acquisition legislations under which the government, exercising its authority based on the principle of “eminent domain”, acquires land for a range of purposes from defense and railways to Special Economic Zones (SEZs), infrastructure, and industries without adequate compensation and/or rehabilitation and resettlement.

However, the most commonly used legislation is the Land Acquisition Act, 1894, which has been bitterly and repeatedly criticized by the Supreme Court in its recent judgments, advising the government to repeal and replace it with a new just and humane legislation. The Act has allowed forcible land acquisition or land grabbing, resulting in numerous protests by the adversely affected people and civil society activists. Quite a few unlawful and unjust land acquisitions have been quashed by the High Courts and the Supreme Court.

As a result, the Land Acquisition, Rehabilitation and Resettlement Bill, 2011 (Bill No. 77 of 2011) was introduced in the Parliament (Lok Sabha) on 7 September 2011 and has been referred to the Standing Committee of Parliament (SCP) for scrutiny and improvement. (The SCP has returned the Bill on 16 May 2012 with its recommendations for drastic amendments necessitating virtual redrafting.) It may be passed in the monsoon session of Parliament, repealing and replacing the 1894 Act. Its positive provisions include adequate compensation, rehabilitation and resettlement, prior consultation, social impact assessment, and others. However, its basic

purpose is to facilitate land acquisition for industrialization, development of essential infrastructural facilities and urbanization, without any vision of rational land use and any consideration for rural people, their livelihood and lives, even though the bill has been drafted and introduced by the Ministry of Rural Development which is expected to promote the well-being of rural people and areas.

Displacement of people in the hills and forests caused by development projects:

The Scheduled Tribes (STs) and other traditional forest dwellers have customary usufructuary land rights. But because technically and legally, they do not own such land, it is acquired by the government without consulting, compensating and rehabilitating them. As a result, 60 million people have been displaced following development projects over the last six decades, and only a third of them are estimated to have been resettled. About 40% of these displaced people are STs and 20% Dalits (SCs). Little wonder that a large part of the tribal and forest areas is affected by Maoist/Naxal violence.²

Recently, after sustained lobbying, advocacy and democratic pressure by the STs, Scheduled Castes (SCs) and other sympathetic groups assisted by CSOs and civil society at large, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2007, was notified and enforced beginning 1 January 2008. It has generated some hope for them.

² An extreme Left movement believing in and using violence for socio-economic transformation or revolution; it started from Naxalbari village in West Bengal state, hence the prefix ‘Naxal’.

Another legislation, the Provisions of Panchayats (Extension To Scheduled Areas) Act (PESA), 1996, provides for mandatory prior consultation with the tribal *Gram Sabha* (village assembly) in the Fifth Schedule tribal areas to acquire their land. But so far, this has been observed only in its breach.

Decline of about 2 million ha in the net area sown over the past decade

Such decline is likely to increase in the coming years, jeopardizing lives, livelihood, and food security of the rural poor and rural people, notwithstanding the assertion in the Approach to the Twelfth Plan that it can be overcome by increasing agricultural productivity and avoiding acquisition of multi-crop irrigated land. Actually, there has already been an unprecedented agricultural slowdown during the post-liberalization era (1991-2006), primarily due to highly reduced public investments and utter neglect. Measures to reverse it have been initiated only in the Eleventh Plan (2007-2012) to ensure food security.

Highly uneven land distribution as reflected in Agricultural Census (2005-2006) data and other sources underlines the need to optimize the redistribution of land to the landless tillers. (This is discussed further in the next section.)

With regard to women's land rights, on the whole, there is gross gender inequity. The Hindu Succession (Amendment) Act, 2005 provides that in a joint Hindu family, the daughter shall, by birth, become a co-parcener in her own right in the same manner as the son and should have the same rights in the co-parcenary property as she would have had

if she had been a son, effective 20 December 2004. Thus, Hindu women have equal rights to land, but social complications muddle practice. Hindus constitute about 80.5% of the population of India. Muslims constitute about 13.4% of the population; but they are governed by their personal law, which is unfair to women, the common norm being 62.5% to sons and 37.5% to daughters irrespective of their number. Other religious groups, numerically much smaller, are governed by their traditional laws and practices. Only a few communities in India in states like Kerala and Meghalaya are matriarchal; the rest of Indian society is patriarchal. Besides, in some cases, civil society activists have tried to get fresh land allotments in favor of women and/or joint allotments in favor of wife and husband.

In the post-liberalization era formally in place since July 1991, a strong view was that the possibilities of land reforms had been exhausted and future growth would come only from private investments in agriculture and rural areas at large. This strong view was shared by many states that revised their land reform legislations. Even in the central government, it was believed that the distributive justice programs had been overtaken by a neoliberal development paradigm, notwithstanding the rhetoric of "Inclusive Growth" and "Faster, Sustainable and More Inclusive Growth" in the Eleventh (2007-2012) and Twelfth (2012-2017) Five-Year Plans respectively. In practice, the neoliberal growth model excludes more than it includes since it is socially unjust, economically inefficient, politically unstable, and environmentally unsustainable.

"Faster, Sustainable and More Inclusive Growth: An Approach to the 12th Five Year

Plan” (2012-2017) raises the following issues without providing rational, just, fair and humane answers to them:

- Which land should be used for which purpose?
- How should land be acquired for new purposes (industrialization/urbanization/ infrastructure development)?
- What form and quantum of compensation and rehabilitation should be provided to those whose lands are acquired?

Therefore, there is a pressing need for a national land reform policy and land use plan as well as enhancement of the access of the rural poor to land available from sources, such as ceiling surplus, *Bhoodan*, village commons, government estates and wasteland, industries, religious and educational institutions, forest, and homestead for equity and efficiency.

Food security

Food security is closely linked with land reforms, more so in India, where there is a large food-insecure population. Accordingly, the National Food Security Bill, 2011 (Bill No. 132 of 2011) has been introduced in the Parliament (Lok Sabha) on 22 December 2011. It has been referred to the Standing Committee of Parliament for in-depth scrutiny and improvement. It is expected to be passed in the monsoon session of the Parliament, providing for entitlements and rights to food for vulnerable sections with a total coverage of 63.5% of total (rural and urban) population of 1.21 billion. The categorization of recipients is as follows:

- a) “priority households” (below poverty line [BPL] with maximum entitlements – 46% rural and 28% urban population;
- b) “general households” with reduced entitlements – 29% rural and 22% urban population;
- c) expecting and lactating BPL mothers;
- d) children in the age-group 3 months to 3 years;
- e) primary school children of 4 to 14 years of age; and
- f) the destitute, handicapped, and others similarly affected

Besides, under the National Rural Employment Guarantee Act, 2005, covering 200 underdeveloped districts since 2 February 2006 and extended to the whole of rural India since 1 April 2008, the government provides guaranteed hard manual wage-employment for 100 days per rural household per annum at minimum statutory wages, to facilitate food security and survival, and minimize migration of labor.

However, the above palliatives would only perpetuate dependency rather than dignified self-reliance among citizens.

Computerization of land records

Land records are either messy or incomplete or not updated in many of the states, not only hindering land reforms but also causing numerous disputes. Accordingly, updating and computerization of land records as well as digitization of maps in every state are essential. The process has started and it has already been completed in Karnataka, Madhya Pradesh, Gujarat, Tamil Nadu, Uttar Pradesh and Goa. However, it needs to be expedited and

completed in the remaining states as well, with adequate training and facilitation, availing of the best practices of the states where the work has already been completed. Not the least, accuracy in computerization and digitization is extremely vital.

Tenurial security

Land rights and tenurial security are two sides of the same coin. During the British colonial period, there were a large number of land tenure categories, causing complications. For instance, there were over a dozen categories of tenure in Uttar Pradesh before the abolition of the *Zamindari* system, which have since been rationalized and reduced to two categories in the process of land reforms:

- Transferable land ownership (*Sankramaniya Bhoomidhari*)
- Non-transferable land ownership (*Asankramaniya Bhoomidhari*)

Similar rationalization of tenure has taken place in other states as well.

The BLRC suggests “sharecropper” as a separate category with right to regular/continuing cultivation, but without ownership

of the land. In the current Indian context, these three categories of land tenure appear adequate. Land held on lease for a fixed period and specific purpose may, however, also be a separate category.

Access to Land

During the post-Independence period, implementation of land reforms legislations and policies has facilitated elimination of the intermediaries like *Zamindars* (landlords) and considerable redistribution of land to the landless and poor, notwithstanding the enormous unfinished task.

In addition, the landless can access land as feasible from sources such as ceiling surplus, *Bhoodan*, village commons, government estates, industries, religious and educational institutions, forest, and homestead.

Land ownership distribution

Table 3 depicts the number and area of landholdings according to size class, and number and area of holding by size group; it speaks for itself as regards skewed distribution of land. Marginal and small holdings, though far larger in number, have far smaller area

Table 3. Number and area of individual and joint holdings by size group

	Number of holdings, as percentage of total (%)	Area of holdings, as percentage of total (%)
Marginal	64.77	20.42
Small	18.53	21.10
Semi-medium	10.93	24.15
Medium	4.93	23.27
Large	0.83	11.06

Note: Total may not tally due to rounding off; institutional holdings are excluded.

Source: Agricultural Census, 2005-2006

of land; whereas the opposite is true in case of medium and large holdings. Marginal landholdings (64.77% of total) and small landholdings (18.53% of total) constitute the majority, but together, they only cover 41.52% of the total area of landholdings.

Ceiling surplus

As mentioned in the Committee's report, 2.7 million ha of land has so far been declared ceiling surplus; 2.3 million ha (about 85%) of it has been taken possession of by the government and 1.9 million ha of it has been distributed to 5.5 million households (37% to the SCs and 16% to the STs). There has been no further progress in the implementation of land ceiling, the surplus from which is estimated at 21 million ha. The bulk of the remaining land is, however, stuck in disputes in revenue and judicial court cases. This is just an illustration of the problem.

Bhoodan (gifted) land

There is considerable *Bhoodan* land to be distributed, notwithstanding a large number of "fake" *Bhoodans* of uncultivable lands. The total land donated all over India was 1.928 million ha, out of which, 0.989 million ha was distributed, although only 0.446 million ha was cultivable; and 0.731 million ha of the total donated land was unfit for distribution. Donations across the states were uneven, with far more of them in the States of Jharkhand, Bihar, Odisha, Rajasthan, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Maharashtra and Gujarat. However, *Gramdan* (village gift), although well-conceptualized for communitarian land management and use as well as village self-rule (*Gram Swaraj*),

was not realized for want of follow-up and socio-economic and political preparedness; otherwise, a total of about 146,807 gifted villages could have benefited.

Wasteland

Likewise, 63.85 million ha of government land is categorized as wasteland (land with or without scrub, water logged, marshy, affected by salinity/alkalinity, coastal/inland, shifting cultivation area, degraded pastures/grazing land, degraded land under plantation crops, sandy, mining/industrial lands). A major part of this wasteland can and should be reclaimed, developed and distributed to the landless.

Forest lands

As of 30 September 2011, a total 1,219,922 titles for 1,601,524 ha of forest land have been distributed under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2007 in India as a whole. The process continues and the titles for considerable additional forest land would be distributed in due time, notwithstanding insurmountable hurdles in it.

These are but a few examples of how the access of the rural poor to land can be enhanced considerably, if land reforms are systematically monitored, advocated, pushed, and facilitated.

It is, however, pertinent to underline that the recent legislations and bills (i.e., Forest Rights, Rural Employment Guarantee, Land Acquisition, Rehabilitation And Resettlement, Food Security), though vital and helpful, do not constitute a part of the original land reforms package.

Table 4. Bihar: A Brief Profile

Geographical area (km ²)	36,356.5
Population (persons) (Census 2011):	103,804,637
• Males	54,185,347
• Females	49,619,290
Population (persons):	
• Rural	92,075,028 (88.7%)
• Urban	11,723,609 (11.3%)
Administrative units:	
Divisions (group of districts)	9
Districts	38
Sub-Divisions (sub-units of districts)	101
Blocks (units of rural development)	533
Panchayats (rural institutions of self-government)	8,471
Municipal corporations	11
Municipal councils	93
Town areas	84
Revenue villages	45,103

Focus of monitoring and selected indicators

As Land Watch India proposes to start off with state-level monitoring in Bihar, a brief background of Bihar State and the work of the Bihar Land Reforms Commission follow.

The state of Bihar is located in the East Zone, between West Bengal and Uttar Pradesh and bordering Nepal in the north. It is the third largest Indian state with about 8.58% of the country's total population. It is predominantly rural with an agrarian economy. Infrastructure is underdeveloped. See Table 4.

Bihar is considered a part of the BIMARU or a grouping of "sick" states (Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh), which

are characterized by widespread poverty, unemployment, and underemployment. Another common feature is a large labor force that emigrates elsewhere in search of wage-labor and employment.

Governance in Bihar improved greatly six years ago with the election of new government that was re-elected after their first term ended in 2010. It has generated great expectations. Bihar has considerable *Bhoodan* land. It is also unique in having had the Bihar Land Reforms Commission and its recent reports and recommendations to act upon.

Status of land reforms in Bihar

When the *Zamindari* system was abolished, quite a few progressive land reform legislations were enacted but yielded poor results. Land

distribution remained highly uneven; land records were in a mess; the administrative structure remained archaic, inefficient, and corrupt. However, undivided Bihar (along with Jharkhand state carved out of it in the year 2000) has been the intensive area for *Bhoodan* and *Gramdam* movements led by Vinoba Bhave and has the maximum *Bhoodans* and *Gramdans* collected in the country.

The above characteristics make it suitable for land reform monitoring and facilitation.

The Bihar Land Reforms Commission (BLRC)

The BLRC was constituted by the Government of Bihar on 16 June 2006. It completed its work and submitted its final report and recommendations to the state government in 2008.

The BLRC submitted four interim reports, one each on the following issues:

- *Bhoodan*;
- Mutation (Entering the name of the new owner [allottee, etc.] of land in place of the previous owner in the Record of Rights maintained by the Revenue Department of the Government);
- Sharecropping (*Bataidari*)
- Ceiling on landholdings

The final report covered the remaining important issues, namely, contract farming, government estates and *Khas Mahal* (state-owned) lands, and reordering of the administrative structure.

Apart from providing a concrete basis for focused land reforms monitoring in Bihar, the vital issues covered in the BLRC's reports and recommendations are consistent with those covered under land reforms legislations in India.

BLRC's recommendations are being acted upon by the Bihar government selectively as reflected in its Action Taken Report, with top priority to *Bhoodan* land, concerning which there has been considerable progress. Bihar is one of the states where far larger *Bhoodan* land was received and/or collected as reflected in its present status (see Table 5).

Although almost the whole of *Bhoodan* land suitable for distribution has been distributed, subsequent steps to complete the process such as mutation, possession, and facilitating cultivation/use are equally vital. Besides, verification of the remaining land by the Revenue Department is expected to identify about 20,000 ha of additional land suitable for distribution.

Table 5. *Bhoodan* Land in Bihar

Particulars	Area (in ha)
Total land gifted/received	262,482.05
Land fit to be distributed as per verification	104,144.48
Land distributed	103,348.23
Remaining land to be distributed	796.25

Source: Bihar Bhoodan Yojna Committee

Similarly, BLRC's recommendations on other issues are equally vital. For instance, it has recommended that ceiling surplus land should be distributed among 1.668 million landless agricultural labor households: 0.24 to 0.4 ha per household; as well as among 0.584 million landless and homeless rural households: 10 decimals of homestead per household, besides safeguarding the interests of the sharecroppers.

Indicators

- **Essential indicators:**

1. *Access to land*

It may be relatively more systematic and effective to compute and monitor access to land source-wise as sub-categories. Access can be positive or negative, depending on whether it is enhanced or reduced (as in the case of increasing acquisition and/or grabbing of agricultural land for non-agricultural purposes).

2. *Access to homestead*

Access to homestead may be monitored separately, considering its greater importance.

3. *Sharecropping*

Considering the contentious issue of sharecropping, the terms of reference of the concerned Sub-Group of the Committee included:

“To examine the issues of tenancy and sub-tenancy and suggest measures for recording of all agricultural tenants and a framework

to enable cultivators of land to lease in and lease out with suitable assurances for fair rent, security of tenure, and right to resumption.”

Nevertheless, the Sub-Group in its report favors the West Bengal model of Operation Berga. As of 2003, 7% of the total operated area in India was being leased by 11.5% of rural households (NSS 60th Round). However, micro-studies indicate incidence of tenancy between 15% to 35%, most of it informal, hence insecure. Much higher incidence of tenancy extending up to 50% is also found in certain regions. Sharecropping continues to be the dominant form; but about 90% of the leased area is unrecorded and informal. In India as a whole, 35.8% of the total rural households leasing in land are landless laborers and 47.5% have land below 0.5 ha each. Therefore, safeguarding the interest of the poor disadvantaged sharecroppers is extremely vital.

4. *Updating and computerization of land records and maps*

This is an important indicator so that a clear picture is made available.

5. *Land disputes*

The number of disputes pending in revenue and/or judicial courts may be monitored with respect to the periods for which they have been pending such as: a) less than three years, b) three to five years, c) five to ten years, d) over ten years, etc. It takes decades for an average case to be decided finally, after going through a hierarchy of courts all the way to the Supreme Court. Land dispute tribunals have been suggested to expedite disposal of the pending

cases. Deaths per 100,000 population or so in land related conflicts may not be relevant to the Indian context in view of the large population. However, monitoring and highlighting of absolute number of deaths may be vital and helpful.

6. *Legislations and policies*

Land reforms legislations and policies, without loopholes, are a prerequisite to effective land reforms, and hence merit inclusion among the indicators. The Committee on State Agrarian Relations and the Unfinished Task of Land Reforms has already submitted its report to enable the National Land Reforms Council to consider it and decide on the national land reforms policy and national land use plan, which should, therefore, be captured in this indicator for monitoring.

7. *Land reform budget*

Financial and human resources to implement land reforms legislations and policies, with improvements/amendments where needed, are extremely vital to monitor. Data on budget for land reforms are part of the total budget of the Government of India and state governments. It is not readily available, but can be accessed and provided in due time. Sources include the government budget presented by the Finance Minister and passed by the National Parliament or State Legislature.

8. *Reordering of governance and administrative structure*

Land governance and related administrative structure, which are archaic, colonial, cumbersome, inefficient, and corrupt, need to be reordered, streamlined, and modernized.

Distribution of land by holding size along with landlessness is vital to be monitored since it reveals unevenness in the system. Every five years, the Agricultural Census in India provides the data from the village to the national level via intermediate levels.

Additional Indicators:

9. *Food security*

Food security is a forceful argument against acquisition or grabbing of agricultural land for non-agricultural purposes as well as for redistribution of land to poor tillers for equity and efficiency.

10. *Women's rights*

Women's right to land, though extremely vital, is still in the initial stages of recognition in India. However, it can and should be monitored.

11. *Protection against alienation of land belonging to STs, SCs, etc.*

This is also a vital issue to be monitored.

12. *Decline in agricultural land*

This decline is primarily due to acquisition/grabbing of agricultural land for non-agricultural purposes, but also due to some other reasons. It merits monitoring.

These indicators are seen as integral parts of the same land reforms package and thus may be adapted, enlarged and/or reduced to synergize them with regional indicators (identified by Land Watch Asia/Asian NGO Coalition for Agrarian Reform and Rural Development).

Consolidation of fragmented landholdings demands monitoring, but may not be included among the indicators since, as of now, it has been relegated to the background for certain cogent reasons, such as its completion in states like Uttar Pradesh, but its failure to take off in states like Bihar. It is also ineffective due to flaws in the succession legislations, especially the Hindu Succession Act, resulting in continual re-fragmentation in the process of succession from generation to generation.

Systems Approach

The proposed CSO land reforms monitoring should adopt a systems approach and avoid counterproductive adversarial approaches.

Availability of Data

India is relatively better placed regarding availability of reliable data from sources, such as:

- Decennial Human Census (the latest one done in 2011);
- Agricultural Census conducted every five years (the latest one done in 2010-2011);
- National Sample Survey (NSS) Organization (surveys done and reports produced periodically);
- Five Year Plans – 11th Plan (2007-2012) in existence and 12th Plan (2012-2017) under preparation as per its Approach;
- Data in reports/documents of the relevant Ministries and Departments of the government;
- Academic and applied research institutions;
- Statistical handbooks, official and non-official;

- Books, periodicals and newspapers;
- International organizations; and
- Online sources.

Conclusion

The CSO-led land reform monitoring initiative is essential, feasible, and useful. It should, therefore, be finalized and made operational as soon as possible.

A major recommendation of this study is for actors in government, donor, and civil society sectors to work together to facilitate the development and improvement of the land reforms monitoring tool with the following objectives:

- to ascertain the status of land reforms and share information among all concerned to enhance awareness and critical action on:
 - i. land governance and agrarian relations, which aim to enhance access of the rural poor to land with tenurial security for livelihood, food security, and poverty reduction;
 - ii. a rational people-centric national land reforms policy and land use plan; and
 - iii. efforts to resolve and/or minimize conflicts and restore and/or maximize peace.
- to strengthen and enrich advocacy and dialogue for expediting the completion of the unfinished task of land reforms in India; and
- to enhance the capacity of Land Watch India and CSOs at large to engage with governments and other institutions on land reforms more effectively.

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Indonesia

Summary

In 2010, the legal system for the National Agrarian Reform Program (PPAN) was still being awaited by reform advocates. In the meantime, key actors in the public and private sectors were continuing with their current roles.

The National Land Agency (BPN) pursues land redistribution targets through the Land Reform Plus Program claiming some success despite serious roadblocks to implementation. Other government agencies as well have come together with civil society organizations (CSOs) in a National Workshop to address the hard reality that poverty continues to be on the rise and land conflicts, especially seen in plantations, are escalating.

The government's land reform strategy is expressed within the framework of asset reform and implemented by means of asset legalization (or land reclamations) that CSOs point out is not the way to the needed restructuring of land ownership within a total national reform program; this is, rather, market-led land reform that will not guarantee resolution of the issues of landlessness and poverty.

An abridged version of the paper, "Land Issue and Policy Monitoring Initiative: Indonesia Report", prepared by the Sajogyo Institute (SAINS) and Consortium for Agrarian Reform (KPA)

List of Acronyms used

AR	Agrarian Reform
BPN	Badan Pertanahan Nasional (National Land Agency)
BRWA	Badan Registrasi Wilayah Adat (Ancestral Domain Registration Agency)
CSO	civil society organization
FAO	Food and Agriculture Organization
ha	hectare
HHS	households
IDR	Indonesian Rupiah
IHCS	Indonesian Human Rights Committee for Social Justice
KPA	Konsorsium Pembaruan Agraria (Consortium for Agrarian Reform)
LAP	Land Administration Project
LMPDP	Land Management and Policy Development Project
NGO	non-government organization
PKI	Partai Komunis Indonesia (Indonesian Communist Party)
PPAN	Program Pembaruan Agraria Nasional (National Program on Agrarian Reform)
R & D	Research and Development
SAINS	Sajogyo Institute
SIRG	Sistem Informasi Rawa Gambut (Information System on Peat Swamp)
SPI	Serikat Petani Indonesia (Indonesian Farmers Union)

Towards the implementation of genuine agrarian reform (AR), CSOs have recently put up the CSOs National Data Network, a database type of monitoring tool that can inform CSO advocacy efforts and the government's policy making. The program aims to address the challenges that have to do with access and use of credible data on agrarian reform.

As part of this thrust, five CSOs led by the Sajogyo Institute (SAINS) and the Consortium for Agrarian Reform (KPA) have facilitated the development of a monitoring framework focused on the concept of "Land Issues and Policies in Indonesia". The focus on land excludes other agrarian issues that are not at a level of implementation that can be monitored such as water rights, control of coastal area resources, etc. The policy monitoring, on the other hand, provides emphasis on the critical importance of policy making and implementation at this point in Indonesia's history.

According to the three variables identified in the framework, the indicators are listed in Table 1.

Table 1. Summary List of Indicators

Indicators	Specific Areas
<i>Inputs</i> : Policy	<ul style="list-style-type: none"> • Policy/regulations • Agrarian reform initiators • Programs
<i>Effects</i> : Land problems	<ul style="list-style-type: none"> • Landlessness • Tenancy • Conflict
<i>Impacts</i> : Degree of violence	<ul style="list-style-type: none"> • Eviction • Death • Arrests

In line with this initiative, CSOs are making the following recommendations to government, donors and CSOs:

Government

- Prepare the system, regulations and institutions needed to implement a genuine agrarian reform.
- Improve the database of land available for redistribution.
- Set criteria and identify the beneficiaries.
- Open political opportunities and set a base for political action to consolidate pro-reform movement, and form a state-society coalition for genuine agrarian reform.

Donors:

- Involve and consult with NGOs/CSOs who have been advocating agrarian reform, instead of developing plans solely with government agencies. Lessons learned from market-led land reform show that it has not successfully altered existing inequality structures.

CSOs:

- Share and consolidate data with urgency in order to strengthen the database that can be used as a tool to strengthen the conduct of agrarian reform.
- Develop closer cooperation with research/academic institutions (both state and private institutions) especially those that have focus on agrarian reform issues.

Context: status of land reform in Indonesia

Ten years since land reform re-emerged as a national agenda, the restructuring of agrarian systems has remained unfulfilled. Over time, studies indicate that while the country's total agricultural area based on census data from 1963 and 1983 had increased from 12,884,000 ha to 14,483,321 ha, the average number for each agricultural activity had decreased, from 1.05 ha in 1963 to 0.85 ha in 1983. A recent estimate from FAO (2004) in Kalsim (2010) shows that total agricultural land is 14.21 million ha in 2003.¹

In general, many farmers continue to have no complete ownership over the land (70.75%) and most of them cultivate the land by themselves (82.75%). The scarcity of reliable data does not give a profile of the small farmer, but the landless are estimated for the period 1979-1984 by Gini coefficient measure at a high of 29% to 40%. Their access to land is less than 0.25 ha.

CSOs emphasize the importance of five periods in the history of AR (See Table 2).

Conceptual framework

A National Workshop composed of AR leaders in government and CSOs determined the critical challenges faced by government agencies and the resistance met from various stakeholders. One workshop result is the establishment of the CSOs' National Database Network. The database system, called SMART, will receive constant input data from 15 participating CSOs including the needed disaggregated data from government. The

¹ <http://dedikalsim.files.wordpress.com/2011/03/pemb-infrastruktur-pert-2.pdf>

availability of complete and updated data is positioned as an important component to establish a relevant strategy for agrarian movement and policy advocacy work. The team of CSOs will analyze the data and produce a position paper annually for the use of AR stakeholders and advocates of agrarian issues and policy making.

The monitoring framework adopts a focus on "Land Issues and Policies in Indonesia" using indicators taken from the BPN programs. These indicators fall under three major variables: Input, Effect, and Impact. Further, the framework attempts to trace the progress of land reform over five periods in the country's history. The periods were defined according to significant policies or political changes marking these periods (see Table 3).

Findings and Analysis

1. INPUTS

a. Policies

From the Sukarno Era until the present Reformation Era, the management of agrarian resources has become more fragmented and contradictory. There are 11 acts that digress from Article 33 of the Indonesian Constitution of 1945 in their vision, mission statements, and regulated resources. As a result, there are contradictions and overlaps in responsibilities among government authorities and in implementation processes. Over time, such agrarian resource management has relegated land function and invited overt and covert conflict because of sectoral claims over resources. These claims have dispossessed rural farmers from their lands.

Table 2. History of Agrarian Reform in Indonesia

Period	Brief Description
1945 to 1960: From colonial practices to the Basic Agrarian Law of 1960	The Law was implemented until 1966, but needed supplemental regulations to operationalize land reform effectively at the regional or local levels. Results of land reform from 1961-1966: 197,395.6 ha (307,904 HH) or 8.14 % of total potential beneficiaries (4.7 M HH)
1965 to 1970: Transition from Sukarno to Suharto Era	Agrarian Basic Law diminished by other laws
<p data-bbox="250 636 760 772">1973 to 1993: New Order Era</p> <p data-bbox="250 709 760 772">Various laws enacted towards restructuring access and land ownership.</p> <p data-bbox="250 831 760 961">From 1969 to 1980, land reform was prohibited and in the 1970s, the Government implemented the Green Revolution</p>	<p data-bbox="862 636 1455 842">Over three decades, the number of marginal farmers increased from 9.5 million to 10.94 million and 13.7 million in 2003. Their landholdings on the other hand, decreased from an average of 0.89 ha average to 0.83 ha in 1983 and 0.5 ha in 2003.</p> <p data-bbox="862 884 1455 1089">In 1981, the Food and Agriculture Organization (FAO) authorized the Farmer Charter containing 17 AR principles, to guide the restructuring of access and ownership to land and water resources. The Charter was largely ignored by the government</p> <p data-bbox="862 1131 1455 1226">Government claimed 1.1 million ha were distributed through the scheme of land reform and transmigration from 1967 to 2005</p>
<p data-bbox="250 1245 589 1276">1997-2002: Reformation Era</p> <p data-bbox="250 1314 833 1377">AR developed on the basis of large-scale capital mechanism; conflicts increased.</p>	<p data-bbox="862 1245 1455 1449">The issue of land for the peasants re-emerged with the issuance of Presidential Decree No.48, 1999. Two years later, pressured by advocacy groups, the Government issued the People's Consultative Assembly Decree No. IX/2001 on AR and natural resources management</p>
<p data-bbox="250 1463 509 1495">2003-2010: Susilo Era</p> <p data-bbox="250 1533 812 1596">Land Management and Policy Development Project/Land Redistribution/Land Reform Plus</p>	

Table 2 cont'd.

<p>Five program components:</p> <ul style="list-style-type: none"> • Developing Policy Framework and National Land Policies • Developing Institutional Aspect, Capacity and Training • Program Implementation Accelerated with Land Titling • Developing Land Information System • Supporting/Driving the Developing of Local Government Capacity 	<p>BPN indicators for the five components include the low number of certificates issued for people's land parcels. The general observation was that land redistribution programs started in 2007 by President Yudhoyono did not make much headway.</p> <p>Land Reform Plus has claimed that the recorded rate of redistributed land is more than 40,000 ha per year since 2005, or doubled from previous periods. BPN has allocated the budget and has conducted better coordination among their working units. As a result, the number of beneficiaries has increased since 2005 from 34,195 households per year in 1961 to 2004 to 72,991 households per year in 2005 to 2008</p>
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b. Agrarian Reform Initiatives

Based on BPN data, the yearly indicators for AR implementation for the period 2005-2008 show the increases in land allocated, land redistributed, number of beneficiaries, and number of land certificates issued. The government strategy for asset legalization is clear from the numbers of land certificates that skyrocketed in only

three years (between 2005 and 2008) to 13 million certificates while only 34,195 land certificates were issued between 1961 and 2004. (See Table 4.)

Table 3. Land Issue and Policy Monitoring Framework

Periods	Input: Policy				Effect: Land Problems			Impact: Degree of violence		
	Policy/regulations	AR Initiatives	Programs	Budget	Landlessness*	Tenancy**	Conflict	Eviction	Death	Arrests
1945-1960										
1965-1970										
1973-1983-1993										
1997										
2003-2010										

*Landlessness: state of owning no land or a very small parcel of land (less than 0.2 ha)

**Tenancy: (lease, mortgage, use permit)

Table 4. Indicators for AR Implementation

Indicators	1961-2004 (Business as Usual/BUA)	2005-2008 (Acceleration/ ACC)	Average distribution		Level of increase between BUA & ACC
			BUA	ACC	
Allocated land	54,500 ha	349,519 ha	1,267 ha	116,506 ha	91 times
Redistributed land	26,600 ha	367,701 ha	618 ha	121,949 ha	196 times
Number of land reform beneficiaries (HH)	34,195 HH	72,991 HH	795 HH	24,330 HH	29 times
Number of asset legalization/ land certificates	34,195 certificates	13 million certificates	795 certificates	4.3 million certificates	5,450 times

Source: National Land Agency (2008)

c. Program

Starting with the Land Administration Project in 1994 and followed by the Land Management and Policy Development Program (LMPDP/LAP) in 2004, both programs concentrated on land registration and titling, with focus on strengthening the land adjudication and legalization administrative system. Under this program, the National Land Agency (BPN) was transformed into a land administration body instead of a land policy making institution.

In 2006, under a new leadership, BPN broadened its poverty reduction strategy through land redistribution. BPN started to reform its bureaucracy and prepare a legal basis for what they called a Land Reform Plus Program.

In 2007, the program was inserted under land registration program while waiting for a specific regulation for land reform.

However, to this day, BPN continues to face political struggles between ministries and other executive bodies in issuing the legal system for the Land Reform Plus program.

d. Budget

Agrarian Budget

The state's budget for National Program on Agrarian Reform (PPAN) or the Land Reform Plus under the name of Land Management Program was IDR23 billion in 2008. More recent data can be found in the Revised State Plan on Revenue and Expenditure Budget, 2010. Expenditure allocated for BPN is IDR2,951.6 billion or IDR7 billion (0.20%) higher than what was determined in the State Plan on Revenue and Expenditure Budget, 2010 before revision.² Increasing budgets are allocated for three items, one of them being AR, as seen in Table 5.

² Indonesian Agency for Agricultural Research and Development Ministry of Agriculture <http://www.litbang.deptan.go.id/berita/one/762/>

Table 5. Allocation for Added-Budget (2010)

	Program	Budget Allocation (IDR)
1	So-called "AR implementation" and National Land Management Program	3.5 billion
2	Program of Spatial Planning and Land Use Program	2.5 billion
3	Infrastructure availability through partnership between government and private sector/PPP scheme	1.0 billion

Source: Gunawan, IHCS

The IDR3.5 billion for AR implementation is just a small percentage of BPN's total budget (IDR2,944.6 billion), reflecting the government's lack of serious implementation of AR. The allocation also includes the budget for drafting acts and government decrees on land issues. The outputs will be: i) issuance of AR Government Regulation to sanction law and political system and also the implementation of Land Reform Plus; and ii) Socialization of Government Regulation on Idle Land Policing and government regulation on Agrarian Reform.

R&D expenditure in agriculture as percentage of total agricultural budget

The Ministry of Agriculture reported in October 2009 that R&D expenditure was IDR2,571.7 billion or less than 0.30% of the Agriculture Gross National Product (GNP) (IDR857,241.4 billion³). Data reported by the Ministry for 2006 showed expenditures at IDR600-700 billion.

³ BPS http://www.bps.go.id/tab_sub/view.php?tabel=1&daftar=1&id_subyek=11¬ab=1

Official Development Assistance (ODA) in agriculture and AR

Some of this data involving 19 international development agencies collaborating with the Ministry of Agriculture, namely Food and Agriculture Organization (FAO), World Bank, Islamic Development Bank (IDB), Asian Development Bank (ADB) and others are available. For example, the loan amounts from World Bank for land legalization was 70% of the total needed budget in 2009.⁴ Other data, however, like the forms of assistance and amounts of aid given by each of these organizations, are not readily available.⁵

2. EFFECT INDICATORS

These indicators are landlessness, tenancy, and conflict cases.

a. Landlessness

Ownership

Data on many indicators including the number of landless farmers are limited but there are some useful data available

⁴ <http://economy.okezone.com/read/2009/10/07/320/263549/320/bank-dunia-bantu-dana-ke-bpn>

⁵ Indonesian Agency for Agricultural Research and Development Ministry of Agriculture http://www.deptan.go.id/tampil.php?page=dir_asing

like the increasing land allocations for large-scale capital, e.g., palm plantation (the commodity with the biggest expansion). The increasing number of oil palm areas has resulted in the exclusion of farmers and the increase of agrarian disputes.

Data on ownership (by category) according to size of landholdings based on sectors e.g., plantation and agriculture were available:

- Land ownership of palm plantations in 30 provinces until February 2010 (Sawit Watch, 2010)

Existing and expansion areas of palm plantations from 2006 to 2009 are increasing, and consequently, so are agrarian conflicts in these communities. Women's livelihood activities have also been affected. After paddyfields and gardens were converted to oil palm plantations, the women working those lands became contracted plantation workers with minimum wage of IDR 30,800 per day and no guarantee of health and safety.

- Land ownership of marginal farmers (SPI and IHCS, 2008 citing BPS data, 2003)

Over three decades (1983-2003), the number of marginal farmers has increased from 9.5 million to 13.7 million. Their landholdings however, have decreased from an average of 0.89 ha to 0.5 ha in 2003.

- From 1990 to 1991, land use changes or conversion cases were documented from forest to dry land agriculture and to permanent structures. The highest percentages were 29% and 41%, indicating that the number of marginal farmers and the landless have increased with the change of forest status (Bachriadi & Wiradi, 2011).

b. Tenancy

Landlessness reached a high of 25% to 38% of the rural population with access to land at less than 0.25 ha. In 1973, the rate of landlessness was 35%; in 1983 it decreased to 25%, but increased again to 33% in 1993 and to 38% in 2003 (Bachriadi and Wiradi, 2011).

Percentage of sharecroppers

In 1999, 49.5% of farmers were landless in Java and 18.7% in islands outside Java (CASER in Bappenas). This is approximated data as to the number of sharecroppers due to the unavailability of documentation, census, or other sources.

Percentage of sharecroppers with legal document

No data available.

Percentage of contract farmers' area in relation to total agricultural area

No data available.

Table 6. Percentage of Category of Peasant Landholders, 1973-2003

Category of Landholding (ha)	1973	1983	1993	2003
<0.10	3.4	7.3	8.1	10.9
0.10-0.19	12.5	10.4	12.3	12.4
0.20-0.49	29.8	26.8	28.2	27.9
0.50-0.99	24.7	23.4	22.2	19.7
1.00-1.99	18.1	18.6	16.8	16.1
2.00-5.00	9.4	11.2	11.0	11.4
>5.00	2.1	2.3	1.4	1.6
Total number (million)	14.4	18.8	21.2	24.3

Source: Bachriadi & Wiradi 2011

c. Conflict cases

Number of cases received

KPA is an NGO that collects and reports cases of agrarian disputes at the national level. There are three approaches employed by KPA to identify indicators based on data collection.

In addition to KPA's data, the Government's (BPN data, 2008) showed that total number of cases reported was 7,491 (in Gunawan, 2010), including cases from the past 40 years. Number of cases resolved was 1,778 and based on validation against data in 2007, of the 7,491 total cases, 4,581 were land disputes; 858 conflicts; and 2,052 were land cases on trial.

Further, from 2004 to 2010, the IHCS (2010) identified 43 criminalization cases and officer violence in land disputes. The Human Rights Commission (in Gunawan, 2011) noted that in 2009 there were 4,000 cases of human rights violations, 62% of

them agrarian and environment-related issues.

Number of cases investigated

Not all cases received by KPA were investigated. In 2002, out of 1,455 cases, 165 were investigated by stakeholders involved, such as government, legal aid agencies, or NGOs. Identified were cases dating back to 1945 until 2000. The other 1,290 cases were not investigated and subsequently categorized as unclear or ongoing. On the distribution of 1,455 cases received: i) 1,290 cases (89%) not investigated; ii) 84 cases (6%) investigated but not adjudicated; and iii) 81 cases (5%) investigated cases and adjudicated.

Number of cases adjudicated

Data for these indicators are linked with a number of investigated cases. Until 2000, of 1,455 registered cases from 1945 to 2000, 81 cases were adjudicated (KPA 2002). About 87.65% adjudicated cases happened in the

Table 7. Agrarian disputes as collected by KPA

Approach	Key Finding
First approach determined the number of cases per regime: Sukarno Era, New Order and Reform Era	<ul style="list-style-type: none"> Majority of recorded cases occurred during the New Order era with 1,039 cases (92.44%)
Second approach referred to other data collected by KPA i.e. number of cases based on type of disputes (e.g., irrigation, industry/ manufacturing, forest, etc) in 26 provinces dated since unknown year to 2000	<ul style="list-style-type: none"> Until September 2002, KPA had received 1,918 cases in 26 provinces West Java, Jakarta, South Sumatra had the most number of identified agrarian disputes, i.e. 502 cases (26%), 186 cases (9.7%) and 181 cases (9.4%) respectively The highest number of cases was plantation-related agrarian disputes and others/farms and compensation, i.e., 428 cases (22.31%) and 289 cases (15.07%) respectively
Third approach presented data on disputes in 1978 to 2007 (with missing data on 2001)	<ul style="list-style-type: none"> From 1978 to 2000, there were 150 cases, however only 102 cases with year-dates of disputes (68%), only 146 cases specifically located with province names and only 98 cases included type of disputes Compared to the first two sets of data, the third approach presents more complete data for 1978 to 2007, covering 29 provinces

New Order era. Other data of Supreme Justice mention that 60% to 70% of processed cases, a very significant percentage, are land-related issues according to the IHCS (2010).

Land grabbing cases

Data are still to be ascertained as there is no agreement yet on the definition of land grab. Nevertheless, cases reported by the IHCS (2010) totaled 43 with 7 reporting violence/ criminal acts. Other cases entailed violent arrest, fight with officers, imprisonment, molestation, shooting and killing. Land grab has been recorded in Sumatra Island:

Aceh, West Sumatra, South Sumatra, Bengkulu and Jambi.

Percentage of land grabbed area

Due to limited data, it is difficult to account for the percentage of land grabbing as of the writing of this report.

Average time needed for conflict resolution

No reliable data are available. Data obtained show the categories of data: “not clear”, “ongoing”, “win or lose” for the people (KPA, 2002).

Annual loss due to conflict

No specific indicator.

Financial loss

No reliable data available. So far, the data accessed are in terms of losing land for agriculture, costs incurred for medical treatment after experiencing violence, and loss for the children like their absence/inability to join national tests in school.

3. IMPACT INDICATORS

a. Evictions

Number of households evicted from agricultural land

The IHCS (2010) states that there were nine eviction cases from 2005 to 2007 occurring in Pasuruan (256 households [HHs]), Tulungagung (148 HHs), and West Nusa Tenggara (2,361 farmers). Additionally, there were also seven cases at the village level, but these were not available. Data from the IHCS were for sampling purposes and not enough to provide data at the national level. Other data of SPI (2010) showed the numbers of households who were evicted/displaced from farms are 24,257 in 2007; 31,267 in 2008; and 5,835 in 2009.

Number of households made homeless due to eviction

There are no data available for this indicator.

b. Number of people killed

Data gathered revealed:

- 18 people died during the period 2007 to 2009 (SPI)
- 4 women were killed and 8 injured after military shooting because of agrarian conflicts in Alastlogo, Lekok Sub District, Pasuruan Regency, East Java (Solidaritas Perempuan, 2007).
- At least 19 farmers and activists died in their struggle for land in 20 provinces during the Reform Era (KPA, 2000)
- 2 farmers' criminalization cases caused 6 deaths (IHCS, 2010)

c. Number of people arrested

Data gathered revealed 936 farmers arrested in 1997 to 2000 (KPA 2002); 102 people arrested from 2006 to 2010 (IHCS 2010).

d. Cases of violence or harrassment

- Forms of violence experienced by farmers and activists were molestation, killing, shooting, kidnapping, arrest, house firing/ devastation, direct terror, intimidation, disappearances or rape (KPA, 2002). A total of 5,200 victims in 26 provinces were reported.
- About 66 people in 21 cases were reported victims of violence in agrarian disputes.
- Another source, IHCS (2010) reported that between 2006 to 2010 there have been 43 cases of intimidation terror, arrest, molestation, beating, fight with officers, demonstration, kidnapping, shooting and killing. But 13 out of 43 do not mention the

- number of victims, saying only that they were indigenous or rural people. The other 30 cases mentioned the numbers of HH, people or land areas.
- Other data from SPI (2010) show the number of people who experienced agrarian conflict with those in control of resources. There were 166 in 2007, 312 in 2008, and 84 victims in 2009.

Conclusion

Based on the indicators, CSOs have concluded that agrarian reform in Indonesia after the 1960s has not progressed as reflected in documentation and studies done by NGOs. What was stated by President Yudhoyono in 2007 about land redistribution for poor farmers has not yet been realized. Presently, no regulation has been produced as a legal basis for agrarian program implementation in Indonesia. On the other hand, poverty has increased in 2007 by 16% to 17%, and military involvements in land conflicts have escalated from 2007 to 2010.

Land reclaiming actions, as a response to government inaction in resolving problems of increasing landlessness and poverty, are current modes of access to land. Land redistribution became secondary to asset legalization. The performance indicators of BPN programs overall, are based on numbers of land certificates produced by local offices that were unable to provide additional factual information about land/agrarian problems.

Government:

- Prepare the system, regulations and institutions needed to implement a genuine agrarian reform.

- Improve the database of land available for redistribution.
- Set criteria and identify the beneficiaries.
- Open political opportunities and set a base for political action to consolidate pro-reform movement, and form a state-society coalition for genuine agrarian reform.

Donors:

- Involve and consult with NGOs/CSOs who have been advocating agrarian reform, instead of developing plans solely with government agencies. Lessons learned from market-led land reform show that it has not successfully altered existing inequality structures.

CSOs:

- Share and consolidate data with urgency in order to strengthen the database that can be used as a tool to strengthen the conduct of agrarian reform.
- Develop closer cooperation with research/academic institutions (both state and private institution) especially those which have focus on agrarian reform issues.

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Nepal

Summary

After five decades of pursuing land reform, Nepal is in the process of revising its legal framework governing land rights. Forming the basis of this framework are principles articulated in key documents such as the 2007 Interim Constitution, the 2006 Comprehensive Peace Agreement, the 2007 Common Minimum Program of the National Consensus Government, and the Ministry of Land Reform and Management's Three Year Interim Plan (2007/08–2009/10).

As civil society organizations (CSOs) continue to implement various land rights programs, a new initiative has been the development of CSO land reform monitoring indicators. The Community Self-Reliance Centre (CSRC) spearheads the effort in coordination with the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia. In the course of developing the indicators, CSRC has analyzed the status, scope, issues, and challenges relevant to the monitoring indicators for land reform.

The monitoring indicators have been developed according to inputs, outputs, outcomes, impact, and processes involved. The latter

An abridged version of the paper, "Land Reform Monitoring Indicators, Nepal", prepared by the Community Self-Reliance Centre (CSRC)

List of Acronyms used

ADB	Asian Development Bank
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
CBS	Central Bureau of Statistics
CPN	Communist Party of Nepal
CSOs	civil society organizations
CSRC	Community Self-Reliance Centre
Danida	Danish International Development Assistance
HUGOU	Human Rights and Good Governance Advisory Unit
DFID	Department for International Development
FAO	Food and Agriculture Organization of the United Nations
GON	Government of Nepal
IDP	internally displaced person
IFAD	International Fund for Agricultural Development
NLRF	National Land Rights Forum
NGO	non-government organization
MLRM	Ministry of Land Reform and Management
SAE	Small Area Estimation
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VDCs	village development committees
WB	World Bank
WFP	World Food Programme

(institutional capacity, stakeholders' involvement, and policy processes) are the most important ones for CSO monitoring where critical feedback and support are needed for improvement of the processes. The key variables and their indicators are as follows:

Table 1. Key variables and indicators for land reform monitoring in Nepal

Inputs	<ul style="list-style-type: none"> • Policy: Land reform provisions in the Constitution and other policy documents • Budget: Percentage of revenue generation, share of internal foreign aid in budget, allocation of budget to land reform and agriculture • International conventions: Ratification and commitment to adjust national policies
Process	<ul style="list-style-type: none"> • Institutional capacity: Organizational structure technical staff/human resource (number of offices, staff) • Stakeholder involvements: Partnerships and collaborations (number of collaborators) • Policy formulation: Policy decision, court order (number of court decisions, processing time)
Outputs	<ul style="list-style-type: none"> • Land entitlement: Number, area, and change in landless people; recipients of certificates, land ownership resume (sharecropper, wage labor, companies) • Tenant eviction and legal treatment: Number of households displaced from farms, number of casualties and cases in court, number of displaced migration • Land fragmentation, common land and real estate land grabbing: area of land, number of real estate companies, cabinet decisions • Displacement: Number of cases in police stations and in courts
Outcomes	<ul style="list-style-type: none"> • Change in landholding: Number and percentage of landowners (categorized) • Change in land resume: Area of fallow land • Rural-urban employment mobility: Number of people (migrants) • Food security: Annual food deficit and surplus; percentage of population consuming less than minimum recommended calories in the reporting period; number of malnourished and undernourished; export-import data; malnutrition
Impacts	<ul style="list-style-type: none"> • Poverty reduction and livelihood standard: Change in percentage of absolute property, per capita income • Agriculture production and productivity: Production and growth

The process of developing CSO monitoring indicators revealed the information and data gaps in various components of land reform policies and implementations. These gaps relate mainly to policy compliance. Accordingly, the study recommendations to government bodies, donors, and CSOs are:

Government

- Form an independent land monitoring committee acting under clear Terms of Reference.
- Provide the public with valid information through a widely accessible database.

- Ensure that the land reform policy framework includes all the stakeholders who can assist with the periodic review of indicators, collection, and release of recommendations.
- Ensure that the Land Reform Commission is an inclusive body, involving the landless sector.
- Make effective use of the investment of bilateral agencies.

CSOs

- Form a common platform of all CSOs working on land reform issues, particularly on the development of a uniform monitoring mechanism among CSOs.
- Generate and use relevant information and data that will inform the land reform advocacy campaign.
- Coordinate with other stakeholders for policy development and implementation.

Donors

- Provide funding support to the development of the land reform monitoring system, CSO capacity building, and further research activities.

Context: Status of land reform

Land ownership in Nepal in the past five decades (1961-2011) shows the following disturbing trends:

- The number of landholdings has more than doubled, mainly because of population growth and continuous

dependence of people on land-based livelihoods.

- The average landholding has been declining continuously, reaching 0.8 ha (per family) in 2001, and declining further to 0.6 ha in 2009 (CBS, 2009).
- Cultivated land area increased very marginally, especially in the last two decades. Only 21% of total area of the country is cultivable.
- Land fragmentation remains a major problem. There are about 3.3 parcels in each landholding with average parcel size of 0.24 ha in 2001. Such a small size of a parcel is also not suitable for the use of modern inputs, especially in building infrastructure like irrigation facilities.

The country's low land productivity is the result of Nepal's feudal agrarian system and its inherent exploitative relationships. In recent times, the issue of agrarian reform has become more contentious in the absence of opportunities to expand land for cultivation and to divide landholdings among the inheritors. Agrarian reform is also imperative to address the widespread poverty of marginal farmers and landless people whose access to and control of a productive resource are hindered by highly unequal land distribution.

Inequality in land distribution in terms of size and quality of the landholdings has always been correlated highly with economic status. As measured by the Gini coefficient, this inequality was 0.544 in 2001 (CBS, 2006). About 47% of land-owning households have claim to only 15% of the total agricultural land with an average size of less than 0.5 ha, while the top 5% occupy more than 37% of land. Marginal farmers and small cultivators own less than 1

acre or 1-2 acres (0.4 to 0.8 ha) only. About 29% households do not own any land (UNDP, 2004). The most impoverished groups are indigenous peoples (mostly marginal farmers) and Dalits (mostly landless, 44% living in Terai, 22% in the Hill region). The gender dimension of land distribution is even more critical: men own 92% of the landholdings (Adhikari, 2008).

The Land Act (effective since 1964) put a ceiling on lands an individual could own, provided for ways by which a tenant could have land under his name, and fixed the rent on land. The law has seen six amendments, indicative of major issues: the legislation contained significant loopholes; the land ceilings were set relatively high; and implementation of the ceiling provisions was lackluster in most areas. The Fourth and the Fifth amendments (done in 2001) were the major revisions. Only recently has a court ruled for the full implementation of the Land Act. Subsequently, the Government of Nepal established a land reform commission to produce a report. This is to be made public eventually. But in the interim, doubts about the implementation of the commission's recommendations heighten.

As for the national budget share and allocation for the land reform activities, only less than 1% of national budget is allocated to the Ministry of Land Reform and Management (MLRM). More than 70% of budget goes to human resource and administrative costs (Red book, Ministry of Finance, 2011).

Conceptual framework and indicators

CSRC has identified a number of key variables with corresponding indicators and verifiers, as well as identified data gaps that should be

addressed before monitoring can be done effectively.

A. Input indicators

1. Legal framework

Nepal is in the process of revising its legal framework governing land rights, with the expected adoption of a new framework in 2011. However, this has failed to materialize (as of early 2012). The new legal framework will be governed by principles set forth in the 2007 Interim Constitution, the 2006 Comprehensive Peace Agreement, the 2007 Common Minimum Program of the National Consensus Government, and the Ministry of Land Reform and Management's Three Year Interim Plan (2007/08–2009/10) (GON Interim Constitution 2007a; GON and CPN Peace Agreement 2006; GON Common Program 2008; GON Interim Plan 2007b).

The Interim Constitution of Nepal, which became effective in 2007, grants every citizen the right to acquire, own, sell, and otherwise dispose of property. The Interim Constitution calls for the elimination of feudalism and prohibits forced labor and the exploitation of people on the basis of custom, tradition, or usage (GON Interim Constitution 2007a).

The process of developing the new legal framework from the current one takes into consideration a history of legal enactments. There have been 59 acts and 23 regulations that have been constituted for the purpose of land reform.

2. Budget share and allocation

An insignificant less-than-1% of national budget share and allocation for the land reform activities is a major hindrance to effective implementation. More than 70% of the budget goes to human resource and administrative costs (Red Book, Ministry of Finance, 2011).

3. International convention/commitment

There is no right to land explicit in the international legal framework. Land rights have been considered in several international principles and interpretive documents. They are invoked in a number of key areas but not defined wholly, suggesting that further consideration by the international community is necessary (Wickeri and Kalhan, 2010).

B. Process indicators

There are three process indicators that are the most critical for feedback and program implementation improvement, as analyzed by CSRC: institutional capacity, stakeholders' involvement and policy formulation process.

1. Institutional Capacity

The Ministry of Land Reform and Management (MLRM) is the main government agency responsible for land reform activities. Its Minister, State Minister and Secretary head different divisions responsible for general administration, planning and coordination, land reform, land management training, land information, and a special program for freed bonded labor, *haliya* and *haruwa/charuwa*. However, its human resources and technical capacities are too limited to handle land reform activities.

2. Stakeholders' involvement

The stakeholders in the land rights movement are peasant organizations, donor coalition partners, local CSOs, and international organizations involved in land issues. Leading the movement are the National Land Rights Forum (NLRM), an umbrella organization of landless peasants supported financially by coalition partners; ActionAid Nepal, Care Nepal, Oxfam GB, Lutheran World Federation, Danida HUGOU, CCO/CEDA. The NLRF is organized into district chapters where local CSOs (like CSDR Banke, SWAN Dang, Jana Chetana Dalit Sangam, Saptari, Abhiyan Nepal Sunsari, CDECF, Sindhupalchok, RDS Sindhupalchok) facilitate and support the capacity building activities. Several donor field projects are supported by IFAD, FAO, DFID, USAID, ADB, and WB.

3. Policy formulation process

Policy formulation is confined within the Ministry of Land Reform and Management. Its Three-Year Interim Plan (2007/08 to 2009/10) has a multi-focus on, among others: (i) land allocations for the poorest; (ii) reorganization of land administration, development of a land information system and digitization of the cadastre/land records; (iii) land registration for women and marginalized groups at half-price; (iv) development of a legal framework that includes leasing and cooperative farming; (v) review of the role and scope of the *Guthi* (Trust) Corporation and arrangements for administering *Guthi* land through revenue offices; (vi) capacity building for land officials; and (vii) removal of the backlog of pending land dispute cases (Alden Wiley et al. 2008).

Indeed, land reform through the acquisition of private land has been very controversial and politically unfeasible. The recent attempt to formulate land use policy and its recommendations recognizes the critical importance of land reform. It proposes an institutional setup to accelerate land use plans at different levels rather than proposing concrete plans of action for land use.

These heavy challenges, unfortunately, are compounded by the limited consultation mechanism of the MLRM to ensure the participation of all concerned stakeholders.

C. Output indicators

To monitor the effective implementation of the land reform activities, the following indicators are: i) changes in land area, distribution, entitlement; ii) tenant eviction and legal treatment; iii) land fragmentation, common land and real estate land grabbing; and iv) displacement.

1. Land area, distribution, entitlement

Nepal is a land scarce country. Only about 21% out of the total area of the country (147,181 sq km) is cultivable. About 83% of Nepal's 28.5 million people rely on agricultural land, forests, and fisheries (20% of total land area) for their livelihood.

There are 2.5 million ha of agricultural land (2001 figures) that comprise Nepal's three ecological belts: mountains where 7.3% of the

population live; hills inhabited by 44.3%; and the Terai or plain lands inhabited by 48.4%. The country's agricultural production is concentrated in the Terai, the country's source of cereal crops and some vegetables, fruits, and other crops (World Bank 2009; Sharma 2001; Silpakar 2008; ADB 2004). Table 2 shows the country's ecological regions and their area as a percentage of the total.

Table 2. Ecological regions in Nepal

Region	Area in %	Description
Terai	20	Southern plains bordering India
Foot hill/midhill	56	Central part
High Mountain	24	Northern area bordering China

Source: Land Reform and Management Department Annual Report 2007

An average land holding size is 0.96 ha (CBS, 2002: 45). Out of the total land holdings, 1.4% landowners occupy 14% of arable land. Of the total cultivable land, about 9% is under tenancy system (CSRC, 2005).

Although all types of lands are state property, agricultural lands are privately owned. Registered state-owned and public lands are as shown in Table 3.

An estimated 27% of land in Nepal is privately-held in ownership or under leasehold and the rest is private land (73%). The *guthi*¹ land, the third type of land, is only 0.03% of the total.

Land is unevenly distributed, and the size and quality of the landholdings has always been highly correlated with economic status. Throughout the country's history, Nepal's few elite have held the majority of land and

¹ An endowment of land made for religious or philanthropic purposes

Table 3. Types of land ownership and their areas

Ownership type	Total area	
	in Bigha*	in Ropani**
Public land	2359245	33178141
Registered government land	15326	110514
Lease	220	2850

Source: Land Reform and Management Department Annual Report 2007/2008

* In Nepal's Terai region, a *bigha* is about 6,772.63 sq m or 2,900 sq feet.

** A *ropani* is a unit of measurement used in the hill districts, comprising 5,476 sq feet.

profited from land-based resources. Seventy-six percent of the country's poor are small and marginal landholders (Karki, 2008; Savada 1991; GoN, 2004). There is rapidly growing urban/periurban areas, internal migration, increasing trends of keeping agriculture land fallow. In one hand there are 300,000 *haliya*, *haruwa* and *charuwa*, who are landless (CSRC, 2009) and on other hand, there are fallow agriculture lands.

Beginning in the 1950s, Nepal has made several efforts at land reforms, including the

imposition of land ceilings and tenancy reforms designed to equalize landholdings. Neither approach was very effective. The ceilings were set relatively high, the legislation contained significant loopholes, and implementation of the ceiling provisions was lackluster in most areas. Land officials designated less than 1% of cultivated land as above-ceiling and redistributed only half of the above-ceiling land to landless and land-poor households; the remainder continued to be held by the landowners (Regmi, 1976).

The state's effort to deliver land to the tiller by registering tenants and granting them half their tenanted land has been largely unsuccessful. About 541,000 tenants registered, but various sample surveys suggest that the number of tenants is at least three times as high. Some researchers suggest that the main effect of the attempted tenancy reform was to push many tenancy relationships underground. A constitutional challenge delayed awards of land to tenants, but the GoN asserts that about 180,000 ha will be registered in the names of registered tenants (Alden Wiley et al. 2008).

Table 4. Land ownership according to class group and size

Ranking	Total Household	Ownership in Hectares	Recommended number for land distribution
Landless	287,100	0-0.1	There is a need to distribute 421,770 ha.
Marginalized	670,000	0.1-0.3	
Small	648,000	0.3-0.5	
Medium	1,131,560	0.5-3	Estimated land available for distribution is 492,851 ha.
Rich	93,700	3-10	
Richest	3,800	More than 10	

Source: CBS 2006

The ownership of the land is very uneven among the various categories of the landowner. In Table 4, land ownership by class group and size is given.

The last national survey in 2001/02 reported the continuation of a significant imbalance in land distribution, as shown in Table 5 below.

There are some land areas available for distribution. These are identified as degraded

informal, unregistered tenants. Sharecropping is the most common form of tenancy. Landless farmers (32.1% of households (CBS, 2002: 45) work about 2% of total farm holdings; most leased land is worked by households that farm their own land, and rent additional land when they have the capacity (GON, 2004; Karki, 2008; Chapagain, 2001).

Women hold about 5% of the land in Nepal. A GON 2006/07 directive waived registration

Table 5. Land distribution in Nepal

Size of landholding	Population as % of total	Number of landholdings as % of total
3 or more ha	5	27
0.5-3 ha	51	59
0.5 ha or less	44	14
Average land holding = 0.8 ha		

Source: GON 2004; Alden Wiley et al. 2008.

forest land, public land, *Guthi*, river basin and land to be received from ceiling (See Table 6).

Eighty-four percent of farms in Nepal are owner-operated. About 10% of land is reported under some form of registered tenancy. The actual incidence of tenancy is likely significantly higher due to the presence of

fees for land registered in the name of women, the disabled, and members of disadvantaged groups. Following this directive, land registration in women's names more than doubled. In 2008, 33% of landholdings registered in 11 districts were under women's names (Alden Wiley et al., 2008).

Table 6. Land available for distribution

Source of land available for distribution	Available land area (in ha)
Degraded forest land	31,184
Public (<i>ailani, parti</i>)	329,098
<i>Guthi</i>	3,069
River basin	4,000
Ceiling	125,500
Total	492,851

Source: Land Reform High Commission Report, 2011, Ministry of Land Reform and Management, Government of Nepal

2. Tenant eviction and legal treatment

Numerous cases of tenant eviction and land disputes are not found in official records and are not addressed through a mechanism providing legal treatment to the victims. CSRC has also begun collecting data on this.

Among the categories of land disputes identified were:

- improper demarcation of parcel boundary on the ground;
- errors in trace copy of original cadastral maps and wear and tear of documents;
- errors in file maps prepared in larger scale from original maps;
- displacement in the location of features, natural as well as cultural, with respect to existing maps.

Nepal's Three-Year Interim Plan noted that there was a backlog of 103,000 land cases awaiting resolution (ADB 2007; Alden Wiley et al., 2008).

Adjudication of rights within the formal court system (district courts, appellate courts, and a Supreme Court) requires time, knowledge of the system, and financial resources. The poor and marginalized tend to pursue claims in other more accessible forums, including District Revenue Department offices and, in isolated cases, "People's Courts" (established by the Maoists). The Local Self Governance Act, 1999, gave the village development committees (VDCs) the power to handle 13 different types of disputes, including some land-related matters such as boundary issues and encroachment. The extent to which VDC courts are operating is unknown (Alden Wiley et al., 2008).

3. Land fragmentation, common land, and real estate land grabbing

There is massive land fragmentation caused by prevailing land inheritance practices and private land use for housing, and more recently, land plotting in the urban and semi-urban areas. Recently, Nepal's land-sale market has been active in both rural and urban areas, but the bulk of sales transactions are in urban land. Land developers are often selling land without verification of boundaries, instead relying on inaccurate documents, including maps. The unregulated practices are leading to sprawling, unplanned urban development, land disputes, and insecure tenure (Acharya, 2009).

There is no national database on the land grabbing and real estate activities that affect access to public land, agricultural production, and productivity. Some anecdotal cases suggest that land grabbing occurs at a massive scale.

The leasing of land for agricultural purpose is another phenomenon. In the national estimate, 30% of the rural population rents agricultural land. Almost all rural land is rented under sharecropping agreements rather than for monetary payments (GON, 2004; Alden Wiley et al., 2008).

4. Displacement

Floods, landslides, and other natural hazards displace large farming populations from their farm lands. Most of these are poor indigenous people and Dalits who are forced to reside in marginal lands.

More than 70,000 people were displaced during the 10-year conflict (1996–2006)

between the Government of Nepal (GON) and the Unified Communist Party of Nepal (Maoists). Internally displaced persons (IDPs) — children and women — are particularly vulnerable to trafficking, sexual exploitation, and child labor (IDMC, 2010). The thousands of IDPs unwilling or unable to return to their homes joined the migration of rural residents in search of employment in urban areas, causing rapid urbanization and the “mushrooming” of informal settlements hurriedly built on government and public land in urban and peri-urban areas.

In the 1990s, approximately 100,000 Bhutanese of Nepali origin either fled or were forcibly expelled from Bhutan. The refugees have, for close to twenty years, lived in seven camps located in southeastern Nepal. The camps are entirely dependent on the support of the international community and their long-term presence has caused tensions with host communities because natural resources are overexploited (Laenkholm, 2007; UNHCR, 2009).

D. Outcome indicators

Five indicators are taken into account:

- change in landholding;
- land regime;
- rural-urban mobility;
- food security; and
- change in cropping pattern

There are, however, no national data to establish the changing trends.

1. Change in landholding

There is significant change in the landholding in the 1980s because of the internal migration, as previously mentioned.

2. Change in land regime - (no data)

3. Rural-urban employment mobility

There is huge rural-urban mobility across the country. In search of employment opportunities, better education, and health facilities, many rural families leave their villages for town centers. Similarly, outbound migrants in search of employment opportunities are growing in number.

4. Food security

The recent increase (2005-2008) in international food prices and the diversion of resources to produce non-food crops has increased the concern on food security. The present food crisis is stalking the small-scale farms and rural areas of the world, where 70% of the world's hungry live and work. Even though prices have gone down compared to 2008, the prices of cereals are still more than 63% of what they were in 2005.

Higher food prices are caused by several factors: low agricultural productivity in the world; high population growth rate in most food-insecure countries; problems with water availability and land tenure uncertainty; more frequent occurrences of floods and drought; and low investment in agriculture, which remained about 4% of the total investment in most developing countries.

Another phenomenon associated with rising food prices and decline in food production is the global hunt for land in developing countries, or “land grab” by the Gulf countries, China and Japan, for example. The Food and Agriculture Organization (FAO) estimates that “land grabbed” areas could be about 74 million ha. In most cases of “land grab”, productivity has increased almost four times, but the local population is deprived of their livelihood opportunities. In the future, this is going to be a major food security issue.

5. Arrangement for cropping - (no data)

Monitoring the various arrangements for cropping (sharecropping, leasehold, family farm, and company farm) would provide good indicators of outcomes of land reform at the local level. However there are limited national data on the changes in the land ownership. Various case studies and local evidence suggest that there are decreasing trends of sharecropping due to urban and foreign migration and increased leasehold for commercial farming.

E. Impact indicators

Poverty reduction and livelihood standard; and agricultural production and productivity are the two impact indicators of land reform. However, there has not been much improvement in this component.

1. Poverty reduction and livelihood standard

The study of Small Area Estimation (SAE) carried out by CBS, WFP and the World Bank indicates that 37% of the rural population is living below the poverty line of 7,696 Rs (or \$ 101) per year, compared to 13% in urban areas,

and 31.9% in overall areas. The estimated 2010 poverty rate in Nepal was 25%, and most of it was considered to be reduced because of increased access to remittances (National Planning Commission, 2004).

Food insecurity in the surplus areas of the Terai and Lower Hills is foremost an issue of food access. Although the incidence of poverty in these areas is generally lower than in the Hills and Mountains of the Far and Mid-West, the concentration of poverty (as measured by the number of poor people per square kilometer) is very high.

Due to high poverty levels, people have limited purchasing power to buy food in the markets. Vulnerable communities such as Dalits, *adivasis*, *Janajatis*² and *kamaiyas*³ often struggle to access sufficient food. The result is that very high wasting levels above emergency levels characterize the Terai. Unfortunately, no disaggregated data are currently available that provide insight about the food security situation of marginalized communities in the Terai. Other important factors contributing to food insecurity and malnutrition include limited nutritional knowledge, inappropriate hygiene and caring practices, and the gender division within the household, which places women in a disadvantaged position.

The rural poverty rate is almost twice as high as the urban poverty rate, and ranges from 28% in the eastern hill/mountain region to 72% in mid-western and far western hill/mountain regions.

Within the rural population, poverty rates are highest among landless and near-landless

² Ethnic and indigenous nationalities in Nepal

³ A bonded labor system widely prevalent in the five district in the Mid and Far Western development region of Nepal

people of different caste and ethnic groups: 58% among agriculture wage laborers and 50% among agriculture dependent smallholders.

2. Agriculture production and productivity

The primary impact of land reform is increased agricultural production and productivity. Although it is not the only factor to improve production and productivity, ownership and access to productive land resource is a precondition.

The trends in production and productivity of land resources have not been satisfactory in the last two decades. The trends in crop production, total agricultural production and the share of the agriculture sector in the budget are some indicative examples of production and productivity.

Data Gaps

There are various data and information gaps in the various components of land reform. There is an urgent need to update the data/information so that the policies and practices can be monitored and the gaps in these areas tracked.

Conclusions and Recommendations

The development of CSO monitoring indicators identified the information and data gaps in various components of land reform policies and implementations. Mainly, these gaps relate to policy compliance. Accordingly, the study recommendations to government bodies, donors and CSOs are:

Government

- Form independent land monitoring committee to act with a clear Terms of Reference (TOR).
- Ensure the access and validity of information thru a publicly accessible database.
- Ensure that the land reform policy framework includes all the stakeholders who can assist with the periodic review of indicators, collection of recommendations and release of the same.
- Ensure that the Land Reform Commission is an inclusive body, involving the landless.
- Make effective use of the investment of bilateral agencies.

CSOs

- Form a common platform of all CSOs working in land reform issues, particularly on the development of CSOs monitoring mechanism.
- Generate and use relevant information and data to inform land reform advocacy campaign.
- Coordinate with other stakeholders for policy development and implementation.

Donors

- Provide funding support to the development of the land reform monitoring system, CSO capacity building, and further research activities.

Table 7. Summary of variables for land reform monitoring in Nepal

Components	Key Variables	Remarks
Input	Policy	Need periodic review of national policy documents
	International convention/commitment	Review ratification and monitor proposed action plans
Processes	Institutional capacity	Need to review and synthesize
	Stakeholders' involvement	Not available
	Policy formulation	Review policy formulation process of government
Outcomes	Change in land holding	Look for the CBS data and compare
	Change in pattern of land holding	Review case from CSRC report
	Rural-urban, employment, mobility	Review migration study report
	Food security	UNESCAP food security and nutrition monitoring data (UN), CBS, UNDP, MoAC
Impact	Poverty reduction and livelihood standards	Review trends on periodic poverty per capita income
	Agriculture production and productivity	Review changes in budget investment and production and growth

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Pakistan

Summary and background

The land monitoring framework project aims at developing a system which could be used for monitoring trends in issues related to land ownership and access to land by farmers, particularly landless farmers. This framework with verifiable indicators will be helpful for civil society involved in land governance, to study the significant trends and patterns shaping the future of justified and pro-poor land governance. In the context of Pakistan this project will support civil society to build a strong case for equitable and justified access to secure land tenure and entitlement. This report is a contribution from the Society for Conservation and Protection of Environment (SCOPE), Pakistan, a member of the International Land Coalition (ILC) to the CSO land reform monitoring initiative of Land Watch Asia.

The CSO-led monitoring initiative would help in determining the current status of the land reform process and be instrumental in capacity development of civil society in campaigning for comprehensive land reform process in Pakistan.

For this project we have set the following monitoring indicators:

An abridged version of the paper, "CSO Land Monitoring in Pakistan", prepared by the Society for Conservation and Protection of the Environment (SCOPE)

List of Acronyms used

ADB	Asian Development Bank
CFO	Corporate Farming Ordinance
CSO	civil society organization
EPZs	Export Processing Zones
FATA	Federally Administered Tribal Area
FSC	Federal Shariat Court
GOP	Government of Pakistan
ha	hectare
LMF	Land Monitoring Framework
NGO	non-governmental organization
PLD	Pakistan Law Department
PPP	Pakistan People's Party
PIU	Produce Index Unit
SCOPE	Society for Conservation and Protection of Environment
TNCs	transnational corporations
USAID	United States Agency for International Development
WTO	World Trade Organization

- Land concentration
- Legal framework pertaining to access to land
- Types of tenure and relations between landlord and tenants
- Land reform process, gaps and future of land reforms
- Peasants' uprising
- Corporate agriculture farming and global policy imperatives affecting empowerment of peasants

- Key hurdles in land reforms
- Land reforms legislations and policies
- Land-related conflicts

Concentration of farmlands at the time of independence

When it became independent in 1947, Pakistan had a number of small-scale farms and very few large aggro-estates. Distribution of land ownership was distorted. Less than 1% of the farms consisted of more than 25% of the total agricultural land. Many owners of large holdings were absentee landlords, who exploited poor and uneducated tenants or sharecroppers. On the other hand, about 65% of the farmers held some 15% of the farmland in holdings of about 2 ha or less. Tenants, including sharecroppers, cultivated about 50% of the farmland, while landless rural masses worked as agricultural laborers. Most of these tenants had little legal protection, tenure security and rights while the landowning elite had wealth, status, and political power (Country Studies/Area Handbook Series, edited by Blood, 1995).

Now, between 20% and 40% of rural households are reported to be landless or near-landless. They either lease or sharecrop land when they can or work as laborers on and off farms; many are raising stall-fed livestock (USAID, 2010a). In the post-green revolution scenario it was mainly the landlord who benefitted from improved seeds, fertilizers and financial services in the agriculture sector.

Even bank loans were obtained in the name of sharecroppers, but the economic benefit could not trickle down to them (USAID, 2010b).

Table 1 shows the percent distribution of households according to landholdings, while Table 2 indicates the percent distribution of the population according to landholdings, disaggregated by province.

Table 1. Percentage Distribution of Households by Landholdings

Rural	43.13%
• Landless	10.36
• Under 5 acres	18.23
• 5 to under 12.5 acres	9.66
• 12.5 to under 35 acres	3.87
• 35 to under 55 acres	0.64
• 55 acres and above	0.37
Non-agriculture	56.87%
Total	100.00%

Source: HIES 2001-02.

Land tenure types

Land in Pakistan is classified as state land, privately owned land, land with communal rights under customary law. Land, for which there is no rightful owner, comes under the jurisdiction and ownership of either the provincial government or the federal government.

Major tenure types are summarized by USAID (2010a) as follows:

Ownership

Ownership is the most common tenure type in Pakistan. Private individuals and entities can obtain freehold rights to land, and communal ownership rights are recognized under customary law.

Table 2. Headcount by Landholding, Using Official Poverty Line Rs. 748.56 per Adult in 2001-02

Rural	Punjab (%)	Sindh (%)	KPK (%)	Baluchistan (%)	Total (%)
• Landless	45.12	58.67	65.95	69.63	54.89
• Under 5 acres	32.18	46.62	43.21	42.55	37.00
• 5 to under 12.5 acres	21.43	43.66	35.57	25.37	28.17
• 12.5 to under 35 acres	19.36	42.77	29.66	34.27	27.67
• 35 to under 55 acres	7.78	9.80	0.00	14.55	8.43
• 55 and above acres	5.42	0.00	0.00	0.00	3.72
Non-agriculture	47.54	46.82	50.87	45.39	47.76
Total	39.27	48.63	47.88	42.07	42.91

Household Integrated Economic Survey (HIES), 2001-02

Taken from : *Pakistan Development Review*, 43: 4 Part II (Winter 2004) pp. 855–874, Landlessness and Rural Poverty in Pakistan. Talat Anwar, Sarfarz K. Qureshi, and Hammad Ali

Lease

Term leases are common for parcels of agricultural land over 30 ha. Leases are for fixed rates, generally run at least a year and may have multi-year terms. Leases may be written or oral agreements.

Sharecropping

Sharecropping arrangements are common for small- and medium-sized agricultural land (less than 30 ha). Roughly 67% of Pakistan's tenant-operated land was under sharecropping in 2000, and 48% of sharecropper households fell below the national poverty line. Sharecropping arrangements usually provide the landowner with half the production from the land; arrangements vary regarding provision of inputs. Most agreements are unwritten.

Land reform in Pakistan

When Pakistan gained independence from British India in 1947 it did not immediately introduce land reforms. As a result it failed to seize the opportunity to abolish feudalism

and develop the agriculture sector to serve the economy and the poor masses, says Zulfiqar Shah, a land reform advocate, in an article in the *Dawn* newspaper in 2008. Over the years, Pakistan introduced land reform programs three times but the attempts failed to deliver the desired results of strengthening the rural economy and empowering landless farmers, he opines.

The martial law regime of General Ayub Khan first introduced land reform in January 1959. The objective was to reduce the maximum limit of land ownership. Under the program, government put an ownership ceiling of about 200 ha for irrigated lands and 400 ha for rainfed land (Shah, 2008).

“Moreover a number of additional provisions in the 1959 land reform allowed landlords to retain land far in excess of the ceiling even on an individual basis. For example, an individual could keep land in excess of the ceiling so long as his holding was an equivalent of 36,000 Produce Index Units (PIUs). A PIU

was estimated as a measure of the gross value of output per acre of land by type of soil and was therefore seen as a measure of land productivity. The lacuna in this provision was that the PIUs were based on pre-Partition revenue settlements” (Hussain, 1982).

Cash compensations were paid to the owners for land taken in these reforms. However the landed class defied these reforms using tactics such as transferring land titles to family members to avoid ownership limits, in turn, watering down the impact of the reforms. As a result, less than 1 million ha of land was recovered from landlords. The government sold more than 250,000 ha to about 50,000 tenants or sharecroppers. But in the end, the reforms failed to achieve government’s target of lessening the power of the landed elite (Shah, 2008).

The next wave of land reform came in March 1972 and was enforced in 1973 during the term of Z.A. Bhutto, head of center left-oriented political party the Pakistan People’s Party, Shah says. The land ownership ceiling was further lowered to nearly 5 ha of irrigated land and about 12 ha of non-irrigated land, he says, adding exceptions of additional 20% land to those who owned tractors and tube wells. He notes that the owners of the confiscated land were not offered any compensation nor beneficiaries charged for distributed land. Citing official statistics, he points out that by 1977 only about 520,000 ha had been surrendered and nearly 285,000 ha redistributed among 71,000 farmers.

The Bhutto government introduced the third round of reforms with the Land Reform Act of 1977 which further reduced ceilings on private ownership of farmland to about 4 ha of irrigated land and about 8 ha of non-irrigated.

The reform also called for taxes on agricultural income. Small farmers owning 10 ha or fewer were exempted (Shah, 2008).

But the military regime of Zia ul-Haq, who took over from Bhutto, did not implement these reforms. Governments in the 1980s and early 1990s avoided any significant attempt at strict implementation of the land reform measures, because they got much of their support from the landed aristocracy (Shah, 2008).

The overall impact of land reform attempts in Pakistan

Agrarian reforms in Pakistan have never been able to transform the rural society into a progressive agrarian economy, Shah (2008) says. The reforms attempted to limit the land ownership to certain ceiling on individual basis, but not on family basis, therefore the huge family holdings remained unaffected as landowners transferred or gifted surplus lands to their family members, he notes. He says that during the military’s rule, feudal landlords supported the junta to protect their interests and the military government obliged to safeguard their interests.

Even after three waves of land reform programs, 3,529 *zamindars* (landlords) still controlled 513,114 holdings of more than 100 acres in irrigated areas and 332,273 holdings exceeding 100 acres in un-irrigated areas. On the other hand, 794,774 *khatendars* (tenants) have 5,464,771 landholdings of less than 12 acres in irrigated areas. In un-irrigated areas, 144,098 are reported to have 1,628,826 holdings of less than 24 acres (Shah, 2008).

Land reforms play an important role in reducing rural poverty and empowering poor and landless farmers, Shah asserts. “In Pakistan, the power of landed aristocracy has acted as a barrier to social and economic progress of the rural society.” He stresses that genuine and effective land reform can bring real positive change in the rural economy and bring small and landless farmers into mainstream development process. Without land titles they cannot enjoy benefits of capital intensive farming technology and financial and credit instruments to boost agriculture, he adds.

Shah thus proposes for the land ceiling to be fixed at 50 acres for irrigated land and 100 acres for non-irrigated. About 8 acres of agriculture land should be allotted to the landless agriculture workers and peasants’ families, he also urges. He insists that the agriculture land occupied by or allotted to military forms and government departments be revoked and distributed among the landless peasants.

While land reform legislation is needed, all laws and regulations regarding land developed under the colonial era should be abolished, Shah underscores. He also calls for the setup of a judicial commission on land utilization to curb the rising commercialization of land.

The legal framework governing land rights

Since 97% of the population in Pakistan is Muslim, most of its civil law has been adapted to reflect the Islamic character of the country. The 1973 Constitution provides that every citizen shall have the right to acquire, hold, and dispose of property.

USAID (2010a) says the statutory law related to land rights is old, fragmented, and incomplete. More than two dozen laws govern a variety of land matters at national and provincial levels, it notes. There are provincial revenue legislations which provide for landholding categories, record-keeping, land transactions, surveys, among others, the agency explains. Meanwhile, the property rights of the tribal population of the Federally Administered Tribal Areas are under a separate legal framework, the majority of which consists of customary law, USAID adds.

Pakistan has a strong customary law governing land rights. Provinces and tribes have different customary laws enforced by tribunals known as *jirgas*. Customary law governing land issues ranges from marital property rights to principles governing boundaries. Particularly in the tribal (semi-autonomous) areas, people regulate their own affairs in accordance with customary law, and the government functions through local tribal intermediaries or political agents. Tribes recognize individual land ownership, by a joint or extended family, and collective land ownership by a tribe (USAID, 2010a).

The law of inheritance in Pakistan is governed by the Muslim personal law, which assigns women a differential status. The general principle of the Muslim personal law with regard to allocation of shares in both *Hanafi* and *Shia* law is that the women sharers receive half the share of a male share.

Provincial Tenancy Acts

Pakistan is a federation of four provincial units - Punjab, Sindh, Khyber Pukhtunkhwah and Balochistan - and four federally administered territories. The laws dealing with relations between landlord and tenants come under provincial tenancy acts. The Punjab Tenancy Act 1887 was the first piece of legislation enacted by the British Empire, providing security to tenants called occupancy tenants, says civil society group Roots for Equity in a paper titled "Agrarian Reform Research in Pakistan." In 1950, the tenancy act was amended to abolish payments of levies and pre-requisites to the landlord by the tenant. The Tenancy Act of Sindh was also enacted the same year. In 1952, the Punjab Tenancy Act was again amended to provide fixed-term tenure of one to three years to sharecroppers, Roots for Equity notes.

These tenancy acts though were not implemented in their true spirit. In some parts of the country, *begari* or forced labor continues to be practiced, Roots for Equity asserts. Poor peasants or *hari* don't receive their legal share of the produce. In many instances, sharecroppers are forced by the landlords to work as seasonal agriculture laborers on a daily wages basis for some crops, further denying the rights of the peasants. The group points out: "In general, sharecroppers have no awareness of their tenancy rights. No written legal document is ever signed between the landlord and the *hari*. In actual practice, the landlord can terminate the services of the sharecroppers at will, giving the term 'tenant-at-will' its very real connotation. In short, the tenancy acts have never had any real political clout due to the continuing intense control of the feudal landlords in the politics of Pakistan."

Recently the Sindh High Court issued a ruling proposing certain amendments in the Sindh Tenancy Act, to reform the age-old relationship between the *haris* (sharecroppers) and the landlords. The case reflected the traditional conflict between tillers of the soil and owners of the land, the landlords (*zamindars* or *waderas*), who are generally accused of using coercive means for perpetuating these stranglehold over the impoverished and illiterate *haris*. The judgment assumed great importance in view of the discovery of private jails and recovery of some of the people who were kept in chains. It emerged from the proceedings that the problem in most cases stemmed from the non-payment of loans these *haris* or their ancestors had taken from the *zamindar*.

Rights to land and gender differences

Under statutory, religious, and customary law, Pakistani women have a legal right to own land. Citing other publications, USAID (2010a) says more professional women are increasingly buying house plots in urban areas in their own names, a practice rarely seen in rural areas in most regions, despite provisions in customary and Islamic law. Still, men, who are presumed to control land and other family assets, continue to dominate in social, economic and political spheres in the tribal areas, the agency also notes.

Neither customary nor Islamic law in Pakistan recognizes community property rights, but various provisions are made for the support of women, including agreements regarding payments and repayments of dowry, dower, *mehar*, and maintenance. In some regions, dower paid by the groom's family is substantial and often takes the form of land or a house that

the husband's family is expected to build and put in the bride's name. However, the bride will seldom exercise any control over the property in her name (USAID, 2010a).

The same is true in the case of widows, mothers and daughters, USAID further notes. In general, there is little acceptance under customary and religious law for women's ability to control and manage land. Under customary law the senior male of the family holds the family land in his name, it states.

Land disputes and conflicts

Land disputes in rural and urban Pakistan are prevalent. Disputes about land ownership and tenure are particularly difficult to resolve due to poor record maintenance and political influence of landowners. Landholders have criticized the revenue court system, which is designed to provide a specialized, local, rapid resolution of disputes, for being time-consuming, complex, and open to corruption. As such, cases may take years to resolve (USAID, 2010a).

Land disputes are the most common form of dispute filed with the formal court system, perhaps in part because filing a case may stay pending revenue court proceeding. In Pakistan's country profile, USAID says that low pay, poor training and a large volume of cases hobble the judiciary. Between 50% and 75% of cases brought before lower-level civil courts and the high courts are land-related disputes. The agency estimates that over a million land cases are pending in courts nationwide.

Land disputes arise because of inaccurate or fraudulent land records, erroneous boundary descriptions that create overlapping claims,

and multiple registrations to the same land by different parties, USAID details in the paper. It states that credible evidence of land rights is often nearly impossible to obtain. As such, land cases can take between four and 10 years to resolve, with the party in possession of the land delaying adjudication in order to prolong the period of beneficial use, it further notes.

In Pakistan's Tribal Area, where inhabitants do not have access to the High Court and Supreme Court except for constitutional claims and challenges, land disputes are handled by the traditional *jirga*, a tribal assembly of elders and learned men. In Punjab and Sindh Provinces, local leaders and elected *panchayat* (local governance body) members often hear and resolve land disputes. In most areas, women are not permitted to participate in the *jirga* and resolutions reached often perpetuate existing biases against women's land ownership and control (USAID, 2010a).

Land disputes

As the formal judicial system is known as being corrupt and for serving the interests of the wealthy and powerful only, rural people reportedly prefer to settle land disputes through informal compromises (Business Anti-Corruption Portal [2009] *Pakistan Country Profile: Land Administration*).

The *panchayat* is meant to be used as a secondary institution in order to circumvent the costs and long delays in the courts. Particularly in family and land disputes, the *panchayat* is being utilized as a primary institution. Normally, it is only if the *panchayat* cannot settle the dispute that the case will be taken to a formal court (Business Anti-Corruption Portal [2009] *Pakistan Country Profile: Judicial System*).

Box 1: Land distribution among landless women

In 2008, the present ruling government of the Pakistan People's Party in Sindh Province announced it would distribute about 212,864 acres of land to the poor peasants in the province. Top priority was given to the female farm workers in all the districts of Sindh. The program has been implemented in 17 districts since September 2008, and is also underway in other districts of the province. However, there are some reservations by civil society organizations about the transparency of the program. Civil society groups have considered the distribution of land among women as a bold and positive step, as it would have a greater impact on the empowerment of women and reduce discrimination against them. CSOs feel that lack of civil society participation in the process of land identification, slow process of land distribution among the landless *haris*, land guarantees without allotment orders, delayed process of the issuance of ownership documents, are some major causes that need to be tackled in order to make the land distribution program more successful. The Sindh Government vows to distribute more land to the landless with some financial support package.

Saving land records by computerization of record and data

Now serious steps are being taken to computerize land records in Pakistan. On 30 June 2012, the Supreme Court ordered all provinces to computerize their land records. The Punjab government has already taken action towards this direction and has set up computer land record units in 12 districts. These units are established in other districts as well.

Absence of land and property rights as potential sources of conflict and insurgent support

Landlessness has always been a prime cause of social and political revolts in South Asia, and particularly in Pakistan, USAID (2010b) says in a separate briefing paper on land tenure and property rights in the country. "The nexus of concentrated power and land ownership, unequal land distribution, and the state's limited ability to protect rights of the landless has been a source of popular discontent and

support for insurgent movements in countries throughout the world."

The Pakistani military is the largest landowner in Pakistan. They own large tracts of land for cantonments and military farms and retired and in service military personnel get agricultural land as official benefit. In Punjab, tenant farmers working on the Okara Military Farms have been subjected to harassment, intimidation, and abuse by the military to accept contract farming terms, which allowed farmers to work as laborers. On the other hand, the farmers claim that they have been working on the land for the last 100 years and the land belongs to them (USAID, 2010b).

Due to the struggle of *Anjuman Muzareen Punjab*, an organization of tenant farmers, to protect their land rights in the face of new contract arrangements proposed by the military administration, an uprising of peasants started in Punjab which still continues (see Box 2).

Box 2: The case of Okara Military Farms peasants movement

Across the country, there are many examples of the military wielding absolute authority to suppress landless peasants in areas where they directly control the land. In Okara, a conflict ensued between local tenants and the army that had unilaterally decided to change the terms of their contract from sharecropping to rent-in-cash. While sharecropping pertains to an arrangement whereby the tenants share both the input and the output with the owner or whoever controls the land, the rent-in-cash arrangement dictates that land is cultivated in exchange for money, or rent.

Okara has been witness to an agitation by the local peasants for more than 15 months against the junta's attempts to deprive them of their hard-won rights. Recently, tensions have exploded in the Okara district. A peasants' uprising was staged and tenants raised their demands for ownership rights of the land. These peasants have worked this land for the last eight to nine decades.

These military farms were established in the early 1900s during British rule. Farmers, who had cultivated these lands for generations, and had full tenancy rights over these lands since 1874, are being forcibly deprived of their rights. Many workers were asked to cultivate the land on a tenancy basis. The farms were to provide dairy and other products for military purposes. At present, four generations of peasants have worked on these farms, but still they do not have the right of ownership. In Okara district alone, over 17,000 acres of land belong to these farms.

The previous military regime, after assuming power in 1999 and in order to increase the income of the state, went on an all-out strike against the working class. Peasants who had worked for over 88 years on these lands were asked to become contractors instead of tenants, meaning that they could cancel the contract any time and then take the land over themselves. The tenant organization rejected this move and then decided that they will not pay anything to the military farms administration.

The motivation behind this new change was in grabbing this costly land from the poor farmers. They decided that they would pay the tenancy cost to the Punjab revenue department. Agitation and violence flared up in March 2008 when military authorities tried to test the ground. They sent the police to a village to collect wood; the villagers refused to give in and asked the police party to go away. Then the police of the whole district came to collect the wood from the villagers. The women of the village came to the forefront and attacked the police with sticks. This motivated the rest of the peasants, who all began to fight back; such was the intensity of the violence that the police had to resort to firing in the air. One of these police bullets wounded a child. The police had no alternative in the end but to run away from the scene.

The peasantry organizations in the area organized a peasant's convention on 16 November at the Okara military farms. More than 10,000 attended, among them were over 1,000 women peasants. The convention was organized by *Anjuman Muzareen Punjab - AMP* (Tenants' Organization) of district Okara. The main slogans raised at the convention were "*Maliki ya mout* (ownership or death)", "Those who cultivate the land, has the right of ownership", and "We will win". Most of the representatives of the peasant organization across the country were present. The peasant convention ended with a lot of enthusiasm and with determination to continue their struggle.

Key land issues and government interventions

While the World Bank and other donor institutions have identified the role that unequal land distribution plays in perpetuating rural poverty, there is no current call for comprehensive large-scale land reforms in the country (USAID, 2010a). It is a fact that most members of Parliament come from large landowning families and are part of this status quo. Feudal landlords dominate in politics due to their wealth and influence and are able to get tickets in elections from major political parties. And when a junta toppled the elected government, these feudal landlords gave their weight to the military regime in order to safeguard their interests.

Similarly the religious cadre also becomes part of this status quo nexus, according to Pakistan's history. The political governments, on the other hand, are weak and vulnerable to challenge the status quo. They close their eyes and turn away from the question of redistributing lands among rural poor. During the current political discourse and upcoming election debates, none of the major political party, with the exception of Muttahida Quami Movement, which has submitted a land reform bill in the national assembly, has announced outright pro-poor land reforms.

USAID (2010a) says there is evidence of some land redistribution efforts at the provincial level in Punjab and Sindh. A project initiated in the Sindh Province in 2008 targeted to distribute 91,000 ha of cultivable land to landless and poor peasants, with a focus on including women beneficiaries. As of late 2009, the province had distributed 17,400

ha of land among 4,200 beneficiaries, with each beneficiary receiving between 1.6 and 10 ha. About 70% of the beneficiaries are women. USAID says though that the project had faced some difficulties due to challenges from local elites and difficulty by some women of obtaining documents of their rights and defending their rights against male relatives.

The \$51-million Punjab Land Records Management and Information Systems Project is another project launched to advance land reform in Pakistan. Backed by the World Bank, the project aimed to improve the land records service delivery of the province. The project also aimed to contribute to long-lasting tenure security and more efficient operation of land markets by upgrading the land records management system. The project includes revising current business processes and associated legislation and regulations, establishing service centers where land records will be maintained and available to the public in digital form, and establishing linkages between the land records system and the system for registration of deeds (USAID, 2010a).

Corporate Farming

Roots for Equity says while no clear market-based land reform schemes have been introduced as yet in the country, it is clear such schemes are on the government's agenda. It recalls that in 2001, the military regime of General Pervez Musharraf passed the Corporate Farming Ordinance (CFO), which allowed listed corporations to lease land for a period of 99 years. The government also allowed transnational companies (TNCs) to take lease of unlimited land with a minimum ceiling of

1,500 acres, which is against the 1977 Land Reform Act, the group opines. The TNCs have also been promised 100% equity, numerous tax incentives as well as full repatriation of profits, according to the group.

The peasants are going to be the most affected by the government's corporate farming policy as their hopes of getting state lands will be further diminished. This corporate farming policy will rather suit large landholders, as they tend to lease their lands to the corporate sector on long-term lease basis on lucrative terms, this way they will not only get rid of their tenants but will also get a legal safeguard against land redistribution in case of future land reforms.

Apart from CFO, Pakistan has taken other measures to meet the requirements of the neoliberal policies under the World Trade Organization (WTO) and other agreements, Roots for Equity says. The seed sector has already been privatized and measures are in place to promote agriculture export processing zones in various parts of the country, including the Sindh and Punjab provinces. Insurance companies are now marketing agriculture insurance schemes, which are not in the reach of small and marginal farmers and sharecroppers, because they don't possess land titles required to tap financial credit and insurance schemes, the group notes.

Peasants and small farmers are not likely to receive any direct benefits from ventures like the Agricultural Research Endowment Fund, being funded by the United States Department of Agriculture. The government has already offered state land to set up the agriculture export processing zones. There are linkages of the feudal elites with TNCs such as

Monsanto. There are widespread rumors that the feudal landlords are interested in going into joint ventures with agri-based TNCs for the development of mass-production zones for seed cultivation. "None of these trade liberalization agendas augurs well for the poor peasantry in Pakistan, as these would in essence be profit-oriented ventures between the feudal elites of Pakistan and the corporate sectors in the US and other imperialist nations," Roots for Equity asserts.

It is quite evident that the current (or even future) government is not interested in land reforms anymore. In 2003, the then Prime Minister, Mir Zafarullah Jamali categorically stated that the question of land reform does not arise. (Ahmed, 2003). Similarly, a member of the ruling party said during an informal conversation that they did not believe that land reform was a successful strategy in alleviating poverty. Roots for Equity opines the feudal elites are now openly opposing further land reforms in the country.

Further hurdle on the road to land reforms

In debates about land reform, a landmark verdict by the *Shariat* Bench of the Supreme Court of Pakistan is often cited to as the main obstacle in the implementation of land reforms in the country. The Qazalbash Waqf vs. Chief Land Commissioner (PLD 1990 SC 99) judgment is one of the most important and influential court judgments ever passed by the superior court of Pakistan, and is described by Paklawyer.com in detail. The case involved the expropriation of land of Qazalbash Waqf, a religious charitable trust with more than a thousand acres of irrigated land near Lahore. But the land was appropriated for land reform during the rule of Zulfikar Ali Bhutto in the

late 1960s and early 1970s during the third wave of land reforms. Bhutto enacted the Martial Law Regulation, which provided for land to be taken from the rich and distributed among the poor. The Land Reform Act 1977 (Act II of 1977) further lowered the maximum limit of land ownership and provided cash compensation to those who surrendered land. The amount paid though was nowhere near the market price.

Many who had lost their lands, including the Qazalbash Waqf, had approached the courts to seek relief. But for many years, there was no relief available, as the land reform legislation was protected by the Constitution under various articles that prohibited judicial review and counter-legislation in this area (Paklawyer.com).

When Bhutto was removed from office by General Zia's martial law government, the "Islamization" of the laws of Pakistan began. Zia set up *Shariat* benches in the High Court of each province that were tasked to examine and decide whether any law or provision of law was against the injunctions of the Islamic law. After some time, provincial *Shariat* benches of four provincial high courts were consolidated in the form of one Federal *Shariat* Court (FSC). Qazalbash Waqf approached the FSC in 1979. By 1989, the FSC declared land reforms un-Islamic and the land reform legislations passed during the time of Bhutto null and void (Paklawyer.com).

Recently, Workers Party Pakistan, with some politicians and trade unionists, have filed a petition in the Supreme Court of Pakistan to review the verdict.

Conclusion

The CSO-led land reforms monitoring initiative could prove to be effective to monitor land-related issues in Pakistan. A model based on monitoring indicators and benchmarks should be developed with the participation of all stakeholders and implemented to strengthen land right movements. The land reform campaign in Pakistan should progress by strengthening peasant movements, empowering them with knowledge, advocacy and research skills. There should be a dialogue involving all stakeholders and political cadres to defend the land rights of the poor peasantry to save them from the onslaught of market-led land reforms, in which the poor peasants find themselves as the ultimate losers.

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Philippines

List of Acronyms used

ADB	Asian Development Bank
ADSDPP	Ancestral Domain Sustainable Development and Protection Plan
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ARBs	agrarian reform beneficiaries
ARCs	agrarian reform communities
BFAR	Bureau of Fisheries and Aquatic Resources
CADC	Certificate of Ancestral Domain Claim
CADT	Certificate of Ancestral Domain Title
CARP	Comprehensive Agrarian Reform Program
CLOA	Certificate of Land Ownership Award
CSOs	civil society organizations
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
FARMCs	Fisheries and Aquatic Resource Management Councils
FPIC	free, prior and informed consent
FLA	Fishpond Lease Agreement
ILC	International Land Coalition
IPs	indigenous peoples
IPRA	Indigenous Peoples Rights Act
LAD	Land acquisition and distribution
LGU	local government unit
MOA	Memorandum of Agreement
NAMRIA	National Mapping and Resource Information Authority
NCIP	National Commission on Indigenous Peoples
NCSB	National Statistical Coordination Board
PARRC	Philippine Agrarian Reform Research Council
PhilDHRRA	Philippine Partnership for the Development of Human Resources in Rural Areas

Summary

The Philippines has developed and pilot-tested a number of monitoring indicators based on the Land Country Monitoring Framework. The indicators focus on three asset reform beneficiaries: the agrarian reform beneficiaries, fishing communities, and indigenous peoples (IPs). The critical issues that keep these sectors in a poverty bind are grouped into three: i) the lack of tenurial security and threats to it, ii) the insufficient provision for support services, and iii) low participation of civil society in resource management councils.

Around these three issues or themes, seven monitoring indicators were developed to monitor activities at the national and local levels. For this initial report, however, only data at the national level were available. Monitoring and data gathering for the regional, provincial, and municipal levels are works in progress.

The monitoring indicators are:

- Distribution of tenurial instruments (CLOA, local ordinance on municipal waters delineation, CADT);

An abridged version of the paper, "Systematic Access to Land Monitoring in the Philippines", prepared by the Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA).

- Number of beneficiaries;
- Number of cases of overlapping claims;
- Presence of resource use conflicts in extractive activities;
- Participation of civil society organizations (CSOs) in resource management councils;
- Support services provided to beneficiaries; and
- Link between access to land assets and poverty incidence.

Data are summarized in the succeeding pages. The following observations were made based on the findings and analyses:

- The continuing delays ('backlogs') block the issuance of tenurial instruments for many farmers, fishers and indigenous peoples.
- Threats to tenurial security likewise persist across sectors, aggravated by weak monitoring mechanisms or processes within the implementing agencies, unclear guidelines, and overlapping policies.
- Support services provided by the government need to be strengthened.
- Data gathering processes pose a serious challenge to implementation, monitoring, and evaluation. These are official data where the government does not generate them substantially. Recourses are alternative sources of data, such as studies by CSOs.
- Consequently, capacity building among CSOs becomes a pressing need for gathering and managing data to be used for land monitoring.

The recommendations highlight the urgency to act on the identified issues of tenurial security, lack of support services for beneficiaries, and

the weakness of committed participation and effective management of services involving local governments and civil society. There are policy and program recommendations, as follows:

- The distribution of tenurial instruments must be expedited to meet the goals for tenurial security. Clear implementing guidelines on tenurial security processes and harmonizing policies on land and water use are needed.
- Threats to security of tenure can be addressed by strengthening the monitoring and regulating mechanisms to ensure that the gains on asset reform are not reversed (national and local). Laws regulating extractive activities should be implemented strictly, with enforcement of penalties, sanctions, and disincentives to violators.
- Support services for beneficiaries entail the improvement of their productivity through investment promotions in infrastructure, credit, and social capital. As programs and projects are planned and implemented, the focus on delivery of outputs should be tied with the achievement of long-term outcomes (poverty alleviation, security of tenure, economically sustainable beneficiaries, accessibility of basic services, etc.). To ensure that scarce resources are distributed optimally, an efficient mechanism in program development should target beneficiaries. CSOs must be enjoined through increasing partnerships for their capabilities and expertise in delivering support services.
- Promote transparency, accountability, and participation of CSOs in the asset

reform process (planning, budgeting, implementation, monitoring and evaluation). With government agencies and local government units (LGUs), established forms of cooperation and coordination must be nurtured and sustained.

Context: status of land reform

The Philippines has reported on a number of gains made in agrarian reform and other land issues. In 2009, a major hurdle was overcome with the approval of the extension of the Comprehensive Agrarian Reform Program (CARPER) up to June 2014. The additional funding of Php150 billion as well as other program provisions would greatly accelerate ongoing efforts in asset reform.

This report focuses on progress in the key areas of land acquisition and distribution, security of tenure, and provision of support services for three critically impoverished sectors of the country—farmers, fishing communities, and indigenous peoples. After decades of implementing reforms, there is much to be done to improve their situation. More than 600,000 agrarian reform beneficiaries are still awaiting the distribution of almost 1 million ha of land. Fishers residing in 94% of coastal municipalities are not protected by established local ordinances in delineating their waters. Indigenous peoples are still waiting to be granted titles to about 55% of ancestral domains.

Without clear ownership of their lands, these sectors continue to become victims of land grabbing, illegal encroachment of commercial

fishers, overlapping land claims by those in extractive activities, and agrarian disputes and conflicts in resource use, resulting in human rights violations. Without strong support services from concerned government bodies and CSOs, these sectors have limited capabilities to benefit from the infrastructure support, marketing assistance, alternative livelihoods, and basic social services programs.

Conceptual Framework

In principle, asset reform redistributes resource endowments to designated marginalized sectors. This is undertaken through a process that awards a tenurial instrument to target beneficiaries, providing them ownership and security of tenure over the asset. In the context of indigenous peoples, it is the recognition of their rights over ancestral domain.

To implement asset reform effectively, enabling policies, sufficient budget, and a capable bureaucracy are imperative. Access to land and security of tenure will contribute to poverty reduction through increased income. On the other hand, failures or shortcomings in asset reform will result in landlessness and conflict among target sectors, making them more vulnerable to increased poverty.

The monitoring indicators below are arranged by theme, as presented in the previous table (See Table 1). The same indicators may also be classified based on the level in which monitoring is possible or the location of available data (from the national, regional, and local levels). The determining factor is the availability of data at various levels.

Table 1. Monitoring Indicators per Theme

No.	Theme	Agrarian lands	Municipal waters	Ancestral domain
1	Targeted area for reform	<ul style="list-style-type: none"> • Area of lands covered by CARP • Number of target ARBs • Number of collective CLOAs for subdivision • Number of ARBs to be installed 	<ul style="list-style-type: none"> • Number of coastal municipalities • Number of coastal municipalities mapped • Number of FLAs issued 	<ul style="list-style-type: none"> • Target area of ancestral domain to be surveyed • Target number and area of CADTs to be issued • Number of CADCs issued
2	Actual accomplishments (Security of tenure)	<ul style="list-style-type: none"> • Area of lands distributed • Number of ARBs • Number of collective CLOAs subdivided • Number of ARBs installed 	<ul style="list-style-type: none"> • Number of coastal municipalities that issued ordinance on delineation/ Community Property Rights • Number of FLAs issued for fishers' organizations 	<ul style="list-style-type: none"> • Area of ancestral domain surveyed • Number and area of CADTs issued • Number of CADCs converted to CADT
3	Threats to security of tenure	<ul style="list-style-type: none"> • Number of cases of disputes between ARBs and landowners • Number of cases of overlapping claims 	<ul style="list-style-type: none"> • Number of cases of overlapping claims • Number of cases of encroachment and apprehensions of commercial fishing vessels • Number of cases filed against apprehended encroachers • Number of cancelled FLAs 	<ul style="list-style-type: none"> • Number of cases of overlapping claims • Number of cases of extractive activities operating in ancestral domain (logging, mining) without FPIC
4	Others (Participation and management, Support services)	<ul style="list-style-type: none"> • Support services provided 	<ul style="list-style-type: none"> • Number of organized FARMCs • Number of functional FARMCs • Support services provided 	<ul style="list-style-type: none"> • Number of Certification Preconditions issued • Number of FPIC Certifications/MOAs endorsed to the NCIP by the ICCs • Number of formulated ADSDPPs • Support services provided

Findings and Analysis

A. Pilot Monitoring of Access to Agrarian Lands

Tenurial Security: Targets and Accomplishments

In 2009, the Philippine Congress approved Republic Act 9700, extending the land acquisition and distribution component (LAD) of the Comprehensive Agrarian Reform Program (CARP) for another five years. The strengthening of CARP meant Php150 billion in additional funds and reform provisions will be in place to accelerate agrarian reform. LAD would be implemented in three phases to hasten the distribution

of lands according to set priorities. The first phase would include private agricultural lands under compulsory acquisition, which comprised 1 million ha or one-third of the scope of CARPER. Accomplishment rate for these lands was at a low of 19%, as of June 2010 (DAR, 2010).

The Department of Agrarian Reform (DAR) also cited an 83% accomplishment rate for the total scope of LAD, or in absolute terms, 4.2 million ha with 2.4 million beneficiaries. But the figure of 83% is pegged lower by CSOs. The rate of accomplishment is pushed by excess in the distribution of non-private agricultural lands, with a 134% accomplishment rate and under the Voluntary Land Transfer (VLT) scheme at 247% accomplishment. If

Figure 1. Access to Land Monitoring Framework

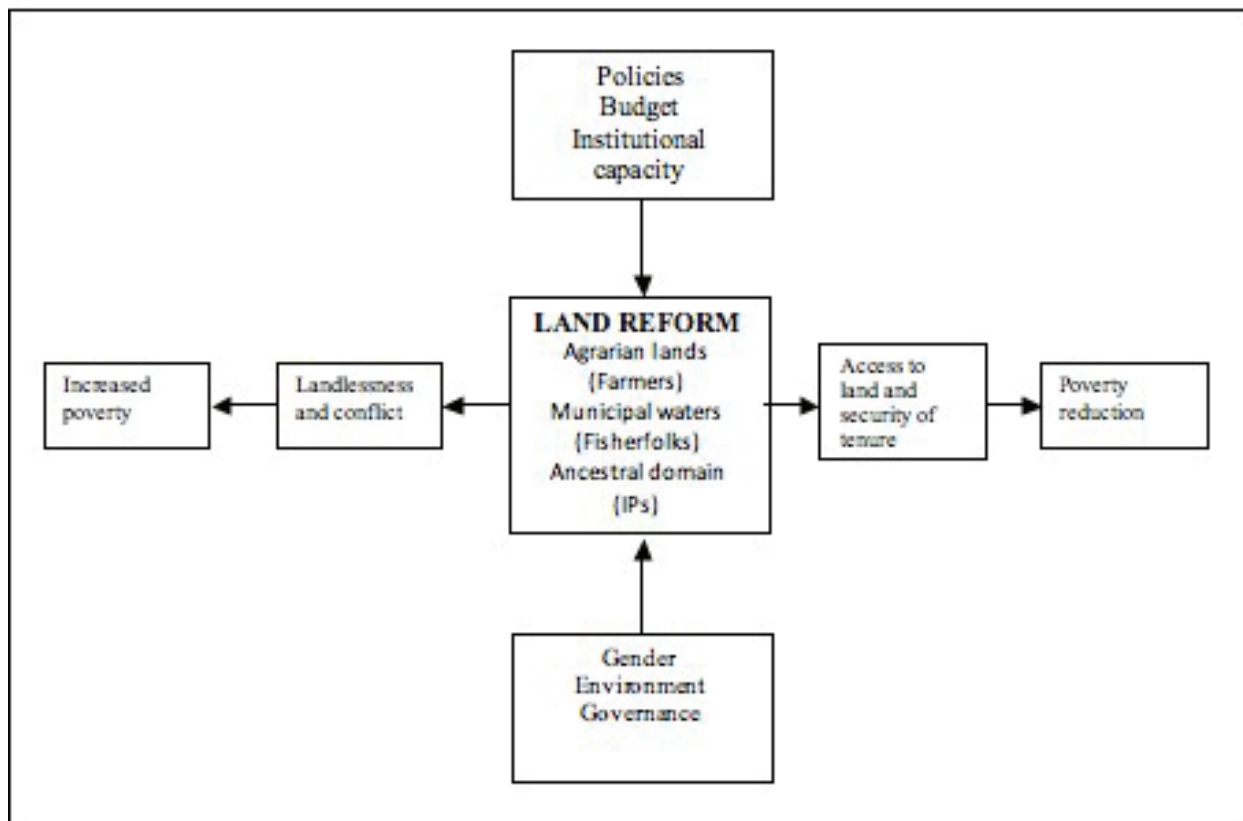


Table 2. Accomplishment per mode of acquisition, as of June 2010

<i>Type of land/Mode of acquisition</i>	<i>Scope (hectares)*</i>	<i>Share from total scope</i>	<i>Accom. (hectares)</i>	<i>% accom.</i>	<i>Share from total accom.</i>	<i>Recomputed % accom.</i>
Private Agricultural Lands	3,093,251	70%	2,336,127	76%	57%	57%
Operation Land Transfer	616,233	14%	571,989	93%	14%	93%
Government Financing Institutions	243,434	5%	165,399	68%	4%	68%
Voluntary Offer to Sell	437,970	10%	601,817	137%	15%	100%
Compulsory Acquisition	1,507,122	34%	285,100	19%	7%	19%
Voluntary Land Transfer	288,492	7%	711,822	247%	17%	100%
Non-Private Agricultural Lands	1,335,106	30%	1,783,074	134%	43%	100%
Settlements	604,113	14%	746,977	124%	18%	100%
Landed Estates	70,173	2%	81,045	115%	2%	100%
Government Owned Lands	660,817	15%	955,052	145%	23%	100%
Total	4,428,357	100%	4,119,201	93%	100%	70%

Source: Department of Agrarian Reform 2010 Accomplishment Report.

accomplishment is recomputed, reflecting “over accomplished” modes as 100%, then total LAD accomplishment is only at 70%. As of March 2011, more than a million hectares of land were still for distribution, 62% of which were private agricultural lands that would be acquired through compulsory acquisition. Notably, the locations of these lands are fraught with problems of landholding inequality. About 640,955 agrarian reform beneficiaries have awaited the distribution of these lands.

Threats to security of tenure

Even farmers awarded with land titles have another worry: security of tenure. Farmland grabbing is a present threat, based on growing documentation. It is defined as the act undertaken by local and foreign entities of leasing farmlands for food security investment. The World Bank has a report on this “global land rush.”¹

The Philippines has been identified as a “lease hotspot”, a target of foreign countries seeking agricultural land (12 cases surfaced from a news search). Local entities as well have been involved in the practice of leasing (and eventually owning) lands from agrarian reform beneficiaries.

Despite the legal mechanisms in settling agrarian disputes, human rights violations continue to be committed against farmers. There have been at least 2,377 cases according to selected studies by five CSOs. Consolidated and official data are not available to validate the numbers but nonetheless, the Commission on Human Rights (CHR) emphasizes more vigilance.

The five CSOs with research findings on the 2,377 cases are: Asian Human Rights Commission, Task Force Detainees of the Philippines, Task Force Mapalad, Partnership for Agrarian Reform and Rural Development Services (PARRDS),

¹ World Bank’s “The Global Land Rush: Can it yield sustainable and equitable benefits?”

Table 3. Human rights violation cases related to agrarian reform dispute/conflict (2005-Sept 2010)

Region	Killing (No. of Cases)	No. of People Detained	Harassed (No. of Cases)
CAR	0	0	1
I – Ilocos Region	0	0	1
II - Cagayan Valley	1	0	3
III - Central Luzon	1	*	1
IV – CALABARZON, MIMAROPA	*	*	*
V - Bicol Region	1	0	1
VI - Western Visayas	8	0	7
VII - Central Visayas	*	*	*
VIII - Eastern Visayas	1	1	18
IX - Zamboanga Peninsula	0	0	0
X - Northern Mindanao	2	0	5
XI - Davao Region	1	0	1
XII – SOCCSKSARGEN	1	*	*
XIII – Caraga	0	0	1
TOTAL	16	1	39

* no report

and Food First Information and Action Network (FIAN International).

There are 283 documented cases of harassment due to land conflicts (PARRC, 2008). Of these cases, 41%

had been committed by other farmers out of boundary disputes, conflicts of ownership, and overlapping land titles as an effect of inaccurate subdivisions. About 35% were in conflict with former landowners who resisted surrendering

Table 4. Number of agrarian-related violence, by type

No.	Type	Number of Persons Affected
1	Killing	20
2	Attempted killing/physical injury	107
3	Arrest/detention	131
4	Destruction of property/demolition of home/eviction	638
5	Others (accusations of stealing, violent dispersal, delay in installation)	677
6	Human rights violation not classified	804
	Total	2,377

their lands. A number of farmers were harassed by government officials, rebel groups or insurgents, and the military.

Disputes resolution

There are two mechanisms for dispute resolution, both handled by the Department of Agrarian Reform (DAR):

- The Agrarian Law Implementation (ALI) receives an average of 46,000 cases (94% resolved cases on average)
- The DAR Adjudication Board (DARAB) receives 14,000 cases (96% resolved cases)

From 2000 onwards, the mounting DARAB cases filed can generally be due to the shift in focus of land acquisition to private lands. The percentage of resolved cases is high as is the absolute number of cases. More data is needed to ascertain in whose favor the cases are resolved and why the cases are pending for years. For ALI, judicial and quasi judicial cases, some 7,889 cases are still pending.

Provision of support services

Agrarian reform beneficiaries (ARBs) have become integrated into agrarian reform communities (ARCs), which had grown to

6,317 organizations as of December 2010. ARBs comprise 58% of the total members in ARCs. These ARCs have received meager support for agri- and non-agri enterprises, with only less than 15% of ARB organizations reporting having received benefits (PARRC, 2008).

Positive developments included the formation of marketing linkages among 6,070 organizations for the farmers' products. In addition, farmers benefited from the provision of post-harvest facilities, infrastructure, extension services, and production inputs from the government and donors. But less than one-third of ARBs reported having access to these services (PARRC, 2008). The gap between the accomplishment and reported actual receipt of support services according to ARBs could imply weak targeting of beneficiaries.

B. Pilot Monitoring of Access to Municipal Waters

Tenurial Security: Targets and Accomplishments

The Fisheries Code provides the municipal or city government with jurisdiction over municipal waters. Delineating the boundaries of a municipality's 15-kilo-

Table 5. Number of Cases of Land Conflicts

Sector	Frequency	Percent (n=283)
Other farmers	116	41.0%
Former landowners	99	35.0%
Government officials	27	9.5%
Insurgents/rebel groups	16	5.7%
Others (e.g. relatives, cooperative/association members, other individuals/groups)	16	5.7%
Military	9	3.2%

Source: PhilDHRRA, 2008. *Philippine Asset Reforms Report Card*

meter municipal waters is a prerequisite for the sustainable management of fishery resources, fishery law enforcement, and granting the preferential rights of municipal fishers within the 15-kilometer zone (Section 18). Four national agencies and Local Government Units (LGUs) assist the implementation of activities for delineation, according to their respective expertise.

As of January 2011, 920 coastal municipalities and cities had been identified and mapped with technical descriptions, all of which were furnished to the LGUs for review and proper action. Only one-third of the LGUs eventually certified the technical descriptions or maps, while 69% of the LGUs requested revisions. Only 6% or 55 LGUs have issued local ordinances delineating their municipal waters.

The Fisheries Code likewise provides for the issuance of fishpond lease agreements (FLAs) for public lands that may be declared available for development on a commercial scale. Preference will be given to qualified fishers' cooperatives and small and medium enterprises (SMEs). Reforestation activities were also mandated for riverbanks, bays, streams, and the shore area fronting the dike of the fishpond. About 4,522 FLAs were issued from 1973 until 2010, covering almost 60,000 ha (BFAR, 2011). However, only a single FLA was issued to a fishing organization.

By law, unproductive fishpond developments should be sanctioned with cancellations of their FLA. As of 2010, 11% of total FLA scope (or 6,389 ha) had

been cancelled; however, only 36% of the cancelled FLAs (or 1,443 ha) was reverted back to DENR for reforestation.

Threats to Security of Tenure

The majority of the country's fishers (almost 85%) are municipal fishing peoples who contribute 46% of total fish catch using non-motorized *bancas* (small fishing boats made of wood). But these 1.3 million municipal fishers are given access rights to only 12% of Philippine waters. In an effort to protect their access area, 81 municipalities rejected issuing permits to commercial fishers. However, a considerable number of commercial fishers are not dissuaded by withheld permits, strict guidelines, and even outright prohibitions. 53.1% of the municipalities reported the ongoing conduct of operations among commercial fishers. About 56.8% of respondents claimed that commercial fishers encroached on their municipal waters, and were apprehended by the concerned LGU (PARRC, 2008).

Poaching or fishing by foreign entities in Philippine waters also threatens the security of tenure of fishing communities. Section 87 of the Fisheries Code prohibits these practices but they have persisted. As of 2010, 30 shipping vessels were apprehended (BFAR, 2011); unfortunately, only 18 of them (60%) were levied with administrative/criminal cases.

Support Services Provision

According to BFAR, municipal fisheries production has increased over time from

profitable activities, mainly aquaculture, the biggest contributor in recent years. In 2009, the fisheries sector reached a 2.4% increase in production compared to its 2008 performance. Per subsector, municipal fisheries contribute 26% of total production or 1.347 million metric tons.

In addition, some of the accomplishments cited in the 2009 Annual Report are found in Table 6. The report highlights outputs and not outcomes, for instance, increase in the income of small fisherfolk. There was also no mention of provision of fishers' settlements (as mandated in the Fisheries Code) and basic services, such as health and education services.

Reports from another government agency, the National Statistical Coordination Board (NCSB), confirm that fishing peoples remain among the very poor in the country. Poverty incidence is highest among the fisheries sector at almost 50%, or almost half a million poor fisherfolk. Their entrapment in poverty is guaranteed by the absence of alternate livelihood and access to basic services (PARRC, 2008). Only one-fourth of the total respondents in this study (26.1%) had access to only one of all the support services provided by government (i.e. post-harvest facilities, infrastructure, and extension services).

In terms of management, the Fisheries Code mandates the establishment of the Fisheries and Aquatic Resources Management Council (FARMC) at the national level and in all municipalities/cities with municipal waters (Section 69). The FARMC is a recommendatory body composed of representatives from the

government, fishing communities, and NGOs. FARMCs have been organized in 99% of coastal municipalities and cities (BFAR, 2009). In addition, 17 FARMCs were provided assistance on organizing/re-organizing while 1,995 of them have been strengthened. A FARMC monitoring and evaluation system was also developed.

C. Pilot monitoring of access to ancestral domain

Tenurial security: targets and accomplishments

The ancestral land areas of indigenous peoples amount to an estimate of 7.7 million ha, according to the National Commission on Indigenous Peoples (NCIP). As of 2010, the NCIP's Ancestral Domain Office reported 286 applications for the Certificate of Ancestral Domain Title (CADT), of which 156 had already been approved. The approved area represents only 55% of total ancestral domain.

The Indigenous Peoples Rights Act or IPRA outlines the procedures for the identification, delineation, and recognition of ancestral domains. The application process for a Certificate of Ancestral Domain Title (CADT) is long and rigorous. For direct applicants, the average processing time from application to approval of CADTs is 3.4 years (PARRC, 2008). The actual awarding of CADTs takes another 6.35 months on average. Holders of CADC who were in the process of converting to CADTs, had already been waiting an average of 4.45 years for their titles to be issued and awarded. For both processes, there seems to be no clear

Table 6. BFAR Accomplishments, 2009

Activities	Accomplishments	No. of beneficiaries
Fish seed production and distribution	<ul style="list-style-type: none"> • 2 million broodstocks • 206 million fingerlings 	
Distribution of fishing gears/paraphernalia	<ul style="list-style-type: none"> • Distributed 13,666 fishing gears 	13,040 fisherfolks
Input assistance	<ul style="list-style-type: none"> • 28.3 million fingerlings • 537,000 kg of seaweeds seedlings 	3,550 fisherfolks
Establishment of seaweed nurseries and deep-sea seaweed mariculture	<ul style="list-style-type: none"> • 75 seaweed nurseries established 	13 regions
Maintenance of mariculture parks/zones	<ul style="list-style-type: none"> • 59 mariculture parks/zones established 	13 regions
Maintenance of hatcheries	<ul style="list-style-type: none"> • 30 hatcheries maintained (for bangus, tilapia, other species) 	
Conduct of research activities	<ul style="list-style-type: none"> • 86 research and development projects implemented 	
Market matching and participation to agri-aqua fairs and exhibits	<ul style="list-style-type: none"> • 90 market matching activities • 98 agri-aqua fairs and exhibits 	1,962 individuals and 79 cooperatives
Credit facilitation services	<ul style="list-style-type: none"> • Preparation of feasibility studies and project proposals 	441 individuals and 77 cooperatives
Distribution of post-harvest equipments/machineries	<ul style="list-style-type: none"> • 124 post-harvest equipments 	
Construction/improvement of regional and municipal fish ports	<ul style="list-style-type: none"> • Rehabilitated 26 fish ports 	
Extension support, education, and training services	<ul style="list-style-type: none"> • 1,578 training courses conducted • 52,091 technical assistance (TA) extended 	51,553 training participants and 92,506 TA beneficiaries
Regulatory services	<ul style="list-style-type: none"> • Assisted 498 LGUs in coastal resource management 	
Monitoring, control, and surveillance	<ul style="list-style-type: none"> • Apprehended 2 Taiwanese fishing vessels • BFAR law enforcers conducted 213 field operations/missions and 270 field evaluations • Deputized 1,043 fish wardens 	

Source: Bureau of Fisheries and Aquatic Resources. 2009 *Acomplishment Report*.

Table 6 cont'd.

Gender and development	<ul style="list-style-type: none"> • Economic empowerment – provision of bangus deboning projects; validation and evaluation of women’s organizations; conduct of seaweeds cooking contest and trainings on aquarium fish. • Gender-responsive governance – maintained sex-disaggregated data, e.g. beneficiaries of trainings and technical assistance for the livelihood programs conducted by the different regions • Women’s rights – participated in Women’s Month Celebration and conducted IEC campaign on the Convention on the Elimination of All Forms of Discrimination against Women. 	
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guidelines on how long a CADT approval should take.

Upon the enactment of IPRA, NCIP adopted the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) as the document for IP communities. As of 2010, only 89 ADSDPPs had been formulated. This is only 57% of the total number of CADT holders, who should have formulated their ADSDPPs. Lack of funding needed for the ADSDPP formulation process is one of the identified problems.

Threats to Security of Tenure

The ancestral domains of indigenous peoples are rich in biodiversity and mineral resources, and declared protected areas by the Department of Environment and Natural Resources (DENR). Intrusions are numerous despite the protection status: 141 mining operations/ explorations, 21 dams/hydro-power plants, and 22 forest

management agreements or FMAs (NCIP report). Certificates on free and prior informed consent (FPIC) compliance have given the go signal on area development and agreements made regarding IPs’ substantial share and benefits. 312 FPIC compliance certificates have been issued, covering almost half a million hectares of ancestral domain/land.

Other cases are riddled with more conflict—extractive activities oblivious to the consent of IPs and overlapping with ancestral domains, and flawed or defective implementation of the process of FPIC. In the PARRC study, half of the respondents (50.9% or 55 respondents) affirmed that their communities are unwilling hosts to extractive activities and/or that their ancestral domains are used by other sectors for other purposes and special interests. Among 55 responses, 78.2% are identified extractive activities, majority of which are conducted without FPIC or against the IP communities’ will.

Table 7. Summary Table of Findings per Sector

Themes	Agrarian lands	Municipal waters	Ancestral domain
Tenurial security: Targets and Accomplishments	<ul style="list-style-type: none"> • 83% of total scope for Land Acquisition and Distribution accomplished. • But almost 1 million ha remained for distribution to 640,955 beneficiaries. 	<ul style="list-style-type: none"> • 920 coastal municipalities and cities identified and maps turned over to LGUs. • Only 6% or 55 coastal municipalities delineated their municipal waters. • 4,522 FLAs (60,000 ha) had been issued from 1973-2010; only one FLA issued to a fishing peoples' organization. 	<ul style="list-style-type: none"> • Of estimated 7.7 million ha of ancestral domain, only 55% were awarded with titles. • Only 89 ADSDPPs (2010), or 57% of the total number of CADT holders, who should have formulated their ADSDPPs.
Threats to security of tenure	<ul style="list-style-type: none"> • Farmland grab is being documented (12 news reports) in the country—a "lease hotspot." • Human rights violations: 2,377 cases of agrarian-related violence were documented. 	<ul style="list-style-type: none"> • Access rights of fishers apply to only 12% of Philippine waters. • 56.8% of survey respondents claimed that commercial fishers encroached on their municipal waters. • Of 30 shipping vessels apprehended, only 18 (60%) were filed with administrative/criminal cases. 	<ul style="list-style-type: none"> • Numerous cases of conflict caused by overlapping claims, operation of extractive activities without the IPs' consent, and flawed or defective implementation of the FPIC process (141 mining operation/ explorations, 21 dams/hydro-power plants and 22 IFMAs within the ancestral domain).
Support services provision; Participation and management	<ul style="list-style-type: none"> • 6,317 organizations formed within the ARCs (834,492 members) • Marketing assistance, rural infrastructure provided. • Only 58% of the total members in ARCs are ARBs. 	<ul style="list-style-type: none"> • Lack of settlements for fishing communities; 17 FARMCs were provided assistance • Outputs have not translated to outcomes, i.e., reduced poverty incidence and fulfilled basic services for almost 50%, or almost half a million poor fishing peoples. 	<ul style="list-style-type: none"> • Programs for education received the highest budget allocation. • In 7 out of the 20 poorest provinces, IPs comprise more than half of the population.

Support Services Provision

Development services for IPs as provided by the NCIP include: 1) social and cultural support services, 2) leadership capability and skills training services, 3) assistance for ADSDPP implementation, and 4) Certification Precondition for FBI and Certificate of Compliance for FPIC. Health projects, educational assistance, livelihood projects, and basic services are included under the first package of services, however, detailed performance indicators are lacking with regard to the specific services delivered (for instance, infrastructure, potable water system, medicine and maternal health care, etc.).

The NCIP provided a budget performance report for programs on education, culture, and health implemented in 2010. Education received the highest budget allocation.

Almost three-fourths (74.1%) of the respondents covered by the PARRC study have access to support services involving infrastructure and extension services most of which are provided by government (92.5%). However, worsening circumstances and living conditions among IPs belie the accomplishments of supposed support distributions. An increase in poverty incidence in IP regions had been reported by ADB (2002). Insufficient supply of food and potable water, alternative livelihood, and lack of medical and educational assistance are among the most urgent problems (Chauhan, 2005; ADB, 2002). In a later study (2006), it was found that IPs remained highly disadvantaged—among the top 20 poorest provinces in the country, 7 had populations comprised in the majority by IPs (more than 50%).

Based on the findings and analyses, several observations were made:

- The continuing delays (“backlogs”) block the issuance of tenurial instruments for many farmers, fishing peoples, and indigenous peoples.
- Threats to tenurial security likewise persist across sectors, aggravated by weak monitoring mechanisms or processes within the implementing agencies, unclear guidelines, and overlapping policies.
- Support services provided by government need to be strengthened and strategically distributed for efficient targeting of beneficiaries.
- Finally, data gathering processes pose a serious challenge for implementation, monitoring, and evaluation. Official data are difficult to come by, with the government not generating needed data. CSO studies enter the picture as alternative data sources. Therefore, CSOs are pressed to build capacity for gathering and managing data critical for land monitoring.

Recommendations

The identified issues of tenurial security, lack of support services for beneficiaries, and the lack of committed participation and effective management of services involving local governments and civil society demand urgent address. The following are policy and program recommendations:

- To meet the goals for tenurial security, the distribution of tenurial instruments must be expedited. Clear implementing guidelines on tenurial

security processes are needed, as well as harmonized policies on land and water use.

- Threats to security of tenure can be addressed by strengthening the monitoring and regulating mechanisms to ensure that the gains on asset reform are not reversed (national and local). Laws regulating extractive activities need to be strictly implemented, ensuring that penalties and sanctions for violators are served.
- Support services for beneficiaries entail the improvement of their productivity through investment promotions in infrastructure, credit, and social capital. As programs and projects are planned and implemented, the focus on delivery of outputs should be tied with the achievement of long-term outcomes (poverty alleviation, security of tenure, economically sustainable beneficiaries, accessibility of basic services, etc.). Likewise, in program development, an efficient mechanism or process for targeting of beneficiaries should be developed to ensure that scarce resources benefit more people. Given the capabilities CSOs to deliver various support services, increasing partnerships with them should be pursued.
- Promote transparency, accountability, and participation of CSOs in the asset reform process (planning, budgeting, implementation, monitoring, and evaluation). With government agencies and LGUs, there should be established forms of cooperation and coordination.

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CSO Land Reform Monitoring

A User's Guide for Land Rights Advocates*

This user's guide is considered a work-in-progress. It is a modest contribution of ANGOC and Land Watch Asia to enhance the capacities of CSOs to monitor land policies and programs and advocate for land rights. We hope that as land reform monitoring for CSOs expands, enhancements will be made to this initial guide. Prepared by Catherine Liamzon and reviewed by Nathaniel Don E. Marquez.

Contents

155	Introducing the CSO Land Monitoring Initiative
158	Getting Started
170	Indicators for Monitoring
191	Getting Organized
201	Additional Resources
208	Annex A: Suggested Outline for Country Land Reform Monitoring Report
210	Annex B: Presenting your Results
215	Annex C: Land Reform Development Report/Index
221	References

Introducing the CSO Land Reform Monitoring Initiative

Without effective monitoring, advocacy efforts are impaired. Civil society organisations have learned from experience that to secure land rights for the rural poor, they must back their advocacy with solid, accurate and up-to-date data gathered from monitoring activities, in order to influence policies. Stories from the field enable people to deepen their understanding of the plight of the landless; when these are supplemented with numbers, they speak strongly and convincingly about the urgency of land reform in Asia.

Many CSOs work closely with people at the grassroots level. They have first-hand knowledge and experience, not to mention a deep understanding of people's issues and what really goes on in the countryside. CSOs have often helped the rural and landless poor find their voice amidst global trends and commercial pressures. Still, many of them admit lacking the necessary documentation and research to inform their advocacy. CSOs themselves acknowledge the need to strengthen their capacities in undertaking research, including monitoring.

But to organize all the monitoring data and to ensure that monitoring becomes continuous (rather than a one-off activity that ceases once the report has been written up and printed) and a regular part of advocacy – is an area that could be further improved. The fact remains: CSOs can bring so much value into land reform monitoring. Looking at things that tend to be glossed over by governments and multilateral institutions, CSOs show *what* need to be monitored. They highlight these often neglected yet salient and urgent features, for instance landlessness, land disputes and evictions. In the process, CSOs provide and push for alternative perspectives and indicators on land rights.

In this context, ANGOC and the Land Watch Asia network have launched a CSO Land Reform Monitoring Initiative. The first fruit this initiative has borne is a framework to guide Land Watch Asia partners in particular and CSOs in general, as they assume the responsibility of monitoring land reforms in several Asian countries. This framework zooms in on land tenure and access to land and provides a systematic way for CSOs to embark on

monitoring, including collaborating in the process with other stakeholders such as the academe, research institutions, and media. It ultimately focuses on outcomes or results, but also examines the inputs and processes that go into land reform monitoring. Many questions persist: *Has the promise of agrarian reform and access to land been delivered? Is land reform moving in the right direction?* Do farmers enjoy more secure land tenure now than before? This CSO monitoring initiative strives to answer such questions, to eventually bear more fruit in the form of land reform development reports for various countries.

Overview of the User's Guide

Before you begin

This user's guide in your hands was crafted to guide civil society organizations as they embark on the uniquely challenging task of monitoring land reforms in their respective countries. Simply put, this guide is a way through which we can ensure a credible Land Reform Development Report – which ultimately depends on the quality of our data gathering. A common framework and a common methodology, when ably used by all focal points, should help us look at the same aspects on land reform and subject these to a thorough analysis. The conclusions we draw should inform our individual and collective (as an Asian regional network) land advocacies and actions for change.

This user's guide seeks to explain the context of the monitoring initiative, providing the conceptual framework, rationale, scope, limitations, assumptions, and glossary. This includes the establishment of definitions to be consistently used in monitoring. Also, it provides information on methodology, including possible data sources and references, as well as available tools and approaches.

Experiences and lessons from documenting the piloting process of the monitoring framework in Bangladesh, Indonesia and the Philippines have substantively contributed to the user's guide. Various individuals and groups have also enriched this guide, through consultations, regional workshops and peer reviews: the collective knowledge of the Land Watch Asia network; our experts Dr. Abul Barkat and Dr. Laksmi Savitri; Dean Roel Ravanera; Dr. Hans Meliczek; Dr. Marideth Bravo; Antonio Quizon; Annalisa Mauro; Dr. Praveen Jha; and lastly, members and partners of ANGOC and of ILC.

The lay of the land

This user's guide is divided into four main sections. The first chapter, *Getting Started*, gives a simple introduction to the monitoring framework, about the scope, indicators, and mechanisms for monitoring. CSOs are sure to encounter challenges to monitoring; a short discussion is given here on how to address these.

The second section on *Indicators for Monitoring* constitutes the heart of this guidebook. We have tried to deconstruct jargon or highly technical information on the indicators, into simpler and easier terms. Likewise, we suggest here a range of tools for data gathering, adding some tips and comments to help you along the way.

Getting Organized explains the administrative tasks involved in monitoring, particularly the establishment of a national monitoring team guided by and supported by, respectively, a steering committee and a secretariat to ensure the smooth flow of monitoring. Essentially, we offer suggestions in going about writing up the report. It also contains the proposed outline for writing the report and tips on presenting your results.

Given the importance of other initiatives, we devote the last section to *Additional Resources* to enhance and complement your research.

A list of *References* occupies the last section, to acknowledge the sources we drew from in preparing this guide. Those who would like to learn more about the topics covered can start here.

Getting Started

This section tells you what you need to know the CSO Land Reform Monitoring framework. It provides the monitoring roadmap, establishing the context, scope, indicators, and mechanisms for monitoring. At the end, we point out the various challenges CSOs face, and suggest ways to hurdle these and find motivation to pursue monitoring.

Why we are here: A Summary of the CSO Land Reform Monitoring Framework

As most Asian governments have legislations or existing programs on land and agrarian reforms, poverty and a highly skewed land ownership pattern within and across countries continue to mar the region. At the same time, new developments negatively affect the terrain of land ownership and tenure such as increasing and intensifying competition for land requires brought by investments on land, whether from governments and the corporate sector within or external to Asia.

It is thus important for CSOs to constantly engage national governments in policy discussions and monitoring developments in land tenure and access to land. By articulating the concerns and providing evidence-based data on the situation of farmers and other vulnerable groups, CSOs inform and influence policy. At the end of the day, any reform should lead to improved quality of life of the small food producers.

For some countries, essential land reform programs are non-existent, thereby raising the question: *How can you monitor land reform if it hasn't been implemented yet?* The policies may be in place, but they remain unimplemented. Our choice of indicators – as will be discussed in more detail in the next section – can still be monitored though no official land reform program may be really existent (as opposed to nominal existence) at this time.

In addition, though we recognize that “land reform” may only connote land distribution, while “agrarian reform” is broader to include fisheries and forestry, support services, and structural change in the access and ownership of land, in this monitoring initiative, we use “land” reform and “agrarian reform” indistinctly.

Finally, we have chosen to focus monitoring efforts on land tenure and access to land. The framework assumes that by strengthening land tenure and access, we will achieve food security and reduce poverty. Landlessness, in contrast, leads to conflicts and violence. We recognize how critical

land is to the livelihoods of farmers, indigenous peoples, and women, and other land-based sectors. Land tenure security involves various rights and entitlements.

To understand more about the context of land reform monitoring, kindly refer to the CSO Land Reform Monitoring Framework in the first part of this publication.

Scope

Civil society concerns tend to be broad that monitoring entails extensive processes. Land reform monitoring is no exception. However, CSOs are usually challenged with limited resources and unsuitable mechanisms for monitoring. We thus define and target the scope and identify appropriate ways for CSOs to undertake monitoring more strategically.

CSO monitoring encompasses other land-related issues, as well as broader social issues like food security, poverty, governance and the environment. These are the issues that deserve our urgent attention, and will figure in the results and analyses of the monitoring initiative. But in a nutshell, the focus is on tracking the implementation status of agrarian reform programs.

At what level do we monitor?

Focus on the national level

Land Watch Asia members work at the community, national and regional levels; some are also engaged at the global level. There are members who have already undertaken and even institutionalized land monitoring activities as part of their advocacy work.

Underlying this Asian CSO land reform monitoring initiative is the conviction that monitoring matters most at the *national level*. Monitoring has to be relevant to national processes and adaptable to national contexts.

Though India's case may be slightly different, given its enormous size and its federal system, with agrarian reforms legislated and implemented at the state level, there are processes for which it is necessary to look at the central government.

The reality in Asia is that contexts vary from country to country. They have different histories, land policies, tenure systems, land administration systems, and experiences relating to agrarian reform. As well, CSO capacities and their relationships with governments and other institutions, all differ across countries. In terms of data, availability and accessibility diverge from country to country.

... But still looking at the regional level

While national contexts vary, there is agreement in desired outcomes, or what the Land Watch Asia campaign wants to achieve in their respective countries and in the region: stronger land tenure, and enhanced access to land for poor farmers, indigenous peoples, women, and other marginalized groups. We maintain that there is a premium in selecting regional indicators that will allow for regional comparisons.

Land is primarily a national concern. However, times are changing. The new wave of agricultural investments taking place in Asia transcends national boundaries. Land deals are occurring between governments, or between governments and private sector. Evidence exists that these large-scale land acquisitions are predominantly intra-regional (Anseeuw, Alden Wily, Cotula, and Taylor, 2011). These investments should be subjected to a regional analysis. Furthermore, by taking on a regional approach, CSO advocates can specifically target regional institutions, including the regional offices of intergovernmental organizations, such as:

- Asian Development Bank (ADB)
- Association of Southeast Asian Nations (ASEAN)
- Centre on Integrated Rural Development for Asia and the Pacific (CIRDAP)
- Food and Agriculture Organization of the United Nations Regional Office for Asia and the Pacific (FAO-RAP)
- International Fund for Agricultural Development (IFAD)
- South Asia Association for Regional Cooperation (SAARC)
- World Bank

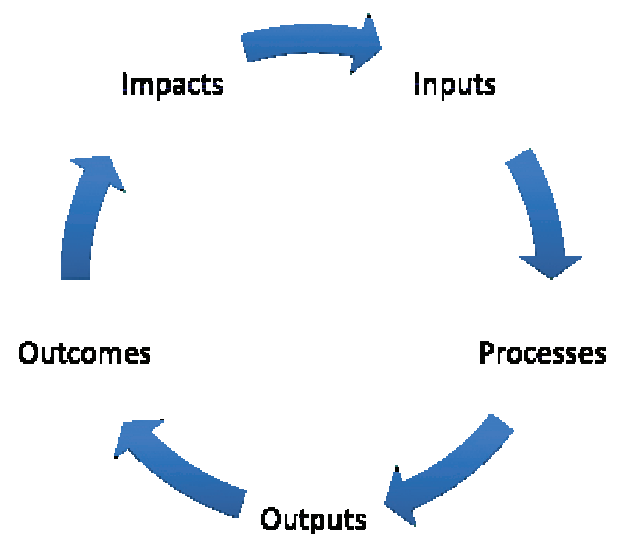
These institutions vary according to level of openness to the sensitive issue of land. Some are more “allergic” to discussing land issues, while others explicitly include land in their policy agenda. CSOs should take note of this in determining their advocacy strategies.

We emphasize that ultimately, *it is the national focal point who will decide on the focus of the monitoring, including the choice of indicators and data to be collected.*^a

Focusing on Outcomes

The monitoring framework follows certain logic of inputs, processes, outputs, outcomes and impacts. Table 1 attempts to provide a simple guide on

Figure 1 Conventional M&E Cycle



these types of monitoring data, giving examples on the kind of phenomena being assessed.

Indicators are needed to assess what we are monitoring. Simply put, an indicator is a sign that gives us an idea of the state or level of something (See Table 1). We select and use indicators to measure progress towards our goals, in this case on the implementation (or non-implementation) of land reform in Asia. We use proxy or substitute indicators.

We thus choose to focus on outcomes – land tenure and access to land – because among CSOs, they are more relevant. At the end of the day, after the laws have been passed, programs implemented and titles issued and distributed, the questions remain: *Are the farmers’ tenure on land more secure? Do they have greater access to their lands?*

Table 1: Types of indicator data related to land issues

Indicator types	Phenomena assessed
Inputs	Land laws, agrarian policies and budgets
Processes	Formulation and implementation of agrarian reform policies and programs; resolution of dated and current land disputes; and verification and formalization of claims over land areas
Outputs	Results and accomplishments, such as the number of land titles issued, property rights restored, and provision of support services
Outcomes	Consequences and positive effects of inputs, processes and outputs e.g., the prevalence of land conflicts
Impacts	Ultimate aims like poverty reduction, food security and sustainability

More importantly, tenure and access are also easily monitored by CSOs’ as they are able to work closely with the beneficiaries and other communities. They have established contacts, systems and networks that allow them to easily generate these data over time. Table 2 shows indicators that we believe can be used *more or less by CSOs*.

Table 2: Common Regional Indicators

Land Tenure
<p><i>Land Disputes</i></p> <ul style="list-style-type: none"> • Number of people killed (per 100,000 population) • Number of people detained (per 100,000 population) • Number of people harassed (per 100,000 population) • Number of cases received (per 100,000 population) • Number of cases investigated (per 100,000 population) • Number of cases adjudicated (per 100,000 population) • Number of cases of land grabbing • Percentage of area of land grabbed • Average time in years for dispute resolution <p><i>Additional indicators</i></p> <ul style="list-style-type: none"> • Annual loss of time due to disputes • Monetary loss

Table 2 cont'd.

<i>Evictions</i>
<ul style="list-style-type: none"> • Number of households evicted/displaced from farms (per 100,000 population) • Number of households becoming totally homeless because of eviction
Access to Land
<i>Ownership</i>
<ul style="list-style-type: none"> • Land ownership distribution by size • Gini coefficient/bottom-to-top ratio (for analysis)
<i>Tenancy Rights</i>
<ul style="list-style-type: none"> • Number of sharecroppers • Percentage of sharecroppers with legal documents
<i>Landlessness</i>
<ul style="list-style-type: none"> • Number and percentage of landless persons among rural population

But aside from outcomes, we also suggest monitoring inputs, particularly laws and policies relating to marginalized groups and the budget for agrarian reform (See Table 3).

Table 3: Suggested Indicators for Monitoring at the National Level

Inputs: Budgets and Policies
<i>Budget</i>
<ul style="list-style-type: none"> • Agrarian reform budget
<i>Policies</i>
<ul style="list-style-type: none"> • Land use policies • Women's access to land • Policies for marginalized groups (IPs, fishers, etc) • Policies or guidelines on foreign investment in land

The next section deals entirely with the indicators above, establishing definitions and including tools and approaches for data gathering.

Box 1 : Selecting Monitoring Indicators

Indicators for advocacy are popular because they convey a simple and unequivocal message to the public. The primary goal of creating indicators for advocacy is to bring other aspects of land into the agenda, such as land conflictivity and landlessness.

But these should be clear, and above all, resonant. The public has to get a quick grasp on why they are important. How do these indicators relate to CSOs' advocacy goals? CSOs should reflect on whether the data are truly relevant and useful for advocacy, or whether there is a lack of fit.

- *Tim Bending , ILC*

ANGOC. (2011). *Proceedings of the Regional Workshop on CSO Land Reform Monitoring in Asia. 16-17 September 2010. Bangkok, Thailand.*

A National Mechanism for Land Monitoring

We developed this initiative with the Land Watch Asia campaign in mind. LWA members are expected to lead land reform monitoring in their own countries. We propose national and regional mechanisms for land reform monitoring, to help you manage land reform monitoring activities and ensure participation in the process. *Figure 2* shows the progression of steps in our national monitoring mechanism.

Note that this is only one possibility, and you are free to adapt as you see fit to your own needs and context: keep the steps you find relevant, skip those you don't need, and create new ones to suit you.

Figure 2. National Monitoring Mechanism



Source: ANGOC. (2011). *Proceedings of the CSO Land Reform Monitoring Regional Workshop, September 2010, Bangkok, Thailand.*

Adoption of the Monitoring Framework

Initiate a consultation process to adopt the monitoring framework. You may revise the framework according to your needs. But as much as possible, please try to be faithful to the agreed common regional indicators.

Establishing a National Steering Committee and a Secretariat

Members will establish their respective national steering committees to provide policy direction and guidance. Steering committees should be multi-stakeholder and include CSOs and academe; government could be considered depending on the political dynamics in your country. A secretariat responsible for seeing day-to-day management also backstops the steering committee.

The section on *Getting Organized* elaborates on considerations for setting up a steering committee as well as a secretariat.

Conduct of Land Reform Monitoring

The national secretariat under the guidance of the steering committee will proceed with land reform monitoring.

Data Validation

Collected information will be validated and triangulated; data sources are to be cross-checked.

Advocacy and Dissemination of Reports

Reports will be produced annually, and be shared with government, intergovernmental organizations and media. Forums and dialogues will be convened to discuss urgent issues and advocate policies and programs.

Dissemination strategies should include blogs and other information technology platforms, so that the reports can reach a wider audience.

Straight from the Pilots: an Approach to Land Reform Monitoring

The following table (Table 4) was proposed during our regional workshop on CSO land reform monitoring in Bangkok last September 2010, and is rooted in the experiences of the countries that have piloted the monitoring framework. Note that it is a slightly adjusted and expanded version of the proposed national mechanism for monitoring, but remains the same in essentials. The details and the timeframe will prove handy as you begin monitoring.

Table 4: Proposed Approach to Land Reform Monitoring at the Country Level

Step	Activity	Details	Timeframe
1	Identification of Steering Committee members	Set criteria: - Experience in land/agrarian reform monitoring, research, and/or advocacy - Presence of academe/research institution 10 members at the most – most manageable	1 week
2	Convene an inception meeting	Purpose: - Level off on indicators, definition of concepts, data source, methodology	1 week
3	Data gathering	- Identify 1 or 2 focal persons - Possible sources: (Secondary data) government, CSOs, internet research, academic journals, media (Primary data) surveys, interviews, focus group discussions - Use both quantitative and qualitative data	3 months (depending on data sources)
4	Report writing	Team effort (3 persons at the most) - Divide the report into sections - Assign 1 person as editor/consolidator - Undertake brainstorming as needed - Identify challenges/lessons learned	1 month
5	Presentation of draft report to Steering Committee	Gather feedback/comments	1 week
6	Revise report as needed	Refine report, include footnotes, list of references, etc.	1 week
7	Report Validation	Presentation of report to other stakeholders (farmers, other CSOs)	1 week
8	Dissemination and advocacy	Formal and informal mechanisms	

Source: ANGOC (2011). *Proceedings of the CSO Land Reform Monitoring Regional Workshop, September 2010, Bangkok, Thailand.*

Overcoming fears and getting motivated

In undertaking this monitoring initiative for the first time, you may be confronted with several challenges. Remember, you are not alone! Here is a smattering of challenges.

Feelings of insecurity or inadequacy

Get over it! Feeling that you are not up to the task of monitoring land tenure and access to land in your country is the first obstacle to monitoring. Monitoring is not a terribly complicated endeavor. In fact, this is why we have launched the CSO land reform monitoring initiative in the first place. We have come together as one Land Watch Asia campaign, recognized the need for monitoring to inform and sharpen our advocacy, and begun to work towards developing a framework for monitoring. This monitoring initiative will develop our capacities and to focus on strategic areas – land tenure and access to land. Thus, you can undertake simple monitoring, where it matters. Join us as we do this together.

Overreliance on experts

An offshoot of this feeling of insecurity or inadequacy is heavy reliance on experts and consultants. We find that heavy dependence on experts can be disempowering. These experts are often too busy, stalling monitoring. Some feel that they cannot function without experts or consultants taking charge of monitoring.

What then should be the role of experts? In the absence of capable staff, it seems pragmatic to hire an expert to “get the job done.” But remember, we are monitoring with a purpose. The goal of the initiative is to build capacities and strengthen our advocacy, not to come up with impressive glossy reports per se.

We recommend *working together with experts*, in a complementation of expertise. Experts should facilitate learning in your organization and *empower* you – not emasculate you – to improve on your capacities. Monitoring should not be left to one person alone sitting on a desk writing the report; it is best done in teams.

Fear of “evidence-based advocacy”

Don’t be afraid! “Evidence-based advocacy” is much simpler than it sounds! It means supporting our claims and conclusions by hard facts that have undergone some rigor, using a generally acceptable methodology. For example, interviewing only ten people in a village of two thousand is not enough to make generalizations. If we survey, we have to have the appropriate sampling method that we can justify. We should not make sweeping claims about rural poverty or landlessness, using vague words like “much.” It is more convincing to be specific. Rather than say, “In the Philippines, many land-related cases are still pending,” it is more helpful to our advocacy to say, “In the Philippines, for agrarian law implementation judicial and quasi-judicial cases, there are 7,889 cases still pending, as of June 2009.”

This is certainly *not* to undervalue CSO strengths. Because we work on the ground, close to the communities, we have the advantage of being able to deeply understand field realities. Our strengths have been the qualitative data we produce, and the perspectives we bring into the debates. We provide case studies and rich narratives that allow others to see things through our perspectives. We would do well to continue doing this. At the same time, we need to go beyond the anecdotes and try to supplement our narratives with quantitative data, which is what many of our policy makers are looking for.

Failing to see the wood for the trees

Sometimes, we might get trapped in a compliance culture. We simply want to tick all the boxes and find whatever data can conveniently fit into the given

indicators – even if the data are poor and insignificant, and the indicators are meaningless in your country context. Also, these indicators are largely for farmers and agrarian lands – you will find that they are not very useful in the context of fishers, indigenous peoples, and in other tenure systems. These would require their own set of indicators.

Indicators only indicate. If the data are simply unavailable, inaccessible, or irrelevant, do not gather data for data's sake. Your goals for monitoring should be clear. The indicators we have given are only suggestions based on what we as a network think are important in monitoring land reforms. We are providing the general direction for the Land Watch Asia campaign's monitoring; these indicators are not set in stone. At the end of the day, decisions should be made at the country level. Indicators should be appropriate.

Yes, we might have found the data but what are the realities behind the data? As CSOs, we add value by trying to go beyond the figures. We analyze the data, knowing that figures might be misleading, or are wrong.

Working with others

Working together is easier said than done. There are many benefits, especially if some organizations have data that are useful to us. Working with other CSOs, or the academe, or even with government can prove to be a significant learning exercise.

Working with CSOs

However, sometimes there is “turfing” among CSOs – where groups mark their territory, and are not willing to share data, even if they share the same advocacy. In some instances, CSOs do not share for fear that they will not be duly credited for their data. By involving other CSOs more actively – whether in the steering committee or consultative processes like roundtable discussions – we may be able to get their participation, and they may increase their ownership or stake in the process.

Government data are accessible

Some governments are unwilling to share information or even listen to CSOs whom they suspect will criticize them. Land is an especially sensitive issue. Other NGOs have found that having a “champion” in government – helps ease data collection. Still, for others, working with government is still not possible, and we must find either other data sources, or partner with groups that can access data.

Being too ambitious

Sometimes we may want to improve on the data set by wishing to undertake primary data gathering ourselves. We would like to conduct surveys on the ground, in all the villages and districts and communes. However, the persistent reality faced by CSOs is one of resource constraints. We normally do not have the luxury of time.

Comprehensive data gathering is normally done on a project basis, and is therefore difficult to sustain (nonetheless it allows for good baseline data). Set your limits before you begin; consult with your steering committee to see whether your plans for monitoring are practicable.

Data Complexities

If data are available...

... it may be difficult to gather and may require many resources in terms of time, money and energy.

... it simply might be too poor in quality or terribly outdated.

... it may be incredible – not believable. Take stock of the credibility of your data. What good is it to cite data that overstate government's performance in land reform implementation?

...it may be patchy, only available for certain parts of the country.

...it may be difficult to compile. What picture does the data paint?

Data difficulties are to be expected, but there are some ways to address or overcome them. Triangulation is a significant step in validating information. Get alternative sources.

Take note that there are also opportunities presenting themselves for land monitoring. For instance, the increasing attention on land grabbing placed by media can assist us in mining more data.

Scarcity of institutions directly advocating land rights

Whom do we talk with? There seem to be only a few – if at all – institutions that are directly engaged in land rights advocacy. If you seem to be alone in your country doing this, now is the time to explore other contacts. Try proactively looking for potential partners within the academe, for instance. Or you can also go seek partners within the region – many CSOs, especially within the Land Watch Asia network, are ready to offer their support.

Sustaining the Monitoring Initiative

We can keep this running if it is simple enough, does not demand too many resources, and is institutionalized within normal organizational activities within the Land Watch Asia campaign. National networks know which partners are responsible for monitoring which areas or themes.

In the end, monitoring enhances our advocacy. It also gives us that precious opportunity to learn from other CSOs' experiences: from the data generated as well as the methodologies used by other NGOs. We can also engage in joint analysis of monitoring results among NGOs.

Endnote

- ^a Based on pilot monitoring in the Land Watch Asia countries, Table 5 summarizes the levels of monitoring per country, and which part of the conventional monitoring and evaluation cycle was focused on.

Table 5: Level and Focus of Monitoring during Pilot Testing of CSO Land Reform Monitoring Framework

Country	Level	Monitoring Focus				
		Input	Process	Output	Outcome	Impact
Bangladesh	National	•		•	•	•
Cambodia	National with selected provinces	•	•			
India	National	•				•
	Bihar state	•	•	•		
Indonesia	National	•	•	•		
Nepal	National	•	•		•	•
Pakistan	National	•	•			
Philippines	National	•		•	•	•

Compiled by Nathaniel Don E. Marquez

Indicators for Monitoring

This section offers a more detailed treatment of the proposed indicators for monitoring, focusing on land tenure and access to land, but also on inputs such as budgets and policies. More importantly, it provides working definitions for the indicators, as well as notes on rationale, possible data sources, suggested approaches, and probes.

Monitoring Land Tenure

Land tenure refers to “the rules, authorities, institutions, rights and norms that govern access to and control over land and related resources. It defines the rules and rights that govern the appropriation, cultivation and use of natural resources on a given space or piece of land. It governs who can use what resources, for how long and under what conditions. Strictly speaking, it is not land itself that is owned, but rights and duties over it” (International Fund for Agricultural Development [IFAD], 2008).

If a person has land tenure security, it means that his or her land rights will be recognized by others and protected. Conversely, those who are insecure in their land tenure are at risk to various claims on their land rights, and at risk to eviction (Food and Agriculture Organization [FAO], 2002).

In this initiative, land tenure comprises two broad variables: land disputes and evictions.

Land Disputes

Land disputes are disagreements over land that arise from conflicting or competing interests of different parties over the same parcel of land; land rights, boundaries, or uses are contested, according to FAO (2002). These disputes can “operate at any scale, from the international to those between individual neighbors.”(Herrera & da Passano, 2006, pp. 8-9)

The terms disputes and conflicts have different connotations. However, for simplicity’s sake, we will use land disputes *interchangeably* with land conflicts here, unless stated otherwise.

Box 2: LAND DISPUTES: INDICATORS

- Number of people killed
- Number of people detained
- Number of persons harassed
- Number of land-related cases received
- Number of land-related cases investigated
- Number of land-related cases adjudicated
- Number of cases of land grabbing
- Area (Percentage) of land grabbed
- Average time in years for land dispute resolution

Additional:

- Annual loss of time due to disputes
- Annual monetary loss associated with land disputes/litigation
- Annual loss of assets due to land disputes

For the purposes of our monitoring, we would like to look at land disputes among tenants, farmers, government, landowners, private sector, and the

state, to name a few – but **not** gender disputes, or intra-household or intra-family disputes over land partition and the order of succession, for example. You can expand your monitoring to cover indigenous peoples and other marginalized sectors, but bear in mind this will entail different definitions and approaches.

We would like to develop an analysis of the underlying problems related to land. Land remains a major source of conflict in many Asian countries, where a great part of the population depends on it for their livelihoods. Often, conflicts arise from questions on ownership and rights and access to resources, amid intensifying competition for land and conflicting policies.

By examining disputes and their causes, we can sharpen our recommendations. For example, our findings may show that poor land records are the leading cause of disputes. This means we can push for improvement in land registries, such as through digitization. If our monitoring results clearly demonstrate that land conflicts arise because of conflicting policies, we can push for a national land use plan, or a harmonization or alignment of strategies. Furthermore, looking at the nature of disputes can shed more light on power relations over land or the asymmetries in conflict.

We can identify various types of conflict, especially those that need to be urgently addressed, as well as those that are latent and have the potential to escalate in the near future. We can advocate for interventions that can prevent, or at least mitigate, such conflicts.

Killings, detention and harassment

Land disputes may erupt in direct violence, with people ending up harassed or killed. Direct violence refers to “physical and moral violence that may be part of interpersonal conflicts” (Herrera & da Passano, 2006, p.13). People are also **detained**¹ or locked up in prison on account of land disputes. We

- Number of people killed*

The number of people killed from land-related causes

- Number of people detained*

The number of people detained means who were arrested, detained or imprisoned due to land-related causes

- Number of persons harassed*

The number of people persecuted, intimidated, and/or threatened with violence. For the sake of simplicity, we are looking at how many people are harassed – not how many times a person is harassed.

**To the extent possible, please provide data per 100,000 population (See Box 3).*

¹ FIAN suggests *arbitrary* detention – which is indeed a human right violation. However, this type of data is not readily available, and necessitates primary data gathering.

learn from using a rights-based approach – in this case focusing on human rights violations because of land – that urgent action is needed to safeguard these land rights and exact accountability from governments to prevent violations of land rights.

Gathering Data

Data on land disputes can come from official records, when complaints are lodged with official institutions; data can also be obtained from NGO records (Bending, 2010). Killings associated with land disputes are reported in varying degrees, depending on the source. Land-related harassments and detentions are more difficult to track.

The attribution problem: firmly establishing disputes as directly land-related is not always easy, nor doable. Be careful in citing land as the cause of disputes, as disputes may be complex and multi-layered. In building evidence-based advocacies, we are trying to look at land disputes that emanate from problems directly related to the land, rather than from

Box 3: Absolute numbers or per 100,000 population

We are looking at land-related killings, detainments and harassment; as well as cases received, investigated and adjudicated. Looking at raw counts or absolute numbers e.g. 3,205 demonstrates the magnitude of the problem and helps compare the figures as they change over time.

On the other hand, to more easily compare countries of different sizes with respectively different characteristics, we would like to normalize the data to a denominator of 100,000. For data such as killings, 100,000 represents the smallest number that will generally not yield an answer in decimals e.g. 0.02% of the population are harassed.

psychological factors.²

Moreover, data on harassment is particularly difficult to obtain, because it often goes unreported. The political environment may also constrain data gathering, especially in situations when the military is involved. Reporting on killings, detentions and harassments may not be possible politically or legally. Consider this as well in monitoring land disputes, and be prudent.

In lieu of government official sources, which is hard to come by, the following sources are suggested (Table 6):

Probing

Human rights violations continue to be committed against farmers, despite the presence of dispute resolution mechanisms (Philippine Partnership for the Development of Human Resources in Rural Areas [PhilDHRRA], 2010).

² According to Herrera and de Passano: “Land disputes can operate at any scale, from the international to those between individual neighbors. At whatever scale, the dispute is likely to owe as much to the general psychology of neighborly relations as to actual problems relating to the land” (2006).

Table 6: Alternative Sources of Data on Human Rights Violations Related to Land

Alternative Sources	Remarks
Human rights commissions, organizations, and special rapporteurs	Human rights commissions or organizations may not focus on land or separate land as a category, but some of them may note land as a cause of the dispute. The Asian Human Rights Commission (www.humanrights.asia) and Amnesty International are two possible sources of data. The work of special rapporteurs on human rights violations is relevant at the national level.
Media reports e.g. news articles, video coverage	Media coverage is rarely comprehensive, and tends to feature only sensational cases. Killings are reported far more often than incidents of detention and harassment.
Research papers from academic institutions	These reports will likely be methodologically sound and undergo a rigorous research process. Academic institutions are also generally respected for neutrality.
Land-focused rights-based NGOs/CSOs	<p>A few CSOs/NGOs actually monitor land-related disputes, including killings, detention and harassment.</p> <p>CSOs like NGO Forum on Cambodia also have legal officers who make field investigations (Box 4).</p> <p>In the Philippines, NGOs have monitored the land disputes between agrarian reform beneficiaries and landowners; some have focused on overlapping claims of different sectors like indigenous peoples and farmers.</p> <p>FoodFirst and Information Action Network (FIAN) is a rights-based organization working towards the realization of the right to food. They document cases of violations of the right to food; some cases are land-related.</p> <p>In Bangladesh, ALRD and HDRC have used surveys to gather data on deaths, harassments, detentions in families undergoing land litigation.</p> <p>The survey method is also used by CEPES (a Latin American CSO) to assess frequency, severity and nature of disputes.</p> <p>Groups that work at the grassroots level will give detailed albeit localized data i.e., information limited to their area of work.</p>

Box 4: Land Disputes in Cambodia

Since 2006, Cambodia has seen a general increasing trend in land disputes between the rich and powerful on one hand, and the poor and weak on the other. Reports of land grabbing are rife, and many Cambodians live under threat of eviction. The NGO Forum on Cambodia, together with other CSOs making up the Land Action Network for Development (LAND), has embarked on systematic monitoring of land disputes in the country. Drawing from a variety of sources including media, LAND network members, and field investigations, its database contains information on land disputes that specifically have involved at least five households: location, incident date, number of households, land size, primary land type, and resolution status.

The spatial distribution, types of disputes, types of land disputed, strategies in land acquisition, actors involved, reasons for land acquisition, land dispute resolution mechanisms, defendant and complainant claims, among others, are all subjected to statistical analysis. Moreover, the report uses geographic information systems (GIS) maps to present the number of land dispute cases and affected households according to province. Such evidence-based data help strengthen land rights advocacy in Cambodia.

Source: NGO Forum on Cambodia. (2011). Statistical analysis on land disputes in Cambodia, 2010. Phnom Penh: Author.

Box 5 : What is a Case?

The most common understanding of the word “case” is that it is an incident that passes through a dispute resolution system, be it formal or informal. In a few circumstances, it could simply refer to an occurrence or incident recorded by NGOs, government, research institutions, or others. Cases to be monitored may include judicial cases, administrative cases, and those under mediation.

We can use statistical analysis to draw conclusions on how land disputes are correlated to other variables, such as corruption and transparency.

Land-Related Cases Received, investigated and adjudicated and Resolved

A high ratio of land-related cases highlights the heavy reliance on and competition for land. As it were, land-related cases constitute a significant part of court caseloads in many Asian countries, including all countries covered in the land reform monitoring initiative. In Indonesia, an estimated 60% - 70% of processed cases are land-related, based on data from the Supreme Justice (Sajogyo Institute [SAINS] & Konsorsium Pembaruan Agraria [KPA], 2011). Pakistan has much as 80% of cases brought to the lower-level civil courts and high courts related to land (SCOPE, 2011). Land disputes in Nepal make up some 31% of filed cases (CSRC, 2011).

- Number of cases received*
The number of land-related cases filed and received in formal dispute resolution mechanisms – by the courts or adjudication boards.
- Number of cases investigated*
The number of cases that are investigated – these received a response from the government, and were examined thoroughly and systematically – in a year. It should be noted not all cases are investigated within the year they are filed.
- Number of cases adjudicated*
Adjudication is a formal form of conflict resolution, where evidence is presented to a judge by both sides; the judge’s ruling results in a clear-cut decision favoring one side (Herrera & da Passano, 2006).
- Average time (in years) for land dispute resolution
This refers to the average length of time (using years as the unit of measurement) that it takes for a land dispute to be resolved.

*To the extent possible, please provide data per 100,000 population (See Box 3).

Gathering Data

Many disputes and land-related cases are unrecorded or unreported. Bear in mind that not all countries have a specific entity working on land disputes and their resolutions. For example, different agencies may handle different categories of land e.g. forested and non-forested land.

An alternative to the average time for land dispute resolution is to note how many cases are still pending.

If it is difficult to obtain data on the number of land-related cases adjudicated, you may extrapolate (Box 6) using information on the rate of disposal (the rate at which cases are settled) and rate of pending cases.

Box 6: Extrapolation

According to the Merriam-Webster English Dictionary: “to extrapolate” means:

a : to project, extend, or expand (known data or experience) into an area not known or experienced so as to arrive at a usually conjectural knowledge of the unknown area <extrapolates present trends to construct an image of the future> **b** : to predict by projecting past experience or known data <extrapolate public sentiment on one issue from known public reaction on others>

Source: Extrapolation. 2012. In Merriam-Webster.com.

If data on land-related cases are unavailable at the national level, you may try looking at the district/provincial/village level. Compared to the number of cases at the national level, there will naturally be more cases at the local level. Many cases are already amicably settled at the lower level. Also, most poor people cannot afford the costs of litigation and traditionally rely on local-level arbitration or alternative dispute resolution (ADR) for the resolution of simple disputes. More complex or severe cases reach the high courts. Because issues are settled at the local level, local arbitration complements and minimizes the load of the formal court system.

Data on land disputes at the lowest level can be significant, especially if the incidence is high; however, gathering and aggregating local-level data is often time-consuming.

Again, a more doable option for CSOs/NGOs is to include localized data that covers their geographic areas of work.

Probing

Caveat: speedy dispute resolution is not intrinsically good. Expediting dispute resolution may be detrimental if it comes at the expense of due process. The formal court system often disadvantages the poor. Questions worth exploring are: *In whose favor are cases settled – in favor of the rich? or of the poor? Are dispute resolution mechanisms (formal and informal) at the lower level effective?*

Land Grabbing

Land grabbing generally refers to the phenomenon where farmlands are leased or acquired by local and foreign entities (from the private sector as well as governments) mostly for agricultural production, but also including special economic zones, real estate, and resource-extractive activities. Land grabbing is fueled by the influx of investments, and usually involves large-scale land acquisitions and leases. Lands “grabbed” include privately owned land, land under government use, lands of religious and cultural minorities, to name a few.³

Although the above definition is generally the accepted one, the term “land grabbing” means different things to different groups, and is thus used variably. Nonetheless, the term implies that *land is taken without the consent or agreement of the other party*.

Box 7: Land Grabbing: A Definition

ILC: Local-level land grabs particularly by powerful local elites, within communities or among family members.

Large-scale land grabbing: “as acquisitions or concessions that are one or more of the following:

(i) in violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land-users; (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation.”

-Tirana Declaration, ILC Assembly of Members

Source: International Land Coalition (2011). “Tirana Declaration”

After pilot testing the indicators, we have come to the following results: Indonesia defines it as “seizure of land that has been cultivated and settled in by the people,” that, despite proof of ownership and payment of taxes, government and big businesses take their lands for plantations or military facilities (SAINS & KPA, 2011). Use of the term in Bangladesh is for powerful people illegally occupying state-owned land (Barkat, 2011). In Cambodia, land grabs have occurred because of economic land concessions (STAR Kampuchea, 2011). India, Cambodia and the Philippines have experienced land grabbing for the expansion of special economic zones; while mining concessions in Indonesia, Cambodia, and the Philippines – are considered land grabbing and has displaced many a community in those countries (ANGOC, 2012). Nepal’s land grabbing features the conversion of agricultural lands for real estate development amid land speculation

³ For more information, please refer to ANGOC’s *Lok Niti*: “Land Grab: Changing the Terrain of Land Tenure” Volume 18/1 2012.

(CSRC, 2012). Pakistan refers to land grabbing in the context of claiming land ownership through legal or extra-legal means, while dispossessing its true owners (SCOPE, 2011). Because it is possible that a country may have relatively few cases of land grabbing, but which concern vast swathes of land, we will also consider the percentage of area of land grabbed, to the extent possible.

The International Land Coalition also puts forward its own definition of land grabbing. (See Box 7).

- Number of land grabbing cases
The number of documented cases of land grabbing
- Percentage of land-grabbed area
Area of land grabbed, as a percentage of total land. This can be easily calculated by dividing the total area of land grabbed by the total area of cultivable agricultural land.

$$\% \text{ area of land grabbed} = \frac{\text{area of land grabbed}}{\text{total area of cultivated land}}$$

Gathering Data

First things first: in undertaking monitoring, you should labor to explain specifically how you use the term land grabbing in your country.

Box 8: What is a Case?

When dealing with land grabbing *specifically*, we refer to documented **incidents** of land grabbing, rather than technical cases or lawsuits that are filed in court.

Consolidated data on land grabbing and its magnitude are difficult to obtain, often patchy, primarily because of the lack of transparency on the part of governments and the private sector. Much is hearsay or anecdotal evidence. Media reports have been a popular source of data in the course of piloting. In most countries, there are no authoritative sources in the countries as regards how much land has actually been acquired or leased.

Ideally, you will have data per case on: location and size of land grabbed, source of investment (e.g. which foreign government or multinational corporation), amount of investment, year of reported incident, and data source. Table 7 (on the following page) is a suggestion on how you can present your data.

Table 8 (see page 179) shows a few sources of land grabbing data, with a few tentative comments on what to expect.

Table 7: News reports on farmland grabbing in the Philippines

<i>Entity/Country</i>	<i>Description</i>	<i>Location</i>	<i>Amount Involved*</i>	<i>Year</i>	<i>Data Source</i>
Bahrain	10,000 ha for agrofisbery	Unknown	\$300 M	2009	Campos, Othel. 31 March 2009. "RP, Bahrain sign \$300-m farm investment package". <i>Manila Standard Today</i> .
Saudi Arabia (ANI/FEAICO)	50,000 ha for crop plantations and processing plants	Mindanao	Initial capitalization of \$1 million under a 60% Filipino and 40% foreign equity ownership and profit sharing scheme	2010	farmlandgrab.org (a website managed by GRAIN) http://farmlandgrab.org/12807
Saudi Arabia	50 ha for crop plantation	Davao		2009	http://farmlandgrab.org/9798

*This would pertain to the amount of agricultural investment, or transaction cost.

Adapted from PhilDHRRA. (2010). *Systematizing access to land monitoring in the Philippines*. Monograph submitted to ANGOC.

Many CSOs have demonstrated excellence in case documentation, describing in mostly qualitative terms how communities are affected by land grabbing. We put forward the following considerations in preparing a case study:

- *Actors*. Who are involved? Which companies? Which governments, and which specific agencies?
- *Transparency*. Are the transactions open and transparent? Or are they conducted in stealth and secrecy?
- *Community participation*. Was the affected community consulted and listened to?
- *Geography*. Where is the land grabbing taking place? What is the area of the land under conflict? The more specific, the better. It would be helpful to show the precise area on a map.
- *Impacts*. How are the communities affected? In keeping with the land monitoring initiative, try to be as specific as possible in describing the impacts, how many people were affected, what was the impact on land tenure and food security? etc.
- *Others*. Also examine the indicators proposed in the CSO Land Reform Monitoring Framework.

Loss of Time, Money, and Assets due to Land Disputes

The following indicators are suggested to deepen analysis. In general, data is not readily available, and can only be estimated.

Table 8: Sources of Land Grabbing Data

Sources	Remarks
CSOs	<p>CSOs produce mostly case documentation. ANGOC's journal, <i>Lok Niti</i>, Vol 18/1, focuses on land grabbing and presents cases from different Asian countries.</p> <p>Suggested sites:</p> <ul style="list-style-type: none"> • FoodFirst International Action Network (FIAN) – www.fian.org • GRAIN's farmlandgrab.org is well-maintained and regularly updated, featuring news reports about the global rush for farmland
Government	Government data, particularly with respect to land grabbing, are more “sanitized” in comparison to other sources of data. But accessibility of such data tends to be limited.
Media	Many reports on land grabbing can be found in newspapers, news magazines, online and in print. Caution must be exercised, as some of the reports are based on hearsay, without solid facts. Investigative journalists provide more substantive data on the cases.
Academe	<p>The academe can be a source of in-depth studies on land grabbing, and other research initiatives that CSOs might be interested in engaging in. Academic rigor is highly useful for CSOs in their advocacy.</p> <p>In some respects, the academe, being seen as an apolitical actor, could have more access to data than CSOs.</p>
Others: Global alliances	<p>The International Land Coalition (ILC) is a global alliance of CSOs and IGOs working on promoting access to and control of land of the rural poor. It is spearheading an initiative on Commercial Pressures on Land, gathering evidence-based data to improve understanding of this phenomenon, facilitate information sharing, and enable dialogue.</p> <p>The Land Matrix http://landportal.info/landmatrix) is an online public database on land deals, and allows visualization of data. It is a collaborative effort of ILC, the Center for Agricultural Research for Development, International Institute for Environment and Development, Center for Agricultural Research for Development, Center for Development and Environment (University of Bern), German Institute of Global and Area Studies and GIZ. It aims to facilitate the collection and representation of data, and also depends on contributions from various stakeholders. It provides a regular analysis of trends.</p> <p>There are also international multi-stakeholder conferences on land grabbing that take place. These are significant opportunities to hear about what's going on in other countries and regions on land grabbing (as well as broader land and development issues).</p>

- **Annual loss of time due to disputes**
Annual loss of time refers to productivity time loss, or the total time people involved in land disputes have lost due to land litigation.
- **Annual monetary loss associated with land disputes**
This indicator looks at indirect monetary loss, which is an estimation of how much money or gross domestic product (GDP) land disputes have cost a country in a year.
- **Annual loss of assets due to land disputes**
Annual loss of assets looks at a basket of assets, such as agricultural land, crops, cash, livestock, and trees, which are lost in a year's time because of involvement in land disputes. It includes direct monetary loss, pertaining to the costs directly associated with litigation and settling disputes.

Gathering Data

A simple and inexpensive method has been proposed⁴ to determine *annual loss of time* and *annual loss of money* due to land disputes, assuming the number of disputes is known. Note that these indicators can only be estimated.

Annual loss of time can be extrapolated based on: the annual number of land-related pending cases; the average number of persons involved in each case – as plaintiff, defendant, family members and witnesses; and average loss of hours per year per person involved. *Annual loss of time* should be converted into hours as the unit of measurement.

The best illustration of extrapolation for this indicator comes from pilot testing the monitoring indicators, specifically from the experience in Bangladesh:

“Extrapolation can be done based on annual number of land-related pending cases (2.5 million cases), number of persons involved in each cases (as plaintiff, defendant, their family members, and witnesses; 45 persons per case), and average loss of hours per year per person involved (15 hours per year per person) – shows that the annual loss of time due to land disputes amounts to 1,687 million hours (or equivalent to 211 million work days)” (ALRD, 2011). On the other hand, *annual monetary loss* can be calculated by multiplying the annual loss of time due to land disputes (see previous paragraph) by using per capita GDP per hour (dividing by 365 days in a year and the number of work hours per day.) This will then be multiplied by the annual number of disputes to yield *annual indirect monetary loss*.

For example, the *annual loss of time* has been computed as 100 million hours. We can derive the annual money lost due to land disputes: we multiply the hours of lost time (in this case, 100 million hours) by the average hourly rate. We base this rate on the per capita GDP. If the gross domestic product per capita (per person) is \$1,200/year: i) we divide this figure by 365 days (for one calendar year). The worth of a person’s work is \$3.29 per day. ii) When we divide by an assumption of 8 working hours per day, we obtain a result of \$0.41/hour. iii) We multiply \$0.41/hour by the annual loss of time, 100 million hours. The result is \$41 million estimated as the annual monetary loss. The indicator on *annual loss of time* calls attention to the fact that time – particularly the time of the poor who are involved in land litigation – is a critical resource. Annual monetary loss indicates the indirect loss to GDP, implying the impact of land disputes on the national economy, on wasting productive hours in land litigation, among others.

⁴ Dr. Abul Barkat has done extensive research on the political economy of land litigation in Bangladesh, using a range of useful indicators.

You can find updated economic statistics, including on GDP per capita by looking at government economic reports, as well as from statistics from international financial institutions (IFIs) like the Asian Development Bank and the World Bank. Data for this are often available online. GDP remains a term that policy makers can easily understand. When an amount is calculated for to express the annual loss to the country's economy in terms of GDP, it can be a powerful advocacy tool for land access.

The indicator on annual loss of asset looks at the *direct* burden experienced by those involved in land disputes. It is broader in the sense that it reflects the total value of assets – not just land and money – lost. People's standard of living decline when they are involved in land disputes.

If you are more interested in the effects of land disputes in terms of opportunity costs, on the absence of data on loss of asset, you can also look at other indicators such as: fees for medical treatment after experiencing violence; the school dropout rate of children; or the children's inability to take the national test as a result of land disputes.⁵

This indicator is important because it recognizes that high costs associated with litigation often drive poor people to landlessness and poverty – even if the verdict is in their favor.⁶

Probing

All the aforementioned indicators on land disputes should serve as springboard for analysis on **major causes of disputes** as well as the **nature or type of disputes**.

- Are the disputes over boundaries or overlapping land titles? Are the conflicts with former landowners? Are the land disputes between grantees of economic land concessions and affected peoples?
- Who perpetrates the human rights violations: government, military, rebel groups, paramilitary, or private landowners? If the data is available, you can enumerate the categories of land disputes and the number of incidents per category, and present this information in a graph or chart.
- Where are land disputes taking place? Is there a special reason for this?
- What is the extent of corruption in land disputes?

Evictions

A forced eviction is the “permanent or temporary removal against the will of individuals, families, and/or communities from the homes

⁵ This was a suggestion from the Indonesia country monitoring report.

⁶ In Bangladesh, it has been found that litigation affects both parties in the same way – leading to economic loss, though this will be in varying degrees. For more information, please refer to *Political economy of land litigation*.

Box 9: EVICTIONS: INDICATORS

- Number of households evicted/displaced from farms
- Number of households becoming totally homeless of eviction

and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection” (UN Committee on Economic, Social and Cultural Rights, 1997).

A displacement is the forced movement of people away from their land, for various reasons: induced by development, natural disasters or conflict. For the purposes of land reform monitoring, we will only look at development-forced displacement and resettlement⁷ (DFDR), which is displacement in the name of development. Activities for development include large-scale infrastructure (e.g. dams), economic development projects, mining, and plantations.

This is applied to communities or groups of people, rather than individuals. Since we are monitoring land tenure, we will **not** cover displacements due to natural hazards (e.g. floods, tsunamis, and desertification), armed conflict, generalized violence and civil strife. Internally displaced persons (IDPs) and environmental refugees are thus excluded from this list.

Evictions and displacements are similar concepts. They both have connotations of violence and coercion. Displacement is used interchangeably with “forced migration”; for the purposes of this monitoring initiative, we will use “displacement” – again, excluding natural disasters- or conflict-induced displacements – interchangeably with “evictions”.

- Number of households evicted/displaced from farms*
This refers to the number of households that are either evicted or displaced from their farms in a year.
- Number of households becoming totally homeless of eviction
This indicator looks at how many evicted or displaced households are unable to find options for resettlement and are rendered completely homeless.
- To the extent possible, please provide data per 100,000 population.

Gathering Data

Human rights groups such as Amnesty International provide some data on evictions.

Other CSOs focus on land grabbing and record the number of people and communities evicted or displaced, and describe how this is done (*see section on land grabbing*).

⁷ Formerly called “development-induced displacement”

Monitoring Access to Land

Access to land is the “ability to use land and other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities” (IFAD, 2008).

Access to land indicators will investigate the distribution or concentration of land ownership and landlessness.

Land Ownership and Landlessness

The patterns of land ownership in Asia are known to be skewed or uneven, with many landowners owning small parcels of land, while a handful of big landowners in possession of vast swathes of land. There is also a proportion of landless rural people. In monitoring land ownership and landlessness, we are specifically looking at rural/agricultural lands.

Land Ownership Distribution by Size

- Land ownership distribution by size
Refers to the distribution of land ownership grouped according to the size of the plots of land. It shows the patterns of land distribution; in the case of many Southeast and South Asian countries, the concentration of land in the hands of a few.

Landlessness

- Number of landless rural persons
This refers to the absolute number of landless people in rural areas.
- Percentage of landless rural persons among rural population
This refers to the number of landless rural persons expressed as a percentage of rural population.

Landlessness is defined as the “state of those agricultural workers not owning or renting land and without access to permanent employment” (FAO, 2003).

“Landlessness” literally means the absolute lack of land, but not all countries stick to this usage. In Bangladesh, for instance, landless households are technically those owning between 0 and 49 decimals (a decimal being a hundredth of an acre or 40.46 square meters) (Barkat, 2011). Indonesia’s landless own less than 0.2 ha (SAINS & KPA, 2011). Some countries make the distinction between “landless” – or those with absolutely no land – and the “land poor” – where parcels are so small that they cannot support household needs. In Cambodia, the “land-poor” own less than 0.5 ha (STAR Kampuchea, 2011); in Nepal, less than 0.1 ha (CSRC, 2012). Pakistan has categories for the “landless” and “nearly landless” (SCOPE, 2011). The

Box 10

LAND OWNERSHIP AND LANDLESSNESS: INDICATORS

- Land ownership distribution by size
- Number of landless rural persons
- Percentage of landless rural persons
- Gini coefficient

Philippines' CARP law states that landless beneficiaries are those owning less than 3 ha of agricultural land; but this is for land redistribution purposes. Some NGOs maintain that the landless are those with landholdings of less than 1 ha.

And then there is *effective ownership* (including effective retention), distinct from nominal ownership. Though one may be the legal owner and cultivator of the land, others may claim rights over the harvest. Ideally, monitoring should not only look at whether people have land title. Instead it should examine whether they exercise effective land ownership or control, by fulfilling three conditions:

- Title deed (legal owner)
- Right to cultivate the land (usufructuary right)
- Right to harvest the cultivation (benefits)

Those who cannot satisfy all of the above three conditions are considered landless (ANGOC, 2010a).

Gathering Data

Usually, data on size distribution of land ownership are presented in terms of number of landholdings (e.g. 5% of the total number of landholdings are large), and in terms of their area as a size category (e.g. 40% of the total agricultural area is made up of marginal farms less than 1 ha). Data on the number of landholdings, farms, or agricultural households are more often available than their area.

The most credible source of data for this are the regular agricultural censuses conducted in most countries.

The data on distribution will be presented in a table. See the example of land ownership distribution in India (Table 9).

Table 9: Number and area of individual and joint holdings as percentage of total in India (2005-2006)

	Number of holdings, as percentage of total (%)	Area of holdings, as percentage of total (%)
Marginal (below 1 ha)	64.77	20.42
Small (1-2 ha)	18.53	21.10
Semi-medium (2-4 ha)	10.93	24.15
Medium (4-10 ha)	4.93	23.27
Large (over 10 ha)	0.83	11.06

Note: Total may not tally due to rounding off

Source: Agricultural Census, 2005-2006, as cited in Association of Voluntary Agencies for Rural Development (2012). *Country land reforms monitoring report*. Report submitted to ANGOC.

Observe that land ownership is usually grouped according to class sizes: marginal; small; semi-medium; medium; and large. The Agricultural Census of India has complete information on the absolute number of landholdings by size, as well as their area. You may choose to include this data. But since we are interested specifically in the distribution, we need to look at the percentages.

In the example above, we can see the number of holdings as percentage of total. This is derived by dividing the number of marginal holdings by the total number of holdings. Similarly, the area of marginal holdings is divided by the total area of landholdings in the country.

Nepal provides another example (Table 10):

Table 10: Number of households in Nepal, by size group

Ranking	Ownership (in ha)	Number of households	Number of households as percentage of total (%)
Landless	0–0.1	287,100	10.13
Marginal	0.1–0.3	670,000	23.64
Small	0.3–0.5	648,000	22.86
Medium	0.5–3	1,131,560	39.93
Rich	3–10	93,700	3.31
Richest	More than 10	3,800	0.13

Source: Central Bureau of Statistics, 2006 as cited in Community Self-Reliance Centre. (2012). *Land reform monitoring indicators, Nepal*. Kathmandu: Author.

Note that in other countries, classifying landholdings by size – such as “landless”, “marginal”, “small” or “large” does not exist. In that case, simply use the size category (e.g. 0.10 – 0.19 ha, 0.20 – 0.49 ha, etc.). See Table 11 for example.

Table 11: Percentage of Category of landholders in Indonesia, 2003

Category of landholding (ha)	Percentage of total (%)
<0.10	10.9
0.10-0.19	12.4
0.20-0.49	27.9
0.50-0.99	19.7
1.00-1.99	16.1
2.00-5.00	11.4
>5.00	1.6
Total	100.00

Source: Badan Pusat Statistik (BPS) Agricultural Census, 2003, as cited in Sajogyo & KPA. (2011). *Land issue and policy monitoring initiative: Indonesia report*. Report submitted to ANGOC.

We can never emphasize this enough –*never forget to accurately acknowledge your source, including its year of publication (see section on citations).*

Data collection on landlessness is politically sensitive (Bending, 2010). Based on the results of pilot testing this indicator, each country uses its own definition of landlessness. For some countries, an official definition of landlessness exists, and includes the upper limits (if ever) of land ownership e.g., 0 to 0.2 ha. Data on landlessness may be found in the tables on size distribution of land ownership. If no such data on landlessness exists, you may extrapolate based on the total number of farmers or households in agriculture versus the number of farmers or households in agriculture that possess their own parcel of land.

Probing

Recognizing that fishers, and indigenous peoples and other marginalized groups will have different, more nuanced, contexts for land ownership, we encourage you to develop sub-indicators accordingly. Ownership will have to be treated as a more flexible concept for such groups.⁸

Analysis is warranted on trends of land ownership, such as: land fragmentation, land reconcentration, and inequality. For instance, the various dimensions of inequality are almost always correlated to each one another (McKay, 2002). We encourage land rights advocates to explore how land inequality is linked to other such dimensions of inequality, such as health and nutrition, education, power, and gender.

Lastly, we mention that the average size of landholdings (weighted) is another useful indicator for access to land, especially given the generally skewed nature of land ownership. The weighted average will account for the differences in the number of landholdings per size class. This will come in handy when analyzing trends in land ownership and landlessness.

Gini Coefficient

In a region where the gap between rich and poor, not only in terms of incomes, but also assets such land, is reputedly increasing, measuring inequality is useful. The Gini coefficient for land ownership inequality is proposed as an indicator to assist analysis of land ownership trends. This indicator of inequality can paint a good picture of the state of land reform implementation. High levels of inequality in land ownership may suggest that, for example, the task of land reforms is still unfinished, or that a reversal of land reforms is taking place.

- Gini coefficient land or income inequality
Also known as the Gini index or Gini ratio, the Gini coefficient is used as an expression of inequality, and moves from a continuum of 0 to 1, with 0 describing perfect equality and 1 (or 100) denoting perfect inequality.

⁸ Admittedly, such measures of land concentration may not reflect access to land as experienced by groups outside formal registration systems.

Gathering Data

While we encourage CSOs to use Gini coefficients in their analyses, calculating for the Gini coefficient will be more skillfully calculated by economists.

Gini coefficients, are more easily available, will most likely be for incomes rather than land specifically. There are some studies on land inequality that employ the Gini coefficient, but there is far more data available on the Gini coefficient for income inequality.

FAO actually has a database of agricultural census data, including data on number, area, and tenure of holdings, and the Gini index of concentration, from several Asian countries. However, the data are old, the latest being from the agricultural census round of 1990.

Other sources of income inequality data include:

- The World Income Inequality Database (WIID) of United Nations University – World Institute for Development Economics Research (UNU-WIDER) – http://www.wider.unu.edu/research/Database/en_GB/database/
- The World Bank's "A New Data Set Measuring Income Inequality", *The World Bank Economic Review*, 10(3): 565-91, 1996. (Though this is a bit dated).

Tenancy Rights

Tenancy is the general term used to refer to the arrangement of farming on land that is not one's own. Tenancy rights are the missing element between ownership and landlessness. Although tenants may have the right to harvest, they do not own the land.

Sharecropping, the most common form of tenancy, is the traditional arrangement wherein the farmer gives a certain pre-arranged percentage or share of his produce to the landowner as rent. There are different sharecropping arrangements. Some have 50-50 terms; others 40-60; etc. Sharecropping is popular because it is flexible, responsive to production conditions; and requires minimum cash on the part of poor sharecroppers (Lastarria-Cornhiel & Melmed-Sanjak, 1999 in FAO, 2001).

In some cases, the distinction is made between sharecropping and tenancy, where the use of "tenancy" is narrower, meaning the lease of land. Leaseholders, as the term suggests, pay the landowner monetary rent for the land.

Box 11:

TENANCY RIGHTS: INDICATORS

- Number of sharecroppers
- Percentage of sharecroppers with legal documents

- Number of sharecroppers
This refers to the number of sharecroppers – farmers giving a pre-arranged percentage or share of their produce to the landowner as rent.
- Percentage of sharecroppers with legal documents among total sharecroppers
The number of sharecroppers who possess legal documents, expressed as a percentage among the total number of sharecroppers.

$$\% \text{ of sharecroppers with legal documents} = \frac{\# \text{ of sharecroppers with legal documents}}{\text{total number of sharecroppers}}$$

Many sharecroppers in the region do not have titles, and agreements are unwritten. This leaves sharecroppers in a vulnerable position, where landlords can easily terminate their services. However, even those with legal documents are not necessarily more secure than those without – most tenants are powerless in the face of their landlords. Even if sharecroppers or tenants are theoretically protected by legal documents, the fact that their access to legal assistance is limited makes it easy for their landlords to evict them anytime.

Gathering Data

Some official data is available in some countries' agricultural censuses, land departments or ministries, large-scale studies.

Probing

Apart from sharecroppers, we can delve into the situation of other groups working on the land: agricultural laborers, contract farmers, bonded labor, and leaseholders or lessees. Other questions to consider:

- What are the sharecropping or leasehold arrangements between sharecroppers and their landlords?
- For those with legal documents, how secure is their tenure?
- Trends: Over time, is the number of sharecroppers rising? Or falling? Is the number of contract farmers growing? What do these suggest?

Budget for Agrarian Reform

For countries with agrarian reform programs, the budget indicates how serious their governments are in implementing agrarian reform to address landlessness. The budget on agrarian reform could be monitored, not only looking at the total figures, but the various budget lines – administrative expenses like salaries; land redistribution; and support services (credit,

infrastructure, roads), to name some.

Laws and policies should be matched with corresponding financial allocations in the budget; otherwise they cannot be implemented.

Gathering Data

Sometimes data on agrarian reform budgets are not available at all. Some countries do not have a budget line specifically on “land reform”. In the absence of agrarian reform budgets, alternative or proxy indicators on government’s prioritization of enhancing access to land can include:

- Allocation for other land-related programs such as land use
- Agriculture budget
It has been suggested that the research and development budget for agriculture can stand in as an indicator for land reform. Oftentimes, this data is easier to access.
- Official development assistance in agriculture and agrarian reform
This looks at support provided from both multilateral and donor agencies for agrarian reform and agriculture. These international agencies usually share information about program and project costs. IFIs do not only provide aid in the form of grants, but also loans.

Probing

Budget monitoring is a recommended direction for land rights advocates. A handful of CSOs have undertaken initiatives on budget monitoring. In the Philippines, PhilDHRRRA has examined the budget of the Department of Agrarian Reform, and published its results accordingly. The Center for Agrarian Reform and Rural Development (CARRD) has also monitored the budget specifically on the delivery of agrarian justice.

Policies on Women, Indigenous Peoples and other Marginalized Groups

Because land ownership and access to land of the rural poor also depend on who you are, there are laws and policies that seek to uphold the land rights of marginalized groups, including women, indigenous peoples, and fishers.

Reviewing Policies

The gamut of legal and policy frameworks includes national constitutions, laws, and policies. Monitoring donor policies can also be reviewed. But it’s not enough to enumerate the different laws, policies and programs in place (or in process). Analyze the laws and make assessments.

In general, indicators on legal and policy frameworks focus on three areas: the recognition of customary property rights; discrimination preventing women and other marginalized groups from owning land; and legal provisions against forced evictions (Bending, 2010). The World Bank alone, through its LGAF (see *Other Initiatives in the Additional Resources section*) has developed targeted indicators for participatory governance process, closely examining the participation of marginalized groups in formulating as well as implementing various land frameworks.

Box 12: Focus on Gender

Despite their contributions to agriculture, women’s rights to land are limited. Women constitute the biggest minority. Recognizing the need to push for women’s land rights, our monitoring can address gender issues in two ways.

First, we should examine land policies and how they are gender-sensitive. Gender biases prevail against women. Moreover, discriminatory laws against women form one of the biggest challenges to women’s access to land. Land policies encompass women’s individual right to own land and property, joint land ownership/titling between husband and wife, and the right to inherit property (Bending, 2010). Does the Constitution recognize women’s rights and prohibit discrimination based on gender? Are there national laws to protect women? But even where laws and programs explicitly promote women’s land rights, the reality may be a far cry from gender equity, implying the need for monitoring on the ground.

Aside from the legal framework, formal institutions, and customary norms and institutions matter, too. Do the formal institutions (e.g. Ministry of Land Administration; Department of Agrarian Reform; National Land Agency) recognize women’s special role in their programs?

Second, we can look for land-related gender-disaggregated data, which can be applied to any quantitative indicators. This is to recognize that men and women are not the same: their needs are different. We can look at land ownership among male- versus female-headed households, or the percentage of women owning land among landowners. Disaggregated data so far has tended towards land formalization (titling and registration) and evictions (Bending, 2010). However, the reality is that gender-disaggregated data on land are scarce.

In our own primary data gathering, CSOs can follow good practice in gender sensitivity by disaggregating data. But CSOs need to avoid falling into the trap of using indicators of formal or nominal ownership to represent women’s access to land.

- **Number of women owning land**
The absolute number of women who own land and possess land titles.
- **Percentage of women owning land among landowners**
The ratio of women who own land over the total number of landowners.

$$\% \text{ of landowning women among landowners} = \frac{\text{Total no. of landowning women}}{\text{Total No. of landowners}}$$

Since there are only two groups being compared - men and women – this is the percentage of landowning women versus the percentage of landowning men.

Sources:

Bending, Tim. (2010). *Monitoring secure access to land: progress and prospects: Land monitoring handbook*. Rome: International Land Coalition.

World Bank, FAO and IFAD. 2008. *Gender in agriculture Sourcebook. Module 4: Gender issues in land policy and administration*.

Getting Organized

This section outlines the steps needed to undertake monitoring, offering practical suggestions to enhance effectiveness and efficiency in monitoring.

Getting organized takes time. In particular, building a team, convening a steering committee and creating partnerships require detailed attention. Do not underestimate the time and effort needed (FAO, 2005).

Organizational Setup

Each country is responsible for forming its own national monitoring team. Try to involve as wide a geographical area as possible. To allow for multiple perspectives, do include NGOs, farmer organisations, indigenous peoples, and the academe.

First Things First: Secretariat

A secretariat will be the focal point for monitoring. This can be the national focal point, or the national office with a point person on top of monitoring activities. Further, a secretariat responsible for seeing day-to-day management backstops the steering committee. Of course, the secretariat staff could already be the existing staffing arrangements of the host organization/convener of the steering committee.

We find that in Asia, “face to face” communication is generally preferred. Nonetheless, we welcome the use of technology – but we emphasise that this can be done when roles are clear.

Establish a steering committee

A steering committee (SC) is integral to the success of the monitoring initiative. Your SC will provide direction, bring other perspectives, provide greater access to information, facilitate dissemination, and ensure support.

Composition. Your steering committee should comprise representatives from the following sectors:

- NGOs
- Farmers’ organizations/indigenous people’s organizations
- Research institutions/Academe

Pilots have emphasized the need to engage research institutions and the academe, to ensure that the proposed monitoring framework follows sound methodologies and academic rigor, which may provide more credibility.

You may also choose to include media, political activists, peasant leaders, women representatives, IP, and farmer activists. Regarding government participation, please see Box 13.

Criteria. Never underestimate the importance of your Steering Committee. You should carefully select them. We recommend they have solid experience in land reform monitoring, research and advocacy.

Size. For manageability, your steering committee should not exceed ten members. Choose quality over quantity. If you keep to a smaller size, each member will have more time to articulate comments during the meetings.

Do I need a Steering Committee?

There are many good reasons for having a Steering Committee. It works for most organizations. However, it is not always necessary. For example, in the case of the Association for Land Reform and Rural Development (ALRD) in Bangladesh, they have prominent academics working on land issues in their Board of Directors. A Steering Committee would merely duplicate a mechanism that they already have, in which case the SC is unnecessary.

Focal points should discuss among their national partners whether a Steering Committee will work for them.

Nonetheless – there are different modalities you can try if the SC mechanism doesn't work for you.

Convening the Steering Committee

You must organize a steering committee inception meeting – or that meeting when you level off on indicators, definition of concepts, data

Box 13: Do I include government? The Role of Governments

In asking whether they should include government in monitoring – or the extent of CSOs fear co-option.

Contexts vary from country to country. It is ultimately up to you, whether including a government representative in your SC is strategic, or otherwise.

In the Philippines, for instance, government representatives can be “champions” for advocacy (this may vary according to the government administration in power). Other countries are not as fortunate – their governments are antagonistic, and monitoring is done precisely to call attention to their failings and misdeeds.

It may be appropriate that governments are considered as sources of information, rather than members of the steering committee.

source, and methodology. This should take about one week. Remember that in all likelihood, your Steering Committee members will have very tight schedules. Plan your meetings as far ahead as possible, be aware of holidays when scheduling, and send them the relevant documents to review ahead of time. In this way, you can devote more time to discussion during the meeting.

There are concerns that given the SC's busy schedule, CSOs should collect the data first, then call the SC to verify the data gathered. The SC must understand their role – that even before data gathering begins, there is agreement and consensus on the monitoring framework. The SC is a way to gather support for the initiative.

Be prepared for some difficulties. For example, when different groups come together, like activists and academics, you can expect that achieving common agreements on the definitions and indicators related with land reform will be challenging, or there will be some people dominating the discussion. In this case, as our Indonesian colleagues have learned, a stronger effort is needed to facilitate the discussion.

Also, it may be difficult to convince SC members about the importance of this initiative. One technique employed by the Indonesia focal point is to personally visit and meet with each CSO before sending a formal invite.

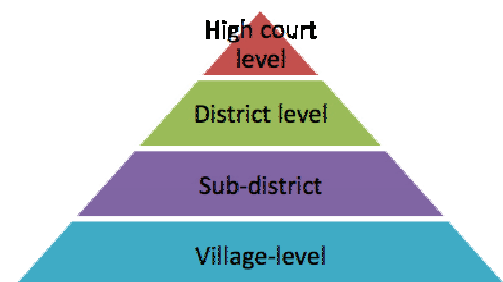
Gathering the Data

The section on **Indicators for Monitoring** is devoted to defining the indicators used and explaining how to gather data for these. Practically speaking, one or two persons should be on top of the data gathering exercise. In a nutshell, the range of possible sources is wide: government, CSOs, internet, academic journals, and media. Primary data can also be gathered through surveys, interviews, focus group discussions. Finally, we suggest mixing quantitative and qualitative data.

When monitoring, always remember to:

- *Give a definition for the indicator you are using.* There are many, and while we offer our proposed definitions, the data available in your country may be based on a different definition.
- *Cite your source.* Give credit where it is due, even if it is yours! See section below on *Writing the Report* on how to properly acknowledge your source.

Figure 3. Levels of Government in Bangladesh



- *Cite the reference year for the data.* It is always important to know when the data was produced, especially since we are tracking changes in land tenure and access to land.
- *Indicate scale/level of data availability.* The level of data matters. Data availability varies and depends on the specific indicator being asked for. For example, for the indicator on number of land dispute cases received, the data may be easily available (as government official judicial level data) at the high court level or at the district level. Below the district level, data may not be available or easily accessible – but the number will be very high. There will be more cases as you go down the pyramid (see Figure 3), down to the village level.
- *Assess your data source.* Monitoring is more than a data gathering exercise. Do not believe everything you read! You have to analyze the quality of data gathered. Do you have reservations or concerns about the data provided – such as on the methodology used? Then you must state them.
- *Explain the methodology used.* The methodology you use will determine the kind of results you yield, so it is important to explain how you derived the data.

Writing Up the Report

What's in it?

Before you begin, check *Annex A*, which contains the suggested outline for the report. Start with an overview of the report, or an introduction or context. It will set the tone for the report. Write concisely. If you mean to provide readers with an understanding of agrarian reform in your country, then it shouldn't be a ten page history of agrarian reform. Explaining the CSO monitoring initiative in your country should not be a treatise on monitoring. And so forth and so on.

The conceptual framework should present the indicators you have selected, explain the rationale, process, and scope and limitations. Your audience should be able to clearly understand the framework that you used for monitoring.

The meat of your report should be in the section on findings and analysis. Here, you describe the situation and make an assessment of land reform in your country, and try to tease out the trends, and make connections between variables and indicators – their causes, effects, implications.

Cambodia found that land disputes tend to concentrate in provinces with abundant lands, which are experiencing economic growth. In the Philippines, by closely looking at the data, PhilDHRRA discovered that over-releases from the agrarian reform budget were made during election years.

Then you draw the conclusions and recommendations. The most important findings should be discussed in this section. Recommendations are mostly for policy.¹ Reflect on lessons. Identify *specific* recommendations to address the situation. Refrain from mere motherhood or generic statements. Be imaginative in exploring alternative solutions to problems.

The country reports in this publication are abridged, but they can be used as models on which to base your own writing.

Don't forget the other important parts before and after the heart of your report:

- **Table of Contents.** The TOC is fundamental, yet too often neglected by CSOs. Learning how to make is easily done on most word processors.
- **Glossary.** If you have more than three technical terms, terms that are foreign or specific to your country, e.g., *haruwa, lakh, begari, adat, and khas*, please define them in a glossary.
- **List of Abbreviations.** Since not only NGOs, but governments as well, are fond of using abbreviations, please prepare a list of one.
- **Executive Summary.** This should not exceed one page, and should contain only highlights of the report. It should be written in such a way that it engages the reader's attention.
- **References/Bibliography.** This is very important. See section on *The Art of Citation* (next page).
- **Annexes.** Any supplementary material (not integral to the monitoring effort but important all the same) should be included as an annex.

How Goes it?

Who writes the report? It was suggested that writing is a team effort, involving a maximum of three persons, with one person holding editorial or consolidating responsibilities. The team should undertake brainstorming as needed. In other cases, writing is largely a one-person job; but the writer should also consult with colleagues and the secretariat, among others for feedback.

How much time does it take to write the report? One month to write the report is recommended, but this may vary.

The Art of Citation

One area where CSOs need improvement is in the matter of citations. This

¹ It is important to give recommendations on the process of CSO monitoring land reform, since this initiative is still very much in progress and will appreciate feedback. Recommendations on the process can be on the indicators selected, the mechanisms proposed, or anything you feel can provide input. Kindly share these process recommendations with ANGOC and the Land Watch Asia network, whether formally (i.e., process documentation notes) or informally.

means documenting your sources by making direct references to them either in-line or in a footnote or endnote, depending on the style (MLA, APA, Chicago, to name a few) set you use. The citation is also linked to a bibliography, which is a compilation of all the sources.

Citations are *critical*. We want to give credit where credit is due. We want to acknowledge every single source that we have used to be able to write our report. In addition, we want to raise our CSO publications to a higher standard.

The general rule is: we document sources from which we have borrowed ideas. It is not necessary to have lifted a quotation before we make a citation.

For formatting, you can choose whichever style. It's up to you to determine which works better for you – inline citations or footnotes. Remember, the trick is to be consistent! Here are among the most popular:

- Chicago Manual of Style <http://www.ccagomanualofstyle.org/>
- MLA Handbook for Writers of Research Papers (7th edition) 2009
- American Psychological Association (APA)

There are many online resources detailing how to cite your sources. A good starting point is the Purdue Online Writing Lab (OWL) at <http://owl.english.purdue.edu/owl/section/2/>.

BOX 14: TIPS AND REMINDERS IN WRITING YOUR REPORT

- Refrain from writing in highly textual or technical language
- Write in plain and lucid English
- Cite your sources
- Use active verbs
- Be concise
- Use graphs, charts, photos, tables and maps to illustrate your point

More on citation from Wikipedia at: <http://en.wikipedia.org/wiki/Citation>.

Analyzing Data

Analytical tools are available. Analysis need not be confined to one tool; you may use a combination of approaches. For statistical analyses, there are software packages like SPSS – Statistical Package for the Social

Sciences – that are relatively easy to use, and can help establish meaningful connections among your data. Geographic Information Systems (GIS) are also a very interesting way of analyzing, using spatial data. Even using simple tools for presenting data – can enable us to see patterns or relationships we otherwise would not (Box 15).

Also remember that analyzing data can be a joint activity among CSOs and other groups. You can share with them your data and discuss various points. Or this can be done for validation.

Box 15: Using Geographic Information Systems (GIS) for monitoring

Using geographic information systems (GIS) to produce maps can be a highly effective and powerful way of presenting data gathered from monitoring. Because we are dealing with land, much of the information will be tied to a location (i.e. geographical or spatial), which can be displayed on a map. By simply looking at the maps, one can quickly see how the various indicators on access to land and land tenure are spatially distributed in a country or region. GIS allows us to combine different layers of data – features or themes and overlay these. GIS is more than map-making, serving as an analytical tool, to explore the relationships between different themes. Using GIS maps makes comparison of indicators over time easier. For example, we can see a layer on secure land rights overlaid with another layer on environmental degradation.

GIS maps enhance the presentation of monitoring data and are therefore a powerful advocacy and communication tool. It can complement the data gathered – and demonstrate relationships, such as the correlation between landlessness and poverty. For example, in areas where landlessness is high, poverty incidence is also high; and it can also show where landlessness is concentrated. As another example, places where cases of land grabbing are reported could be the same places where there is a high incidence of land disputes and evictions. This is especially possible at the regional level, using the common indicators – to compare and contrast between countries.

To illustrate, Open Development Cambodia has a map online (<http://www.opendevdevelopmentcambodia.net/maps/>) that is overlaid with several themes (economic land concessions, special economic zones, mining concessions, and proposed hydropower sites). You can select which themes you would like to see.

In addition to analysis, GIS can be used to generate maps to present results of findings (see sub-section on *Presenting Results*).

A concern with GIS is that it is technical and potentially expensive, but this is not necessarily true. Many GIS tools are already free and available. Additionally, mapping can be participatory – as CSO experiences have demonstrated – and therefore empowering. This allows monitoring to be sustainable. On balance, it needs sufficient investments in staff capacity development to undertake GIS.

Validation and Learning

Presenting the Draft Report: Obtaining Feedback and Validating Results

After the report has been written, the draft should be subjected to review by all your stakeholders –steering committee and partner organisations, government, and the academe. Feedback should be documented properly, as these should be incorporated into your final report. You can validate your report once or twice, depending on the resources at your behest.

Triangulation. We are limited in terms of resources. We cannot conduct large-scale monitoring initiatives, and we are also unsure of the quality of the data we have obtained. Therefore we need to triangulate our data: “use [...] a variety of sources, methods or field team members to cross check and validate data and information to limit biases” (IFAD, n.d.). Where several data sets exist, you can use this as a means to validate and compare and contrast the results. For example, government data may be overestimates of performance, while there may be independent data from research or academic institutions.

Presentation to steering committee. Out of courtesy to your steering committee, we encourage you gather feedback from them before you consult with key partners.

Consultation with key partners. Organize a face-to-face consultation with various stakeholders to discuss and comment on the draft report. “Physical” meetings (as opposed to virtual meetings) imply the need for more resources, but this is a sure way to get feedback immediately. Hence, link with existing campaigns so that validation workshops/forums can be organized back-to-back with the campaign activities. At any rate, the CSO monitoring initiative should complement the Land Watch Asia campaign.

In Nepal, for instance, CSRC conducted a half-day workshop with alliance members, government representatives, NGO partners to share the report and discuss the monitoring mechanism, prior to preparing the final report.

Alternatively, an electronic forum or bulletin board is a cheap (it costs virtually nothing if you know how to set it up) and highly effective way of soliciting feedback from various groups, especially those in geographically disparate areas. However, this mechanism requires a certain level of technical literacy - not only on your part, but also for those you expect to participate. It also assumes that your target audiences have access to the internet.

Learning. Monitoring is an ongoing learning act. Learning is a vital component in the knowledge management loop. We must reflect on our experiences – talking together, thinking about what went right and how we can move forward (i.e., appreciative inquiry). These lessons should be shared and documented – so that others may learn, and we ourselves can improve on process – in terms of data gathering, analysis, and presentation – and inform our action.

Revising the Report

Now that you’ve gathered feedback, you can proceed with revising the report! This may entail gathering additional or verifying data, but just minimally. This is also the time you should edit, edit, and edit. Polish the writing, check for spelling and grammatical errors, ensure that your language is clear and unequivocal, and voila!

Disseminating Results

Finally, your report is finalized. It’s time to share the results of months of monitoring land reform with various audiences, employing a range of strategies.

We want the report to be made available in various forms, depending on the audience. But before you begin, you need to understand which is most suitable to your target audience. For example, policy makers are reputed to be busy, for which you will need to provide condensed versions of your report – in the form of pamphlets, perhaps. When reaching out to CSO partners, constituents, and IGOs, you can use newsletters and books.

We encourage you to share the results with a host of organizations – from human rights organizations to government ministries and agencies, IGOs, CSOs, policy makers, the academe, and the media. You can organize forums or dialogues involving these stakeholders to present and discuss the report at the country level; this way you promote multi-sectoral dialogue while promoting your own research and advocacy.

Reaching out to the Public

Too often CSOs don’t know how to raise consciousness among “ordinary” citizens. Especially in this day and age, these citizens are empowered to take a stand and respond to the issues they believe in. Mass media can be maximized to highlight land issues.

Radio and print media are the traditional means of allowing the general public to learn more about our advocacy issues. They remain strong, especially in rural areas, but gaining in popularity are the web 2.0 technologies such as

Facebook, Twitter, and blogs. Post the report – and other related content on land reform – on your websites.

ANGOC's publication *Ideas in Action for Land Rights Advocacy* (www.angoc.org) has two helpful articles. "How to use mass media for advocacy" discusses traditional media, and provides tips for taking advantage of traditional media. "Enter new media" explains the emergence of new media or social media in advocacy, and gives examples of how these web tools have been used to enhance advocacy campaigns.

Other knowledge sharing tools are also available on the internet. We recommend looking for IFAD-ENRAP, and their publications on knowledge sharing.

Additional Resources

This section is dedicated to a few resources that can lend you a hand as you go about monitoring. Draw inspiration from Land Watch initiatives in Asia and beyond, international instruments in support of land rights, and other initiatives at the global level to complement your own monitoring.

Land Watch Initiatives

The Land Watch Asia network has a wealth of experiences in land rights advocacy, some of which have entailed extensive monitoring. Further reading and exploring is highly encouraged of land advocates. By no means is the list below comprehensive, but it should serve as inspiring.

- KPA compiles an extensive database on agrarian land conflicts. Data are available for most provinces, and are classified according to the administrative era and the nature of the conflicts.
- STAR Kampuchea and NGO Forum on Cambodia form part of the Land Action Network for Development (LAND). The NGO Forum on Cambodia regularly monitors land disputes in the country, providing a statistical analysis.
- Dr. Barkat, who sits on the board of ALRD, has conducted numerous studies on land. He has notably researched on the political economy of land litigation, *khas* land distribution, and the Vested Property Act.
- PhilDHRRA has considerable experience in convening intersectoral dialogues, as well as in monitoring asset reform. Its member, the Center for Agrarian Reform and Rural Development, has done budget monitoring particularly in regard to agrarian justice delivery.
- AVARD has initiatives in pushing for legislations on food security and access to land, and cooperates with the Bihar Land Reforms Commission on implementing its recommendations and monitoring this.
- SCOPE in Pakistan has expertise in understanding the effects of desertification on land, as well as organizing the National Peasants Coalition of Pakistan.
- CSRC has organized the National Land Rights Forum that allows for grassroots monitoring. It also has many publications that depict the land rights situation in Nepal, including a journal, *Land First*.

Other Land Watch initiatives in Latin America and Africa (ANGOC, 2011) include:

- Peruvian “Law in Action” Land Watch and National Dialogue, is changing the national legislative framework in response to agribusiness policies.
- The Bolivian Land Observatory and National Dialogue is articulating indigenous rights within the State and supporting national processes to respond to many challenges related to land rights.
- The Central America Observatory on land policies and peasant agriculture monitors the impact of free trade agreements on changing land use and access to land for small scale agriculture.
- African CSOs are working on developing scorecard for monitoring the Africa Land Framework and Guidelines of the African Union.

Other Initiatives

The initiatives briefly discussed here are opportunities for complementation at the regional and global levels.¹ Groups are already involved in land monitoring or issues associated with land, like corruption and human rights. Through cooperation and strategic complementation of efforts, your work can be more effective and lead to synergy for change. *Take note of course, of the differences in our perspectives.*

Transparency International

Corruption Perceptions Index

Transparency International (TI) regularly produces the Corruption Perceptions Index (CPI), which ranks countries according to perceived levels of corruptions. This is a popular tool that TI claims is credited for putting corruption back on the international policy agenda. TI uses perceptions because corruption is difficult to measure and is normally hidden from the public. Perceptions- through different assessments and independent business opinion surveys – are accepted as a way of estimating corruption.

It is useful to correlate the results of the CPI with the findings from our land reform monitoring initiative. This will allow us to tease out relationships and form interesting correlations.

Global Corruption Barometer

Together with FAO, TI has included questions on land sector corruption in surveys for its Global Corruption Barometer in 2009.

World Bank’s Land Governance Assessment Framework

The Land Governance Assessment Framework (LGAF) is being led by the World Bank. The LGAF has more than 80 indicators, falling into 21 index groups and 5 thematic areas: legal and institutional framework; land

¹ The sources for this section are taken from the mentioned organizations’ websites.

use planning and taxation; management of state land; public provision of land information; and dispute resolution and conflict management. In terms of methodology, it has relied primarily on experts.

The LGAF has thus far been piloted in 5 countries, including Indonesia. When the LGAF is finally implemented globally, it will provide baseline data for countries, especially on land administration issues. The various Land Watch Asia countries can work on specific areas, such as dispute resolution. Your country can be profiled or sub-setted, based on specific context and needs.

IFAD's Performance-Based Allocation System (PBAS)

IFAD determines funding allocations based on both a country's need, as well as its performance, in terms of past loan borrowings, through its Performance-Based Allocation System (PBAS). Three sub-elements are used to assess country performance: broad policy framework; rural development policy; and portfolio performance. IFAD emphasizes rural sector performance, using 12 main indicators, including access to land. Four sub-indicators fall under access to land, namely: access to land for the rural poor; land tenure; formal land markets; and regulation for land management and use of common property resources at the community level.

Monitoring these indicators generally takes place in September and October each year. IFAD is working to make the process more participatory. Through LWA's CSO land reform monitoring initiative, you can share with IFAD data that will complement it. CSOs can also give feedback on IFAD's scoring.

UN-HABITAT'S Global Urban Observatory

The UN-HABITAT's Global Urban Observatory (GUO) covers legal issues, dispute resolution, eviction processes, and land affordability. However, as its name implies, monitoring focuses on urban areas.

Learn More

A more detailed list is provided and reviewed by Tim Bending in *Land Monitoring Handbook, Monitoring Secure Access to Land: Progress and Prospects*, published by the International Land Coalition (2010).

National Inputs

At the national level, a range of documents helpful to monitoring are available. They can be planning documents – for example, national economic development plans, or Poverty Reduction Strategy Papers (PRSPs). These offer opportunity to influence public policy, mobilize communities and other stakeholders, and gain official recognition and support from government

besides (ANGOC, 2006). Laws and policies were touched on in the section on *Indicators and Methodologies*.

Critically examine these documents, particularly on how they treat the issue of land.

International Instruments

International instruments represent an important opportunity for CSOs. By monitoring the implementation of the provisions of international conventions, CSOs can exact accountability from their governments. If their government has acceded to or ratified a convention, the convention becomes law, which the government must therefore enforce.

Critiques argue that international instruments, even those that are binding, are not useful. “International law has no teeth.” As always, *implementation* of international law is a challenge. It is difficult to take governments to task for not implementing, or even violating provisions of an international treaty. Nonetheless, international conventions can be monitored and used for advocacy – to engage governments and international organizations in policy discussions.

We have selected a few land-related international instruments on human rights mechanisms that can provide advocacy entry points:

- **United Nations Convention to Combat Desertification (UNCCD).** Desertification and drought are leading to the loss of land and biodiversity and decline in agricultural productivity throughout the region. Governments that have ratified the UNCCD are required to submit a National Action Programme, detailing the measures they will take to mitigate the impacts of drought and desertification.
- **Articles 13-19 of ILO Convention No. 169 (1989) on Indigenous and Tribal Peoples in Independent Countries.** Article 14 recognizes indigenous peoples’ rights over traditional lands- and moreover, the state’s obligation to safeguard these rights. ILO Convention No. 107 (1957) promotes IPs’ right of ownership over the lands which they traditionally occupy. No. 107 was criticized as integrationist, patronizing, and backwards in thinking. With the adoption of the more progressive Convention No. 169, No. 107 was revised.
- **Voluntary Guidelines.** Despite their non-binding nature, Voluntary Guidelines (VGs) are still valuable tools. “Voluntary guidelines set

out principles and internationally accepted standards for responsible practices. They provide a framework that States can use when developing their own strategies, policies, legislation and programmes. They allow government authorities, the private sector, civil society and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices” (FAO, n.d.).

- o The Right to Adequate Food has been affirmed in various international human rights instruments. But it is monitoring compliance with FAO’s Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security that CSOs will find more useful.
 - o Guideline 8B of the VG, under Access to Resources and Assets, is on land. It affirms the need for states to promote secure land tenure, through legal and policy mechanisms that advance land reform, in a manner “consistent with their international human rights obligations and in accordance with the rule of law.” It also mentions women, poor and disadvantaged sectors of society, and indigenous communities.
 - o The Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, and Forests, prepared by FAO, has been approved by the Committee on World Food Security (CFS) in March 2012. These Guidelines recognize the role of land tenure governance in protecting the rights of the rural poor to land and other natural resources, outlining principles and good practices for governments to adhere to.
- **International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).** These two UN treaties are part of the International Bill of Human Rights. The ICESCR pushes for the fulfillment of economic, social, and cultural rights – including health, education, labor, housing, and an adequate standard of living. The ICCPR seeks to protect property rights. States are obliged to protect its people from forced evictions.
 - **Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).** Article 14 recognizes indigenous peoples’ rights over traditional lands. CEDAW is a legally binding agreement, and is the only human rights treaty that deals with rural women.

Table 12 is a simple guide to selected countries in Asia, and whether they have “participated” in key international conventions related to land.

Table 12: Asian Countries in relation to CEDAW, ILO Conventions 169 and 107, and UNCCED

Country	CEDAW articles 14-15 and 16*	ILO Convention 169 and 107 **	United Nations Convention to Combat Desertification*** (UNCCD)
Bangladesh	Acceded. "The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [...] as they conflict with <i>Sharia</i> law based on Holy Quran and Sunna."	Party to Convention 107	Ratified
Cambodia	Acceded		Ratified
India	Ratified. Reservations "With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."	Party to Convention 107	Ratified
Indonesia	Ratified "The Government of the Republic of Indonesia does not consider itself bound by the provisions of article 29, paragraph 1 of this Convention and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all the parties to the dispute."	Not party to the Convention	Ratified
Nepal	Ratified	Ratified No. 169	Ratified
Pakistan	Acceded "The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan." Reservation: "The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention."	Party to Convention 107	Ratified
Philippines	Ratified		Acceded
Sri Lanka	Ratified		Ratified

*International Land Coalition. <http://www.landcoalition.org/global-initiatives/womens-land-rights/rural-women-land-and-cedaw>

Learn More

International instruments cover such a large block of information. There is a plethora of international treaties, agreements, declarations and guidelines that tackle land rights. We suggest the following reading list on certain international instruments:

- ILC, Oxfam Novib, SOMO, WTI, Katja Gehne, Simone Heri, Elisabeth Bürgi-Bonanomi, Albert ten Kate, Sanne van der Waal. 2011. *International Instruments influencing the rights of people facing investments in agricultural land*. ILC: Rome.
- United Nations Treaty Collection. <http://treaties.un.org/>
- International Labour Organization. “Convention No. 107”. <http://www.ilo.org/indigenous/Conventions/no107/lang--en/index.htm>
- International Labour Organization. “Convention No. 169”. <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm>
- Birgitte Feiring, Programme to Promote ILO Convention No. 169 - International Labour Standards Department. 2009. *Indigenous and Tribal Peoples’ Rights in Practice: A Guide to ILO Convention No. 169*.
- A useful list of definition of UN Treaty terms can be found in: http://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml
- FIAN has prepared a manual on using the Voluntary Guidelines on the Right to Food: <http://www.fian.org/resources/documents/others/how-to-use-the-voluntary-guidelines-on-the-right-to-food/pdf>
- FAO. 2006. *The Right to Food in Practice: Implementation at the National Level*.
- Office of the High Commissioner for Human Rights. Basic Principles and Guidelines on Development-Based Evictions and Displacement. Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

Annex A

Suggested Outline for Country Land Reform Monitoring Report

Note: This document serves only as a guide in preparing the country report. In terms of suggested format, text should be Times New Roman, size 12. Please paginate.

List of Acronyms Used
Table of Contents

A. Executive Summary

B. List of Acronyms

C. Overview of the Report

- Brief context of existing status of land/agrarian reform and land issues in the country
- Purpose of this Report *(including platforms/ mechanisms where the report can be presented and discussed)*

D. Conceptual framework

- Selected indicators *(Explain the rationale for the list of indicators used: inputs, land tenure and access to land)*
- Process, scope and limitations *(Kindly make detailed explanations of the definitions, methods, tools and sources used. Indicate the level of data availability, and make notes on accessibility if necessary.)*

E. Findings and Analysis *(Describe the situation of land/agrarian reform in the country, based on the specific findings in relation to the indicators used. Identify and describe causes, effects and implications of the situation.*

- Input indicators *(this list initially contains budget and policies; please expand the list as deemed appropriate)*

Variables	Indicators
Budget	agrarian reform budget
	R&D expenditure in agriculture as percentage of total agricultural budget
	ODA in agriculture
Policies	land use planning
	for marginalized groups – IPs, women, fishers, etc
	agricultural investments

- Indicators on land tenure and access to land *(modify the list on the following page if deemed necessary)*

Variables	Indicators
Disputes	# of people killed (per 100,000 population)
	# of people detained (per 100,000 population)
	# of people harassed (per 100,000 population)
	# of cases received (per 100,000 population)
	# of cases investigated (per 100,000 population)
	# of cases adjudicated (per 100,000 population)
	# of cases of land grabbing
	% area of land grabbed
	Average time in years for dispute resolution
	Annual loss of time due to disputes
Evictions	Monetary loss
	# of households evicted/ displaced from farms (per 100,000 population)
	# of households becoming totally <i>homeless</i> due to eviction

- Indicators on access to land
(*modify the list on the table below if deemed appropriate*)

Variables	Indicators
Ownership	Land Ownership distribution by size
Tenancy rights	# of sharecroppers
	# (and %) of sharecroppers having legal documents in relation to total # of sharecroppers
Landlessness	Gini coefficient

F. Conclusions

G. Recommendations

- o Governments
- o CSOs
- o Donors

H. References

I. Annexes

Annex B

Presenting your Results

Getting the data is half the battle. The other half is effectively communicating it with your audience. One weakness of many CSO publications is that though we may have data, we cannot communicate it *as well as we should* – our messages do not clearly come across.

Visualization Tools

We generally tell great stories or narratives, but we can further enhance the information by using visualization tools like tables, graphs, and charts. This allows us to highlight key features of our data. But remember that these are not only visualization tools; they are also analytical tools – by presenting data differently, we may be able to see new patterns or trends.

Our land reform monitoring initiative could use more creativity and strategy in displaying our results or findings.

Tables are a simple and neat way of presenting data. Instead of merely mentioning data elements, you can neatly put them in a table (see sample below).

Charts and graphs are useful tools of analysis. They also come in handy to visually display your information. Microsoft Excel supports the creation of several types of charts. There are many kinds of charts, but for our purposes, we've identified the most useful.

Column charts or bar graphs are ideal for showing data in columns and rows. These are useful for comparing items (*see next page*).

Vertical bar or column graphs are particularly useful to show changes over a period of time (*see next page*).

There are more complicated column charts. The clustered column helps compare values

TABLE: Number of households in Nepal, by size group

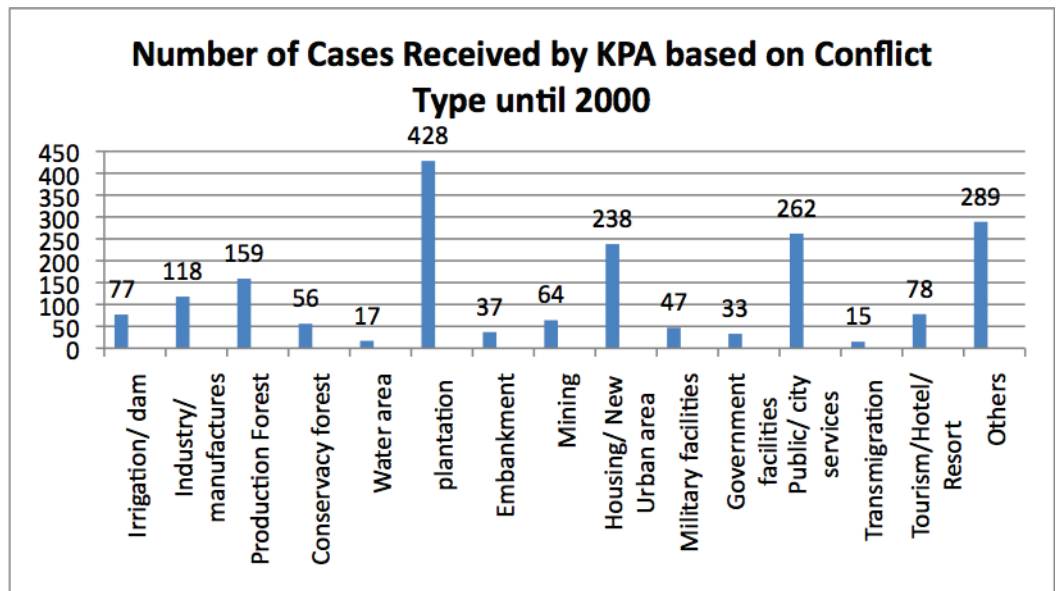
Ranking	Ownership (in ha)	Number of households	Number of households as percentage of total (%)
Landless	0–0.1	287,100	10.13
Marginal	0.1–0.3	670,000	23.64
Small	0.3–0.5	648,000	22.86
Medium	0.5–3	1,131,560	39.93
Rich	3–10	93,700	3.31
Richest	More than 10	3,800	0.13

Source: Central Bureau of Statistics, 2006

across categories (see page 212).

A stacked column compares individual items in their relation to the whole, across categories. This is useful for multiple data series. The 100% stacked column is a variation of the stacked column, and is useful when the total of is the same for each category, and you want to show how much each part contributes.

COLUMN CHART:



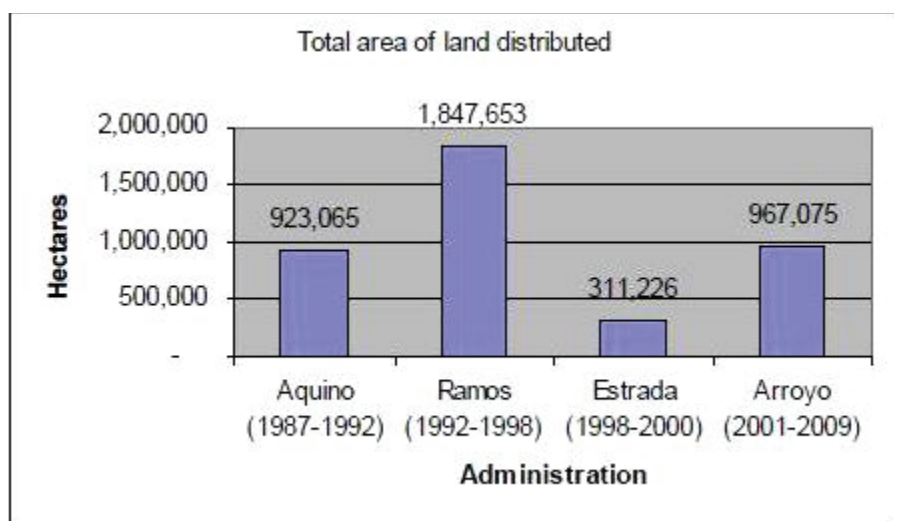
Source: Sajogyo Institute & Consortium for Agrarian Reform. 2011. *Land Issue and Policy Monitoring Initiative: Indonesia Report*

Line charts or line graphs are appropriate if you have data in columns and rows (see next page). Plot the category data evenly along the horizontal axis and the value data evenly along the vertical axis. Line charts are commonly used to display trends in data at equal intervals, normally over time. See the examples on the succeeding page on the Philippines' Agrarian Reform Fund (ARF) Allotment and Obligation, and Land Disputes Resolved by Cambodia's Cadastral Commission. Both line graphs present different variables (allotment and obligation; cases resolved, households involved, and hectares involved) over a certain period.

percentages. Do not use them when you have too many parts or categories. Since pie charts are useful for highlighting one or two parts, they do not work well when the parts are fairly equal in size. In other words, it is not very

VERTICAL BAR or COLUMN GRAPH

Total Area of Land Distributed in the Philippines, By Administration

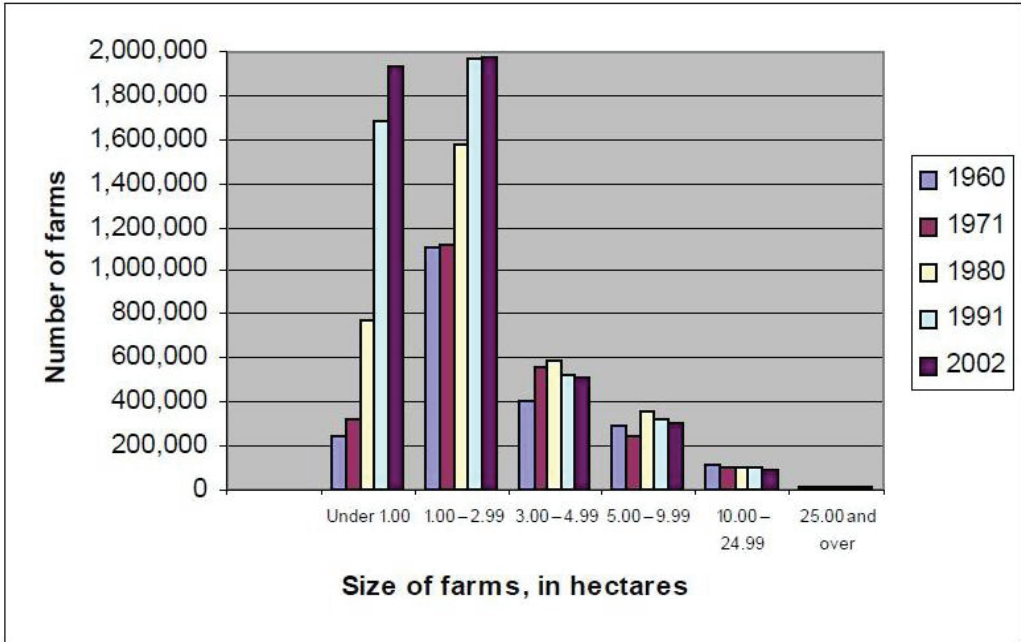


Source: PhilDHRR. 2010. *Country Land Monitoring Report: Philippines*.

Pie charts are good for showing how a whole is divided into several parts or "slices" (see page 213). Use pie charts when you have data in

CLUSTERED COLUMN:

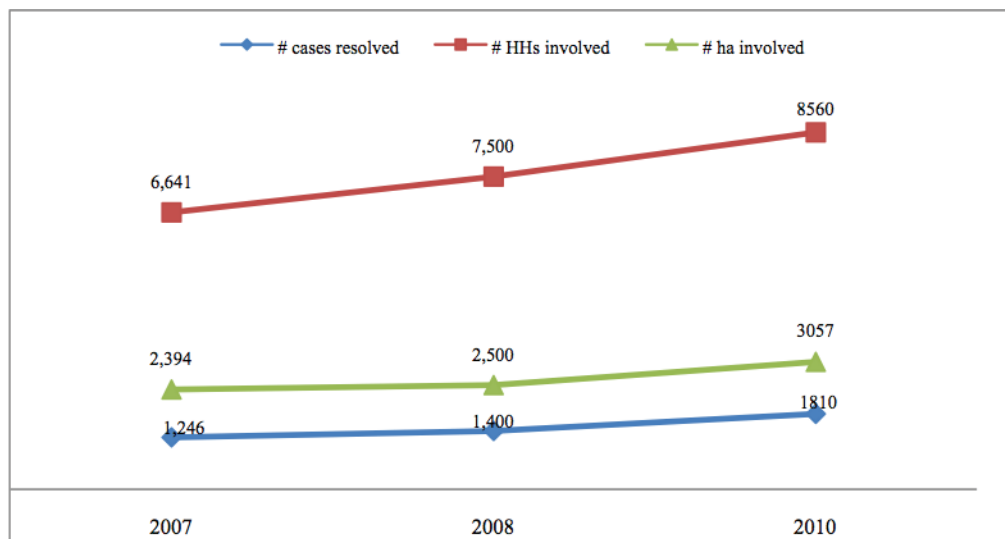
Number of Farms Based on Farm Size in the Philippines (1960-2002)



Source: PhilDHRRA. 2010. *Country Land Monitoring Report: Philippines*.

LINE CHART or LINE GRAPH:

Land Disputes Resolved by Cadastral Commission



Source: STAR Kampuchea. 2010. *Land Monitoring Report: Cambodia*.

useful to show a pie of eight roughly equal slices.

Pyramids come in triangle form and present hierarchical data. They are useful for demonstrating relations of inequality. See Figure 1 from Bangladesh, on socioeconomic class.

Lastly, maps are highly useful to demonstrate patterns, especially since land always has a geographic dimension. For instance, in the map (next page), we can see specifically in which areas there are mining concessions in Cambodia.

At the simplest level, we can use maps to show the location of whichever we are monitoring – where land disputes are occurring, or where economic land concessions are concentrated, for example. We can use the maps to show the geographic features of

our country to be able to establish the context better. For instance, we can show that our country is comprised of different islands, or is completely landlocked. To understand Nepal and its different tenure systems, development regions and agro-ecological regions, a map explains best.

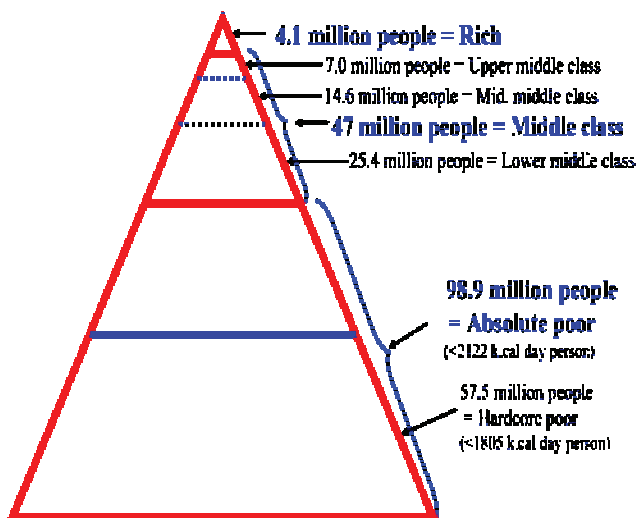
The section on Complementing your Research contains a short description on GIS tools for analysis. GIS-generated maps are powerful visual aids.

Don't Forget

- Choose the appropriate visualization tool.
- Graphs should always have immediate visual impact. It must aid the understanding of the reader, not further confuse!
- Cite the source/s of your data
- Always give your graph or chart a caption.
- Check if your units of measurement are correct. Choose appropriate *scale* (appropriate high and low values) for your graph.

PYRAMID:

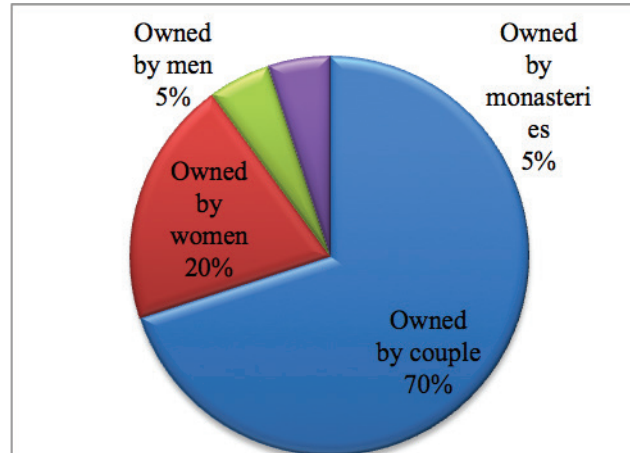
Figure 1: Socio-economic class in Bangladesh pyramid of Bangladesh



Source: ANGOC. 2011. *Women and Land Rights Regional Workshop*. Dhaka.

PIE CHART:

Distribution of Land Ownership by Land Titles in Cambodia



Source: Based on data from the Royal Government of Cambodia, 2010. Cited in STAR Kampuchea. 2010. *Land Monitoring Report: Cambodia*.

- Make sure to use a *legend*, which is a box that identifies patterns (e.g., stripes or dots) or colors representing your data categories.

MAP:

Mining Concessions in Cambodia



Source: OpenDevelopment Cambodia. 2011. http://www.opendevdevelopmentcambodia.net/kml-maps/concessions_for_mining.pdf

Many tutorials abound on the internet for making different kinds of graphs. Practice makes perfect. We encourage you to try and experiment. Consult researchers and academics (including your steering committee!) regarding how to best present your data. Also, you can “test” your graphs by asking people (especially from your target audience) what message your graph conveys. Strike a balance when choosing to work with graphs. Don’t overdo it. Do not use graphs for the sake of using graphs, or just because they look sophisticated. Check if people understand what you are trying to say. Don’t let the graphs detract from your real message.

The Help section of your Microsoft Office program (Hit F1) contains useful information on creating charts. Just search for it!

Learn More

The best explanations can be found in Microsoft online help and in the help section of your word processor.

<http://office.microsoft.com/en-us/excel-help/available-chart-types-HA001233737.aspx?CT=5&origin=HA010099739>

Digital Research Tools Wiki has a section dedicated to Data Visualization:

<http://www.roehampton.ac.uk/lskills/TLTP3/WN/NumeracyDiagrams.html>

<https://digitalresearchtools.pbworks.com/w/page/17801661/Data%20Visualization>

If you want to learn more about the fascinating art and science of visualization, do visit Many Eyes, an experimental site brought to us by the IBM Research and the IBM Cognos software group.

By exploring the site, you can learn more about the myriad ways data can be visualized. The best feature of the site is that you can actually upload your data set, visualize it, and receive feedback from others. Visit: *<http://www.many-eyes.com>*.

Annex C

The Land Reform Development Report/Index (LRDR/I)¹

Note: This section presents the Land Reform Development Report, before explaining its concomitant Land Reform Development Index more fully, outlining its proposed methodology for obtaining data and translating these into values to put in the index.

Constructing the Land Reform Development Index (LRDI)

The LRDI will be contained on one page. The challenging task of developing an index for land reform is best approached *simply*, as with the United Nations Human Development Index (HDI) which uses only three main indicators (life expectancy, education, and per capita GDP). In studying land reform, economists tend to use

Regional Report: The Land Reform Development Report/Index (LRDR/I)

The Land Reform Development Report (LRDR) will be a regional report accompanied by the Land Reform Development Index (LRDI). The standard report would run to approximately 50 pages, produced annually. It should be translated into the different languages for broader accessibility. There will be two versions –the extended or comprehensive version; and an abridged version for policy makers. The regional report consolidates and synthesises data and findings from the country reports.

For the LRDI, only two variables – land tenure and access to land – will be considered. Given limited resources, there is a need to reach the index and focus on what can be measured.

The budget cannot be assigned any value since values for outcomes on land tenure and access are entered on the other half of the equation $S(LT, A) = f(\text{budget})$ where S refers to the status of land tenure and access.

Further explanation for the exclusion of the budget in the LRDI can be found in the technical notes. Also, note that the indicators proposed are still subject to consultation with Land Watch Asia partners. Partners will be asked up to which level the data is available, and if it is easy to obtain. Otherwise, they can conduct primary research.

¹ Developing a Land Reform Development Index was proposed by Roel Ravanera; the idea was developed with Dr. Laksmi Savitri (SAINS) and Dr. Abul Barkat (HDRC and University of Dhaka) during the Experts' Meeting for the CSO Land Reform Monitoring Initiative in May 2010. This section provides general information on the LRDI, but this has been shelved at the moment. It will be pursued as a medium-term goal of the initiative. Presently, the main focus is to fine-tune the monitoring framework, which includes establishing definitions and methodologies for the indicators to provide a strong basis for comparability – which is needed for an index. This section is taken from the Asian NGO Coalition for Agrarian Reform and Rural Development. (2010a). *Advancing the land rights advocacy agenda in Asia: The CSO land reform monitoring initiative*. Highlights of the Proceedings from the Experts' Meeting, 12-13 May 2010, Bangkok. www.angoc.org/portal.

indicators like Gross Domestic Product (GDP); but the value of a CSO initiated index is its use of a *rights-based* approach.

The LRDI is a function of land tenure and access, assuming the formula:

$$\text{LRDI} = f(\text{land tenure, access}).$$

The Land Reform Development Index will assign *equal weights* to two broad variables on: **a) land tenure**; and **b) access to land**. Land access and tenure are equally important and thus will be assigned equal weighting for the index. The sub-indicators will explain why a country has a high or low LRDI value, thereby also indicating specific target areas for CSO advocacy. The maximum attainable value predetermined is 1.0 for the LRDI, according to which values countries will be ranked.

The value of the LRDI will range from 0 to 1, comprising 2 indexes: land tenure (LT) and land access (LA) index. At this stage, LT and LA are assigned equal weights. Each has a maximum value of 1; whatever value is attained will then be multiplied by 0.5 (or divided by 2), so that each indicator can

Sample Land Reform Development Index

	Bangladesh	Indonesia	Philippines
1. Land Tenure (<i>multiplied by 0.5</i>)	0.3	0.4	0.4
1.1 Number of persons killed per 100,000	0.00	0.188	0.125
1.2			
1.3			
1.4			
1.5 Land grabbed as percentage of total agricultural land	0.050	0.070	0.002
2. Land Access (<i>multiplied by 0.5</i>)	0.2	0.3	0.2
2.1. Gini coefficient	0.04	0.030	0.025
2.2.			
2.3.			
2.4.			
2.5. IPs	0.02	0.100	0.070
Land Reform Development Index (LRDI) value	0.5	0.7	0.6

get a maximum value of 0.5. The LRDI will have a total of 15-20 sub-indicators and a maximum of 10 indicators each for access to land and land tenure. Generally the fewer indicators there are, the better; but the index should strive to be as comprehensive as possible. In case the sub-indicators look identical, there is need to think of a margin; or drop one for the moment.

Values close to 0 suggest poor land reforms, whereas values that approach 1 reflect more positive state of land tenure and access. Values will probably be close to each other; no country will approximate 1, which represents the ideal situation.

To illustrate how the LRDI would be created, the first proposed sub-indicator of land tenure is the number of persons killed associated with land disputes, per 100,000 population, while the first for land access is the gini coefficient. Assuming land tenure has 4 indicators with equal weightings, each sub-indicator will have a maximum value of .25. In the hypothetical example as shown below, Bangladesh does not receive a score for the first LT indicator; Indonesia gets 0.188, while the Philippines receives 0.125. When all the sub-indicators for land tenure are added up, the total is then multiplied by 0.5 (since the land tenure index comprises half of the LRDI). In this case, the LT index for Bangladesh, Indonesia and the Philippines is 0.3, 0.4, and 0.4, respectively.

For land access, the case for IPs will be included as one of the sub-indicators. Bangladesh will be given

Sample range and index values for sub-indicator on # killed per 100,000 population

	# killed per 100,000 population	Assigned Value (0-100)	Value in index (weighted)
Bangladesh	210	0	0
India	104	50	0.125
Indonesia	34	75	0.188
Philippines	110	50	0.125
Canada	0	100	0.25

* Value in index is based on a total of 4 sub-indicators for land tenure, with a maximum value of .25.

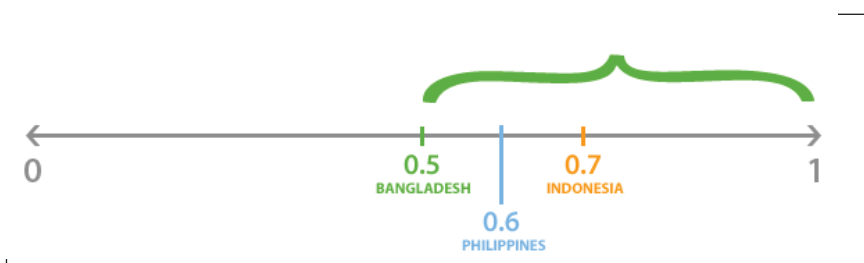
Assigned values for the sub-indicator on # killed per 100,000 population

# killed per 100,000 population	Assigned value (0-100)
0-50 = 100	100
101-150	50
151-200	25
200+	0

a 0.02, Indonesia 0.10, and the Philippines 0.07. Again, the total LA sub-indicators would ideally be 1; then multiplied by 0.5 to yield the LA index.

Adding the [weighted] LT index and the LA index, the LRDI is 0.5 for Bangladesh, 0.7 for Indonesia, and 0.6 for the Philippines. One common conclusion is that the three countries all lag in land access compared to land tenure. Indonesia would fare better than Bangladesh

Sample LRDI values for Bangladesh, the Philippines and Indonesia. The LRDI is expressed as a value between 0 and 1.



and the Philippines in terms of land access. Another conclusion is that these countries show LRDI values closer to 0 than to 1. (See figure below).

The sub-indicators will explain why a country has fared poorly or well, and point to specific areas for advocacy. For example, looking at the last sub-indicator for LA, it appears that the land grab situation is bad in Indonesia compared to the other countries. However, values for the two other countries are close to 0, all indicating that land grabbing incidence is high in all three.

In the graph below, the green bracket denotes the area that Bangladesh still needs to cover to reach the “ideal” state of land tenure as defined by the sub-indicators.

For the time being, equal weights will be assigned to all sub-indicators. Discussion and consensus building will be important with regard to defining and prioritizing indicators. Partners will be asked for the data to construct the LRDI. A similar methodology will be used across all countries. In the process, there will inevitably be situations, wherein people will criticise and debate about the weights assigned per indicator. Though all identified indicators are important, ultimately some indicators will be more important than others for some groups.

At the country level – weights can be determined by the partners. If countries think that something is more important and deserves more weight, they can freely do so for the national level report. Partners will nonetheless be reminded that there is a

common methodology; for the purposes of the LRDI, to be done at the regional level – weights will be necessarily uniform across all countries.

Countries will be ranked according to their respective LRDI. LRDI less than 0.5 is classified as having low LRDI; between 0.5 and 0.799

Categories of Land Reform Development (according to rank)

Categories	LRDI
High LRDI	0.8 – 1.0
Medium LRDI	0.5 – 0.799
Low LRDI	< 0.5

medium LRDI; and 0.8 to 1.0 high LRDI. If a country has low LRDI, ANGOC and Land Watch Asia will provide recommendations to move up to the next level and have medium LRDI.

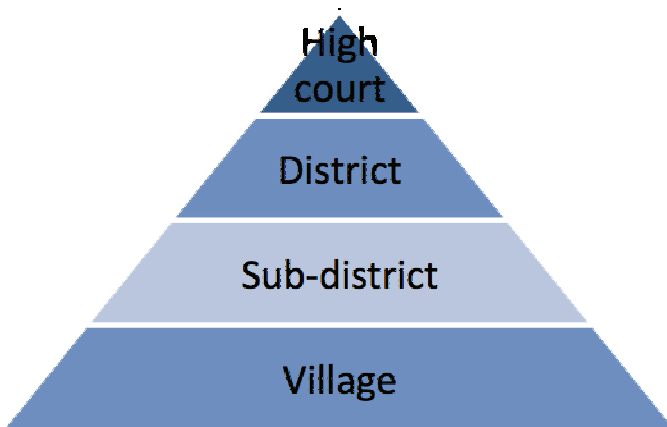
Various statistical tools to use are available, such as ranges and proportional distribution, which will depend on data availability of data. After processing the data, the range will be constructed. For example there are 6 countries.

For some, important indicators data may not be available; again, in which case, referring to the pyramid, it will only be available up to a certain level. Since monitoring is a continuous process, there will be scope in the next phase for moving towards the bases or lower levels of the pyramid – to get village level data. A major part of the population will be missing if only the higher levels are addressed. How best to reach that part – and how to make that institutional at the level of the countries - should be the job of advocacy groups. In this

way, after 5 or 10 years, the data will be more complete. ANGO C and its Land Watch Asia partners are launching this initiative, with a new methodology to estimate available data for the index.

A Few Guidelines for the LRDI

- When the data is not easily available, *primary* research is needed.
- For some indicators, a higher value will mean a higher score on the index; whereas for others, a lower value will merit a high score.
- Absolute numbers are not relevant, since country sizes vary. For the index, one



must take into account these differences in country sizes, by using a numerator and denominator to attain percentage figures. Also, it is useful to look at the incidence per 1,000 or 100,000 population.

- Use projected populations in case official data on population is dated or unavailable.
- In terms of the timeline, the reference period should ideally be the same. However,

sometimes this is not possible. Even the Human Development Report and World Development Report annex tables list data from various reference years. Different reference years are not problematic. In terms of agrarian reform, generally not too many changes occur within 3 to 5 years.

- Note that some indicators may be similar; if both are used, they will earn more value in the index.

A note on levels of data availability

Partners will be consulted whether the information is available at all in their respective countries. Furthermore, ANGO C will give a caveat – for partners to give whatever number is available and specify at which level the data is available. To illustrate, for the indicator on *number of persons killed due to land disputes per 100,000 population*, partners should identify whether the data is only available up to the high court level, or the district level, or readily available at the village level.

Once the figures are determined, ANGO C/the experts will have to decide which figures to use in the index. If, after consulting the partners, it is found that data up to the district level is available in all countries, then that could be the cut-off point. Some countries can report all figures, but for the purposes of the index, the cut-off point will be strictly the district level, to ensure *comparability* among countries.

Sources of information will be suggested. For killings, newspapers can be one source. But the Home Ministry or another relevant government agency will be able to provide some

figures regarding the number of persons killed. More important than the number of persons killed per se are those killings specifically associated with land disputes. The figure of persons killed given by the Home Ministry may be understated. But there are heuristic methods about this. One case in point – asking 5 retired inspectors general of the police the probable percentage of reality. One IGP would say 20%, the other 25%, still the other 30%, and so on and so forth. One gets the average figure of killing, which is 25% of reality, multiplied by which will yield a close picture of reality. One should sit with knowledgeable people – done through partners – to understand what could be the percentage of killings associated with land dispute. For instance, 5-10% of that killing is associated with land dispute.

The other way at arriving at the figures is to look at what is being reported, by compiling newspaper sources. Groups should not only look at national dailies, but also local journals. One will get a different figure, which should be extrapolated and compared with the other set. The results will be very close – with a 10% margin of error, which is acceptable.

Endnote

Learning from the HDI

Technical notes (explaining how the figures were derived) should be annexed for the LRDI, as is done for the HDI. Comparing HDI and LRDI can add value to the initiative. There must be a high positive correlation for *developing* countries. If HDI is high, LRDI will also be high. The HDR is issued annually. As part of the strategy, Land Watch can perhaps share its LRDI with UNDP, or even organize a joint launch.

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