

THE VIEW FROM THE ACADEME/RESEARCH INSTITUTIONS

**UP College of Social Work and
Community Development (CSWCD)**

National Spatial Mapping Initiative – Agrarian Reform Lands

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This presentation from the College of Social Work and Community Development (CSWCD) of the University of the Philippines (UP) gave an overview of the ongoing research conducted by

those who are part of the network of ANGOC especially at the local level in the Philippines, where many of the NGOs are using participatory approaches in community mapping. Specifically, it presented the “National Spatial Mapping Initiative – Agrarian Reform Lands” which aims to produce an interactive map showing the overlays of the different major tenurial arrangements and land uses, and examples of conflicting tenurial issues in certain areas of the country.

Why is land important?

- Land is a cross-cutting issue.
- Landlessness threatens the enjoyment of a number of basic human rights; e.g., right to food (as food is essentially grown on the land or cultivated from the sea).

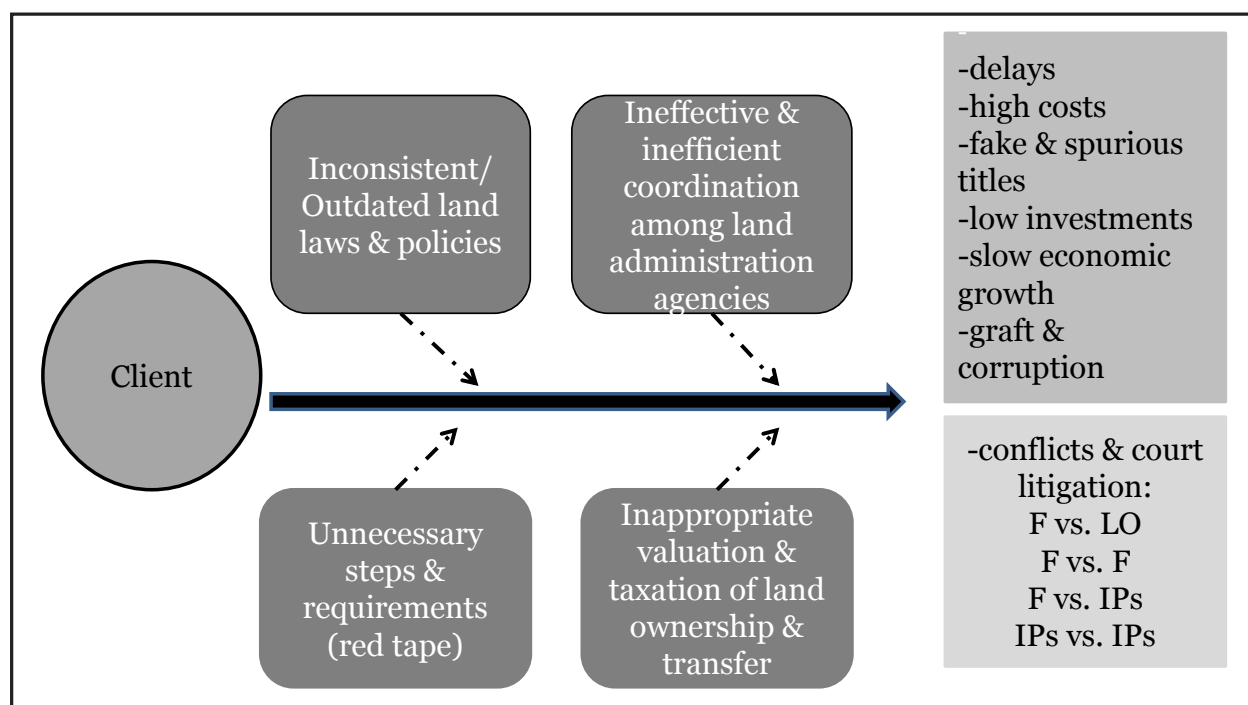


Figure 10: Issues in Land Administration

Source: Almazan, R. (2010). *Notes on enhancing land reform monitoring. Some practical experience from the Philippines*. UP-CSWCD [Powerpoint slides].



- Access to land is necessary to claim numerous economic, social and cultural rights, and as a gateway for many civil and political rights.

However, there is no right to land codified in international human rights law, except for the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT). And as guidelines—voluntary ones, at that—these do not have the binding force of a treaty. So without land, people may be deprived of some civil or political rights. In the Philippines, for instance, Filipinos were deprived of political rights during the time of the Spaniards and that resulted also in their lack of access to and rights to own and use land.

Issues in Land Administration

These are the issues that confront land administration in the Philippines. However, beyond focusing on the problem areas, more alarming are the effects of the problems: delays in obtaining one's land title, high costs for an ordinary citizen to have his or her land titled, a proliferation of fake and spurious titles, low investments in agricultural land since titles are not reliable, slow economic growth, and graft and corruption as a normal characteristic of land administration.

This then brings us to the situation of land conflicts and court litigation. Such conflicts can be categorized into different types depending on the parties involved. In previous years, most of the land conflicts were generally those of farmers vs land owners or companies (e.g., investment

companies or agricultural business companies). Today, however, there are now conflicts between farmers vs farmers, farmers vs indigenous peoples, and even indigenous peoples vs indigenous peoples over land.

INDONESIAN INSTITUTE OF SCIENCES (LIPI)

Enhancing Land Reform Monitoring Framework: A Government Institution's Perspective

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Agrarian Reform in Indonesia

In Indonesia, there have been three milestones for agrarian reform: (i) in the 1960s when the Soekarno government declared the implementation of land reform, (ii) in 2001 when the National People's Assembly or the MPR enacted the decision on the agrarian reform policy, and (iii) in 2004 when President Susilo Bambang Yudhoyono (SBY) announced the national vision about agrarian reform and stated that he was going to implement it in Indonesia. The agrarian reform program was designed by prominent academics from the Institute for Agriculture and also a government think tank established by SBY.

Lessons Learned from Indonesia's Agrarian Reform Pilot Projects, 2007 – 2014

The program was only partially implemented during the term of SBY, and was discontinued during the succeeding



government under President Joko Widodo (Jokowi). This has yielded a number of key observations about agrarian reform efforts in Indonesia: (i) Different regimes have different stands on land rights – e.g., what types of rights, who are the right holders, and what benefits derive from the rights, although overall economic policy is still inclined towards productivity and growth; (ii) “Extractive institutions” have grown very powerful and have greater policy influence at both the central government and the local government level; while the central and local governments are also competing over essential resources; (iii) Dualism about forest and non-forest lands (i.e., the concept of ‘state land’ and ‘state forest’ will always challenge individual and communal rights to access and use of land; the jurisdiction of the national land registration system over forestry areas and those outside forest areas).

Thus, there is a desperate need for institutional capacity empowerment. After evaluating the agrarian reform program in Indonesia, finding “champions” in the government is not easy. We must create them.

Land Reform Monitoring: “Seeing like a State” (Scott, 1998)

Now, from the perspective of government institutions, these are the impediments that the government faces in conducting land reform, particularly in Indonesia.

- *Real facts are too complex. They must be simplified into general yet strong data (numbers, graphs).*

When SBY stated his vision to implement agrarian reform in Indonesia, he asked the National Land Agency to give him figures as to how much land could be distributed to the poor people. So, his deputies worked very hard and came up with the number of 11.15 M hectares (ha). So SBY announced to the press in 2004 that agrarian reform would allow 11.15 M ha of land to be registered. But in 2007, the area was reduced. There was a problem with the assumptions as to the land that could be distributed based on the accuracy of the data. The National Land Agency had arrived at the figure of 11.15M ha based on the assumption that there are 8.15M ha of forest that could be processed under the proposed agrarian reform plan, plus another 3M ha from abandoned land. This illustrates how, in the government, real facts are too complex. It is best to simplify things by presenting data in actual numbers or graphs.

- *Program implementation gets trapped in technicalities, administrative accountability, and budget allocation purposes.*
 - The official mindset is bureaucratic, ‘top down.’ Even if the government is talking about general data, in implementation they get trapped in very specific technical and administrative bureaucratic matters.
- *A neo-populist government likes to ‘sophisticate’ its programs, using scientific language, although the implementation stands on existing structures and programs. Thus, making major changes is difficult.*



“Seeing like a State”...

- *State agencies do not work in unity. They are fragmented, divided.* – Even within the same institution, such as the National Land Agency, each deputy has his own targets, his own authority. Therefore, they compete against each other to maintain their targets.
- *There is no unity in perspectives, and no knowledge management about the vision and objectives of the agrarian reform program.* When SBY gathered several ministries—the Ministry of Forestry, the National Land Agency, the Ministry of Agriculture and the Ministry of Mining—they all seemed to understand and agree about the implementation of agrarian reform. But once they left the room, they had different interpretations. The Ministry of Forestry said they would conduct social forestry as a form of agrarian reform as it was giving access to the people. The Ministry of Agriculture had its own programs on sustainable land for food. The National Land Agency and the Mining Ministry each had its own interpretation as well. With such competition amongst one another, there is a risk for the regulations of each to ‘silence’ the others.

Evidence-based Policy – The process of agrarian reform cannot be effectively implemented if the data provided is not accurate or is not credible. This also happened in Indonesia.

- **Baseline data:** The National Statistics Bureau (BPS) has very limited indicators for land use, land

transfer, and land use change. There should be more indicators, such as women’s access to and ownership of land.

- **Data related to land:** The National Land Body, as the national body for land cadastre, is limited to non-forest areas; yet their land registration target has not reached 100% for such areas. Registration of forest areas is under the Ministry of Forestry, but is also very limited due to lack of officials.
- **National Basic Map** – Previously each institution had its own mapping methods. Now, based on the endorsement of CSOs in Indonesia, the government is acknowledging the National Basic Map as the main reference to reduce conflict in agrarian reform.
- **Knowledge about agrarian resources management and agrarian reform** also varies among academics and CSOs—one group talks about tenurial security, others about ownership rights, and still others about spatial rights—when in truth, these cannot be separated.

Next Steps for Enhancing LR Monitoring

- **Mainstreaming agrarian reform in national and local policy** – advocacy among government officials and the media
- **Availability and accuracy of data, baseline data, also providing alternative data** – standardized methods of data collection among CSOs

- Changing the bureaucratic mindset – bureaucratic reform, training for new government officials in key institutions
- Budget monitoring for more effective programs
- Local government advocacy – government “champions” need to be found locally
- Knowledge management on agrarian reform at the national, local and regional levels, in order to have a more united perspective on agrarian reform and rights by both the government sector and CSOs at these levels, through the following means:

- ◆ Create a national forum on agrarian databases, baseline data, research studies, and other agrarian resources – in accordance with the 2014 National Conference on Agrarian Reform (KNRA);
- ◆ Endorse evidence-based agrarian reform policy;
- ◆ At the regional level, gather academics and researchers (government and non-government) on agrarian reform to learn from the regional experience; organize regional conferences, publish and disseminate scientific journals.

How and Where LIPI can contribute?

- Alternative sources of data – mapping who does what, where and when. KPA has a national network that can support new sources of data related to land; while LIPI can contribute in designing the process.
- Mainstreaming agrarian reform and land rights in national policy:
 - ◆ Within the newly disseminated National Long and Mid-Term Development Planning Policy (the RPJMN) 2014-2019, agrarian reform is only casually mentioned, as if it is only “an additional program.” There is a need to make agrarian reform a mainstream program in the new government. LIPI is one government research institution that, together with CSOs, can contribute to endorse agrarian reform in mainstream policy.
 - ◆ National Strategic Planning on Conflict Prevention (adoption of Conflict Prevention Framework – LIPI, 2013) can also be used to mainstream land rights, since agrarian conflict is the number one type of conflict in Indonesia.

Human Development Research Centre (HDRC)

Improving Land Reform Monitoring Framework: Bangladesh Perspective

By Gazi Mohammad Suhrawardy (HDRC, Bangladesh) <gazisarowar@gmail.com>

Bangladesh Land Reform Monitoring Report

As presented in the Bangladesh Land Monitoring Report 2014, land reform has a long history in Bangladesh, with both government-led and market-driven dimensions.



But there was no initiative to monitor the land reform process (specifically, land reform activities, land reform limitations and challenges) before the first Land Reform Monitoring Report (LRMR) in 2011. The 2011 LRMR was the first of its kind in the country and most likely in the Asian region.

The Report put forth a Land Reform Monitoring Framework (LRMF), denoted as a Land Reform Development Index (LRDI), which has been acclaimed as an innovative and realistic means to track the state of land reform in a country. As the situation in Bangladesh stands now, the LRDI value for 2014 was found to have declined, which shows a worsening situation of the country's land reform situation.

Land Reform Monitoring Framework

The exercise of the LRMF has practical value in monitoring the directions of land reform in a country, as it makes it possible for the academia, research institutions, and policy makers to identify areas (by blocks/components, variables, and indicators) of priority interventions and advocacy towards pro-poor land reform. The state of land reform has been envisaged both in terms of inputs (e.g., budget, laws) and outcomes (e.g., land tenure, access to land) – with the input variables having 13 indicators. Data or information pertaining to the input block has been obtained from government official sources, in some cases directly and in some other cases estimated. Data/information for the outcome block was obtained mostly from relevant

research studies. In some instances, data from secondary sources were re-estimated to suit the purpose of the indicator; while in some other cases, due to non-availability of relevant data, expert judgment was sought.

Here is where there may be a problem regarding the data on which the LRMF was established and the LRDI was constructed. In cases where data/information has been obtained from government official sources – in some cases directly, and in some other cases estimated, there lies the risk of some subjective bias. In cases where data/information was obtained mostly from relevant research studies, there also lies a great problem. And in those instances when data from secondary sources were re-estimated to suit the purpose of the indicator, and in some other cases, due to non-availability of relevant data, expert judgment was sought, these could be very much subjective.

Recommendations for Improving the LRMF

The LRMF, as applied to the case of Bangladesh, suffers from lack of up-to-date, comparable and nationally representative data.

The following matrix depicts the indicators for which no research data is available, resulting in estimation based on the researchers' judgment, as well as indicators whose values are estimated on the basis of outdated (in some cases, 20 years back) data.



Table 5: LRMF Indicators with Research Gaps

No Research Data	Outdated Research Data
❖ Agrarian Reform Budget	❖ # people killed/ detained/ harassed per 100,000 population
❖ Foreign investment in land	❖ # cases received/ investigated/ adjudicated per 100,000 population
❖ # cases of land grabbing	❖ % area of land grabbed
❖ # households becoming totally homeless because of eviction	❖ Average time in years for dispute resolution & Annual loss of time due to disputes
❖ % of share croppers with legal documents	❖ Annual monetary loss/loss of asset associated with land dispute/litigation
❖ % of contract farmers' area in relation to total agricultural area	❖ # households evicted/displaced from farms/ per 100,000 population
❖ Bottom-to-top ratio	❖ % farmers having effective ownership of khas land
	❖ % total khas land distributed among landless farmers

Source: Barkat, A. and Sunrawardy, G. (2015). *Improving land reform monitoring framework: Bangladesh perspective HDRC*. [Powerpoint slides].

Considering the dearth of data, as well as the outdated status of available data, two suggestions are put forward:

1. Continuous research, both by public and private institutes, should be conducted to generate most up-to-date data; and
2. Research studies should be conducted to obtain nationally representative and comparable data (with minimum time variation). It should not be on a case-to-case basis, small-scale, or a spatial sample-sized research.

Almost all of the indicators lack the most ideal normative value. Hence, the expected ideal situation/normative scenario for each indicator by time deadline needs to be worked out through ongoing consultations

with grassroots activists, researchers, and community and policy actors.

Perhaps a new set of indicators may be considered. From the presentations made in this Regional Workshop, it is clear that land administration has a greater role in land reform issues. For example, counterproductive functions of local land administration affect both land tenure and access to land. For instance, indicators reflecting bottlenecks faced by marginalized people in accessing local land offices can be incorporated into the Outcome block of LRMF.

What can HDRC do?

- HDRC can conduct nationally representative, comparable studies to fill up the research gaps which are