



Other specialized surveys on the other hand have been conducted to respond to urgent statistical needs for development planning, such as the Post-Disaster Needs Assessment conducted in Nepal after the earthquakes in 2015 and 2018.

With regard to public access to land data, data are officially free for summary tables, while microdata come with a fee for reasons of privacy for Cambodia, Indonesia, Nepal, and the Philippines. In Pakistan, the PBS charges a nominal fee to data users outside of the government system.

## FINDINGS ON DATA AVAILABILITY FOR SDG 1.4.2

### Key features of “data availability” under SDG 1.4.2

The *availability* of national data for Indicator 1.4.2 is assessed along three research questions, to wit:

#### SDG 1.4.2

***“Proportion of total adult population with secure tenure rights to land, with legally recognized documentation, and who perceive their rights to land as secure, by sex and type of tenure”***

#### QUESTIONS on DATA AVAILABILITY

1. Is data on security of tenure rights to land *available*?
2. Is the data based on *legally-recognized documentation*?
3. Does the data include people’s *perceptions on security of tenure*?

In other words, the assessment of *data availability* for Indicator 1.4.2 looks into three factors: (a) the collection of data focused on land tenure rights and tenure security; (b) the collection of data based on legally-documented rights; and, (c) the collection of perception-based data about one’s security of tenure.

### Availability of land data at country level

The per country status of *availability* of data on land tenure security is reported in Table 5.



**Table 5. Availability of data on land tenure rights**

	Collects data on land tenure rights	Collects data on legally-documented rights	Collects data based on perception
Bangladesh	Yes	No	No
Cambodia	Yes	No	Partially
India	Yes	No	No
Indonesia	Yes	Yes	No
Kyrgyzstan	Yes	Yes	No
Nepal	Yes	Yes	No
Pakistan	Yes	No	No
Philippines	Yes	Yes	No

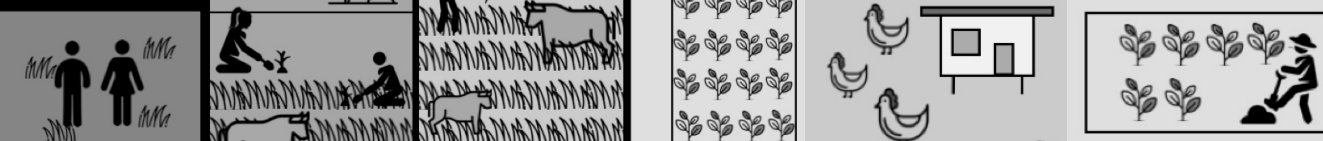
## Observations and findings

Key findings based on Table 5 are:

### ***On whether NSOs collect data on land rights:***

- All countries collect data on land tenure rights. Most NSOs collect land tenure data at the household level, except for Nepal and Kyrgyzstan, which collect ownership and tenure data at the level of each land or farm plot.
- Land data may come from several censuses/surveys and from data of government land agencies.
  - For example, in Kyrgyzstan the NSC collects land data from the country’s land registration and land titling offices.
  - In addition to data generated from censuses and surveys on land tenure security, the PSA of the Philippines and CBS of Indonesia also consolidate data from land agencies, and they use these data to report on SDG Indicator 1.4.2 and 5.a.1.
  - Given the multiple sources of data on land tenure security, and the diversity of land tenure systems among countries, it is difficult to establish comparability of data across countries.
- It should be noted that Cambodia and Kyrgyzstan come from unique historical contexts where all lands were previously taken over by the Central State. These countries instituted private property only in the past 25 years, and are still currently in the process of registering and redistributing lands to private households.<sup>5</sup> As such, land monitoring is conducted by their governments through data generated from titling and registration programs.

<sup>5</sup> The Cambodian Constitution of 1993 reinstated private property, and provides that “all persons, individually or collectively, shall have the right to ownership.” The Cambodian Land Law was later instituted in 2001. The Kyrgyzstan Constitution of 2010 recognizes diversity of ownership forms and guarantees equal legal protection of private, State, municipal and other forms of ownership.



- In Nepal, land data is gathered by CBS on a land parcel level. The data shows that, on average, a landowner in Nepal owns at least two small parcels of land with a total size below half of a hectare. This level of fragmentation of land parcels is a result of the complex land tenure systems in Nepal and the multiple land transfers that have occurred through generations of inheritance within the family, between individuals/families, and with the State or other religious/cultural institutions.
- A key issue is the interpretation of data on security of tenure over land. One key question is how to determine which tenure categories should be considered as “secure” in terms of tenure rights. For instance, are tenants considered to have security of tenure? In the case of Pakistan, for example, tenants may not be considered as having “security of tenure” especially where tenancy rights over land are not formally documented and have no formal enforcement mechanisms. In Nepal, the rights of tenants are protected and enforced by law, and also provided legal documentation by the State.

**On whether data on land is based on legally-documented rights:**

- For countries that collect data on legally-documented rights, the data is mainly sourced from the administrative records on land tenure instruments issued and/or registered by land agencies. These countries include Indonesia, Kyrgyzstan, Nepal, and Philippines.
- Most countries rely on household surveys and *self-declarations* for documenting land rights, without having to validate such results with land documents. The surveys often ask household respondents about their tenure status over their homelots and farm plots, but do not require them to show documentary proof (e.g., titles, registration papers, contracts, etc.) to support their self-declarations.
- When data on land tenure security is based on self-declarations, there is a tendency to over-declare one’s security of tenure. People are likely to assert or claim their rights to their homelots and farm plots, even if such right is not legally-recognized.
  - Responses based on self-declarations are affected by the mandate/s of the government functionary asking the question on tenure rights. In India and Pakistan, the land agency tasked to survey, register and administer lands is also often the revenue collector of land taxes – a remnant of the bureaucracy under the British colonial system that introduced the land revenue system. Land revenue departments are powerful bodies, and the general public is wary of the agency that maintains land records. Therefore, if the land agency does its own surveys, respondents are likely to give answers that the agency wants to hear, to avoid any consequences.
  - In the Philippines, the PSA noted that census/survey respondents are likely to overstate their tenure rights when self-declarations are not validated through formal documentation. Respondents are likely to assert their land rights even without legal



recognition, and they do this to avoid the threat of eviction from their homes. This can potentially skew the data, given the fact that censuses/surveys are administered by the Philippine government, which has in the past, evicted informal settlers from their homes, especially those living on public lands.

- The legal framework among countries also differ in terms of the importance given to legal documentation, and on whether such documents are kept within households.
  - In Nepal, much of *de facto* tenure among tenant-farmers is not documented or registered. Under existing law, a person who has been utilizing the land for more than 25 years, though without a land registration certificate, is also considered as the true owner of the land. Also, the Land Survey and Measurement Act of 1963 stipulates that land may be registered on the basis of an unofficial deed if it has been in the uninterrupted possession of an individual for 15 years.
  - In Pakistan however, agricultural tenants should have in their possession the proper tenancy documents; without these, tenants are unable to avail of government's support services. Thus, agricultural tenants are more likely to keep their tenancy documents in their homes. And in the case of a flood or natural calamity, the compensation is paid only to the landlord, not the tenant as contained in Ref Form 145 for compensation claims.
  - In addition, legal documentation of land rights is not a guarantee of security of tenure since there are many cases of overlapping claims and tenure instruments over common plots of land. This phenomenon was reported in Cambodia and the Philippines most notably concentrated in the traditional territories of indigenous peoples.
- There are existing proposals to use proxy indicators utilizing administrative data instead of self-declarations gathered through the use of survey and census:
  - In Bangladesh, the Ministry of Land is tasked to provide administrative data on land rights.
  - In Kyrgyzstan, a proposal is being pursued to use registry documents to report on SDG 1.4.2.
  - In Nepal, the Ministry of Agriculture, Land Management and Cooperatives has been assigned to produce administrative data for SDG 1.4.2.
  - In the Philippines, the Department of Environment of Natural Resources (DENR), Department of Agrarian Reform (DAR) and National Commission on Indigenous Peoples (NCIP) have been assigned to produce administrative data for SDG indicator 5.a.1. To date, the DENR and DAR have been able to generate and submit administrative data on tenure instruments issued, disaggregated by sex of rights holders.



### ***On whether data includes peoples' perceptions***

- All countries do not collect perception data on tenure rights.
- It was noted that Cambodia partially reports on people's perception of tenure security over land because the NIS, the NSO of Cambodia collects specific data on the experience of land conflict in their agricultural plot and migration/displacement as a result of land conflict. This data from the Cambodia Socio-Economic Survey of 2015 is an innovative strategy to measure tenure security over land specifically focusing on the level of threat experienced by households against land conflict. This method can also be used, if ever, for other threats such as armed conflict, natural disasters, and climate change, among others. (<http://www.nis.gov.kh/nis/CSSES/Final%20Report%20CSSES%202017.pdf>).

## **FINDINGS ON DATA QUALITY FOR SDG 1.4.2**

### **Key features of “data quality” under SDG 1.4.2**

The status of *quality* of national data for Indicator 1.4.2 is assessed along two research questions to wit:

#### **SDG 1.4.2**

***“Proportion of total adult population with secure tenure rights to land,***

***with legally recognized documentation,***

***and who perceive their rights to land as secure, by sex and type of tenure.”***

#### **QUESTIONS on DATA QUALITY**

##### **On SCOPE of COVERAGE:**

- Includes ***slums & informal settlements***
- Includes ***collective & communal land rights***

##### **On DISAGGREGATION:**

- By ***sex*** and ***type of tenure***
- By ***land size*** and ***income group***

### ***Quality of land data at country level***

***On scope of coverage.*** Available land data is assessed whether it reports on populations *in slums or under informal tenure* (including those living in public lands and public spaces, pastoralists and indigenous communities) whose tenure rights are not legally-recognized. These poorest sectors are sometimes not visible or are unaccounted for in government surveys, yet they are the focus of SDG Goal 1, and specifically of SDG Target 1.4. The second set of questions relates



to whether the reporting on land data includes tenure under *collective ownership* like the case of collective or cooperative farms, or recognized *communal rights* like for the case of indigenous peoples' lands.

**On disaggregation.** Available land data on security of tenure rights is assessed whether it is *disaggregated by sex, type of tenure, land size, and by income group*. Disaggregation by sex and by type of tenure are directly mentioned and are thus required for reporting on Indicator 1.4.2.

The country status of *quality* of data on land tenure security are reported in Table 6.

**Table 6. Quality of land data**

	SCOPE of COVERAGE		DISAGGREGATION			
	Includes Slums & Informal Tenure	Includes Collective/ Communal Tenure	By Sex	By Type of tenure	By Land size	By Income group
Bangladesh	No	No	No	Yes	Yes	Yes
Cambodia	Yes	Yes	Yes	Yes	Yes	Yes
India	Yes	No	No	Yes	Yes	Yes
Indonesia	Yes	No	Partial	Yes	Yes	Partial
Kyrgyzstan	No	No	Yes	Yes	Yes	Yes
Nepal	Partial	No	Yes	Partial	Yes	Yes
Pakistan	No	No	No	Yes	Yes	No
Philippines	Partial	Partial	Yes	Yes	Yes	Yes

## Observations and findings

### **On data on slums and informal settlements**

- Cambodia collects data on slums and informal settlements because of an active State program on land registration and titling, which involves the land distribution to homeless/ landless populations.
- India and Indonesia collect data on slums and informal settlements as part of their national censuses of population and housing. However, these censuses rely on self-declarations on land tenure, where the extent of landlessness and informal settlers may potentially be under-reported.
- The cases of the Nepal and the Philippines are similar to India and Indonesia. However, the NSOs in both countries admitted that the data on slums and informal settlements are under-reported.