

REGIONAL SUMMARY: PCLG DASHBOARD INDICATORS AND THE AVAILABILITY OF LAND INFORMATION IN EIGHT ASIAN COUNTRIES²

TEN COMMITMENTS ON PEOPLE-CENTRED LAND GOVERNANCE

At the International Land Coalition (ILC)'s Global Land Forum in 2013, members and participants from 47 countries in Latin America and the Caribbean, North America, Africa, Asia, and Europe expressed their commitment to operationalize the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)³ and the Africa Land Policy Framework and Guidelines (ALPFG)⁴ towards a shared vision of “secure and equitable access to and control over land that reduces poverty and contributes to identity, dignity, and inclusion.”

The Antigua Declaration of 2013 formulated ten actions on People-Centred Land Governance (PCLG). These actions define the forms of land governance that promote human dignity and well-being, poverty eradication, social justice and gender equality, inclusive and diverse societies, and protection of human rights.

Land Governance, according to the Food and Agriculture Organization (2009), is “the formal, informal and customary rules, mechanisms, processes and institutions through which land (and natural resources) are accessed, used, controlled, transferred, and by which land-related conflicts are managed.” By definition, ‘land governance’ therefore involves three components: (i) setting out rules (which can be legal or customary-based); (ii) defining access, use, control, transfer, and access to land; and, (iii) managing land-related conflicts.

People-centered, on the other hand means, “responding to the needs and protecting the rights of the women, men and communities who live on and from the land, respecting that they should be the ultimate

decision-makers on how their land and natural resources are used” (ILC, nd).

The ten actions on PCLG have been translated into the Ten PCLG Commitments, known as Commitment-Based Initiatives (CBIs) (see Table 1, next page.).

MONITORING THE PCLG

ILC launched the Dashboard Initiative in 2016 to determine a common group of indicators for each of the ten commitments of the People-Centred Land Governance as an attempt to monitor its progress at the country level. The Dashboard Initiative aims to “promote common and harmonized indicators developed by members within the ILC network, and support efforts by members to gather data according to these indicators, giving particular attention to citizen-led data” (Anseeuw, in ILC, 2017b).⁵

DASHBOARD INDICATORS VIS-À-VIS THE TYPES OF TENURE SECURITY

The Dashboard Indicators were formulated on the basis of assessing tenure security. In tenure security assessments, it is important to look into its three aspects: *legal tenure security*, *de facto tenure security*, and *perceived tenure security*.

Legal tenure security (referred here as “Legal/Law”) is the tenure protection backed by State authority. **De facto tenure security** (referred here as “Reality”) is the actual control of land and property, regardless of one’s legal status on the land. On the other hand, **perceived tenure security** (referred here as “Perception”) relates to the community’s own subjective perception that individuals within it will not lose their land rights through forced evictions. Indicators for these three tenure types may be identified as: (i) those defined by State policies; (ii) those that based on measurable and observable realities; and, (iii) those that consist of subjective perceptions of communities and individuals (see Figure 1, page 13).

² Written by Antonio B. Quizon, Nathaniel Don Marquez, and Marianne Jane Naungayan in behalf of the Asian NGO Coalition (ANGOC), Land Watch Asia, and the CBI-8 Working Group for Asia.

³ The VGGT are a set of guidelines on the governance of tenure endorsed by the Committee on World Food Security (CFS) in May 2012, which “set out internationally-accepted principles and standards for responsible practices, providing a framework for developing policies and programs for improving food security.”

⁴ The ALPFG was established by the African Union in July 2009 as a reference to guide the land policy processes in African countries—for protecting the rights of diverse communities and creating a stable economic environment for investment.

⁵ The Dashboard Initiative was later renamed to LANDEX in 2019.

TABLE 1. ILC'S TEN COMMITMENTS TO PEOPLE-CENTRED LAND GOVERNANCE






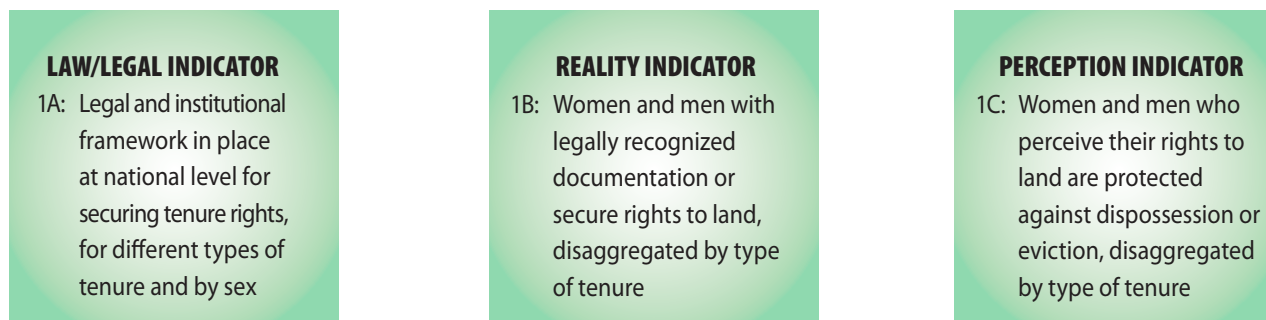
	1. Secure Tenure Rights —Respect, protect, and strengthen the land rights of women and men living in poverty, ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion, or exclusion, and with compulsory changes to tenure undertaken only in line with international law and standards on human rights.
	2. Strong Small-Scale Farming Systems —Ensure equitable land distribution and public investment that supports small-scale farming systems, including through redistributive agrarian reforms that counter excessive land concentration, provide for secure and equitable use and control of land, and allocate appropriate land to landless rural producers and urban residents, while supporting smallholders as investors and producers, such as through cooperative and partnership business models.
	3. Diverse Tenure Systems —Recognize and protect the diverse tenure and production systems upon which people's livelihoods depend, including the communal and customary tenure systems of smallholders, Indigenous Peoples, pastoralists, fisher folks, and holders of overlapping, shifting, and periodic rights to land and other natural resources, even when these are not recognized by law, and while also acknowledging that the well-being of resource users may be affected by changes beyond the boundaries of the land to which they have tenure rights.
	4. Equal Land Rights for Women —Ensure gender justice in relation to land, taking all necessary measures to pursue both de jure and de facto equality, enhancing the ability of women to defend their land rights and take equal part in decision-making, and ensuring that control over land and the benefits that are derived thereof are equal between women and men, including the right to inherit and bequeath tenure rights.
	5. Secure Territorial Rights for Indigenous Peoples —Respect and protect the inherent land and territorial rights of Indigenous Peoples, as set out in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, including by recognizing that respect for indigenous knowledge and cultures contributes to sustainable and equitable development and proper management of the environment.
	6. Locally-Managed Ecosystems —Enable the role of local land users in territorial and ecosystem management, recognizing that sustainable development and the stewardship of ecosystems are best achieved through participatory decision-making and management at the territorial level, empowering local land users and their communities with the authority, means, and incentives to carry out this responsibility.
	7. Inclusive Decision-Making —Ensure that processes of decision-making over land are inclusive, so that policies, laws, procedures, and decisions adequately reflect the rights, needs, and aspirations of individuals and communities who will be affected by them. This requires the empowering those who face limitations in representing their interests, particularly through support to organizations that inform, mobilize, and legitimately represent marginalized land users, and participate in multi-stakeholder platforms for policy dialogue.
	8. Transparent and Accessible Information —Ensure transparency and accountability, through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues at all stages, and through decentralization to the lowest effective level, to facilitate participation, accountability, and the identification of locally appropriate solutions.
	9. Effective Actions Against Land Grabbing —Prevent and remedy land grabbing, respecting traditional land use rights and local livelihoods, and ensuring that all large-scale initiatives that involve the use of land, water, and other natural resources comply with human rights and environmental obligations. Where adverse impacts on human rights and legitimate tenure rights have occurred, concerned actors should provide for, and cooperate in, impartial and competent mechanisms to provide remedy, including through land restitution and compensation.
	10. Protection for Land Rights Defenders —Respect and protect the civil and political rights of human rights defenders working on land issues, combating the stigmatization and criminalization of peaceful protest and land rights activism, and ending impunity for human rights violations, including harassment, threats, violence, and political imprisonment.

FIGURE 1. DIFFERENT TENURE SECURITY TYPES AND THEIR INDICATORS



Each of the PCLG Commitments have corresponding Dashboard Indicators that have been framed based on the above three types of indicators. For example:

FIGURE 2. EXAMPLE OF DASHBOARD INDICATORS UNDER PCLG COMMITMENT 1: “SECURE TENURE RIGHTS”



The Dashboard Indicators vis-à-vis tenure security indicator types may be therefore visualized in terms of a 10 x 3 matrix as shown in Table 2 below.

TABLE 2. ILLUSTRATION OF DASHBOARD INDICATORS VIS-À-VIS TENURE SECURITY INDICATOR TYPES

	LAW/LEGAL	REALITY	PERCEPTION
CBI 1			
CBI 2			
CBI 3			
CBI 4			
CBI 5			
CBI 6			
CBI 7			
CBI 8			
CBI 9			
CBI 10			

METHOD OF ASSESSING THE AVAILABILITY OF LAND INFORMATION USING DASHBOARD INDICATORS

In 2018, CSO researchers in eight Asian countries from the Land Watch Asia (LWA) Campaign prepared their LWA country monitoring reports.⁶ These researchers were from: Association for Land Reform and Development (ALRD) of Bangladesh; STAR Kampuchea (SK) of Cambodia; South Asia Rural Reconstruction Association (SARRA) and Foundation for Ecological Society (FES) of India; Consortium for Agrarian Reform (KPA) of Indonesia; National Union of Water Users Association (NUWUA), Kyrgyz Association of Forest and Land Users (KAFLU) and Rural Development Fund (RDF) of Kyrgyzstan; Community Self-Reliance Centre (CSRC) of Nepal; Society for the Conservation and Protection of the Environment (SCOPE) of Pakistan; and Xavier Science Foundation (XSF) of the Philippines.

In the process of preparing their country reports, the researchers conducted a parallel assessment of the availability of official government data based on their own research experience. This assessment was called ANNEX A (of the LWA country monitoring reports)—which is presented in Part 2 of this publication.

In October 2018, the country researchers met to discuss and summarize the results of the country assessments. Draft summary tables of the eight country assessments per PCLG Commitment were prepared by ANGOC to facilitate the discussion.

⁶ The LWA Monitoring Report for 2018 entitled *State of Land Rights and Land Governance in Eight Asian Countries: Forty Years After WCARRD* can be accessed at <https://angoc.org/portal/>

The researchers then conducted a rating exercise on the availability of land information for each of the PCLG Commitment. Researchers answered three assessment questions that were based on the three indicator types, i.e. on “Legal/Law,” “Reality,” and “Perception (*see Table 3 below*).

TABLE 3. ASSESSMENT QUESTIONS UNDER THE THREE TENURE SECURITY INDICATOR TYPES

TYPE OF INDICATOR	ASSESSMENT QUESTIONS FOR EACH PCLG COMMITMENT
Legal/Law	Do the statutes fully address the objective of the particular PCLG Commitment?
Reality	Is official data available on the status of implementation of the law/s?
Perception	Is there official data on community perceptions regarding law implementation?

They were given three possible responses to rate the availability of information specified in each of the PCLG Commitment (*see Table 4 below*):

TABLE 4. POSSIBLE RESPONSES TO THE ASSESSMENT QUESTIONS FOR EACH OF THE PCLG COMMITMENT


	YES (REPRESENTED BY GREEN)	PARTIALLY (REPRESENTED BY BROWN)	NO (REPRESENTED BY RED)
LEGAL/LAW	There are laws and policies addressing the particular objective/s of the PCLG Commitments.	Related laws and policies are available but do not fully address the objective/s of the PCLG Commitment.	There is no policy addressing the objective/s of the PCLG Commitment.
REALITY	Government provides national consolidated data on the status of implementation of the laws and policies.	Available data are not consolidated at the national level.	Government data are limited or lacking or inaccessible; or the Government is not willing to share data.
PERCEPTION	Government collects and provides data on community perceptions on the implementation of the law.	Government data on community perceptions on the implementation of the law are not gathered on a regular/periodical basis; or only cover specific areas.	Government does not collect data on community perceptions on the implementation of the law(s).

Another regional meeting on 13 February 2019 was conducted to present the updated summary tables, the regional findings, and recommendations. Further reviews by the partners were undertaken through email exchanges. The final results of the reviews are consolidated in this summary report.

The ratings given to the availability of information to the PCLG Commitments are presented in the next section.

ASSESSMENTS AND OBSERVATIONS ON THE AVAILABILITY OF LAND INFORMATION

TABLE 5. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 1: “SECURE TENURE RIGHTS”


	Commitment 1: Secure Tenure Rights			
	Respect, protect, and strengthen the land rights of women and men living in poverty, ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion, or exclusion, and with compulsory changes to tenure undertaken only in line with international law and standards on human rights.			
	YES	LAW	REALITY	PERCEPTION
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
NO				
BANGLADESH				
CAMBODIA				
INDIA				
INDONESIA				
KYRGYZSTAN				
NEPAL				
PAKISTAN				
PHILIPPINES				

Results reveal that six of the eight countries have statutes that fully address the objective of securing land tenure rights for women and men living in poverty. The policies and laws enacted by the Governments of Cambodia and Pakistan, however, only partially address PCLG Commitment 1.

With regard to the availability of data on implementation of the laws, all countries collect and provide partial or full official data on tenure rights. All countries collect data on land tenure—through national and sample surveys (on agriculture, housing or population) and/or through the different government administrative bodies (i.e., land registration offices, land-related ministries, and housing agencies).

As to perception-type data regarding the security of land tenure rights, majority of the governments do not collect nor provide such data. However, there are a few exceptions. In Cambodia, for instance, the National Institute of Statistics collected specific data on the experience of land conflict and migration/displacement as a result of land conflict, as part of the Cambodia Economic Survey of 2015.

TABLE 6. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 2: “STRONG SMALL-SCALE FARMING SYSTEMS”


	Commitment 2: Strong Small-Scale Farming Systems Ensure equitable land distribution and public investment that supports small-scale farming systems, including through redistributive agrarian reforms that counter excessive land concentration, provide for secure and equitable use and control of land, and allocate appropriate land to landless rural producers and urban residents, while supporting smallholders as investors and producers, such as through cooperative and partnership business models.			
	YES	LAW	REALITY	PERCEPTION
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
	NO			
BANGLADESH				
CAMBODIA				
INDIA				
INDONESIA				
KYRGYZSTAN				
NEPAL				
PAKISTAN				
PHILIPPINES				

In terms of ensuring equitable land distribution and public investment in support of small-scale farming systems, there are sufficient statutes as well as official data on their implementation status in Bangladesh, Indonesia, Kyrgyzstan, Nepal, and the Philippines.

All countries have existing legislations on agrarian reform, the redistribution of public lands, and land registration in support of small farmers and producers—although most of these tenure reforms have not been fully implemented, or have become dormant over time due to the lack of funding and political will.

Finally, most countries either provide partial or no data with regard to the perception of communities in relation to the implementation of the laws.

TABLE 7. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 3: “DIVERSE TENURE SYSTEMS”


	Commitment 3: Diverse Tenure Systems		
	Recognize and protect the diverse tenure and production systems upon which people’s livelihoods depend, including the communal and customary tenure systems of smallholders, indigenous peoples, pastoralists, fisherfolks, and holders of overlapping, shifting, and periodic rights to land and other natural resources, even when these are not recognized by law, and while also acknowledging that the well-being of resource users may be affected by changes beyond the boundaries of the land to which they have tenure rights.		
	YES	LAW	REALITY
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?
NO		PERCEPTION	
		Is there official data on community perceptions regarding law implementation?	
BANGLADESH			
CAMBODIA			
INDIA			
INDONESIA			
KYRGYZSTAN			
NEPAL			
PAKISTAN			
PHILIPPINES			

In relation to recognizing and protecting diverse tenure systems, most of the countries are seen to have “adequate” statutes, with the exception of Bangladesh, Pakistan and (partially) Cambodia.

In some countries such as Cambodia, India, and the Philippines—there are laws that provide for legal recognition and registration of indigenous people’s communal rights to land. In most of the countries, there are laws that recognize and regulate tenure rights, and provide varying levels of access and use of smallholders to land, water and forest resources on which their livelihoods depend.

Overall, governments do not collect perception data from indigenous peoples, pastoralists, fisherfolk and other land and resource users regarding their tenure rights and access.

TABLE 8. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 4: “EQUAL LAND RIGHTS FOR WOMEN”


	Commitment 4: Equal Land Rights for Women Ensure gender justice in relation to land, taking all necessary measures to pursue both de jure and de facto equality, enhancing the ability of women to defend their land rights and take equal part in decision-making, and ensuring that control over land and the benefits that are derived thereof are equal between women and men, including the right to inherit and bequeath tenure rights.			
	YES	LAW	REALITY	PERCEPTION
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
	NO			
	BANGLADESH			
	CAMBODIA			
	INDIA			
	INDONESIA			
	KYRGYZSTAN			
	NEPAL			
	PAKISTAN			
	PHILIPPINES			

Statutes relating to ensuring gender justice for land rights are deemed sufficient in Cambodia, Indonesia, Kyrgyzstan, Nepal, and the Philippines. The legal framework to ensure equal land rights for women is rated as partially-addressed in India and Pakistan, and not addressed in Bangladesh.

With regard to official data on equal land rights for women (i.e., implementation status of the laws), most of the countries generate and provide only partial data (India, Kyrgyzstan, Nepal, and Philippines), or provide no information at all (Bangladesh, Indonesia, and Pakistan). Official government data on women's land rights is either not generated at all, limited in scope or focused only on particular sectors, or else the overall land tenure data is not disaggregated by sex.

Furthermore, most of the governments do not generate perception-type data regarding equal rights for women, except for a few pilot projects such as the EDGE project in the Philippines and other countries, which gathers data on tenure rights of husband and wife, based on legal documentation and perception.

TABLE 9. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 5: “SECURE TERRITORIAL RIGHTS FOR INDIGENOUS PEOPLES”

	Commitment 5: Secure Territorial Rights for Indigenous Peoples Respect and protect the inherent land and territorial rights of Indigenous Peoples, as set out in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, including by recognizing that respect for indigenous knowledge and cultures contributes to sustainable and equitable development and proper management of the environment.		
	YES		
	PARTIALLY	LAW	REALITY
	NO	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?
	BANGLADESH		
	CAMBODIA		
	INDIA		
	INDONESIA		
	KYRGYZSTAN		
	NEPAL		
	PAKISTAN		
	PHILIPPINES		


Most countries do not provide for legal recognition of the territorial and land rights of indigenous peoples. The exceptions are Cambodia, Indonesia, and Philippines which have legislations that recognize and protect indigenous people’s land rights. The two most progressive legislations on indigenous peoples’ rights in Asia are the Philippines’ *Indigenous Peoples’ Rights Act (IPRA) of 1997*, and India’s *Recognition of Forest Rights Act (FRA) of 2006*. In the case of Cambodia, the Land Law of 2001 provides for collective land titling (CLT) for indigenous peoples, although the process has proven to be tedious, time-consuming and costly. In Indonesia, the Basic Agrarian Law of 1960 recognizes *adat* (customary) land, and although this law is still in effect, the specific provision on *adat* land has not been actively implemented.

Meanwhile in some countries like Bangladesh, colonial laws (CHT Regulation of 1900) placed certain areas, such as the Chittagong Hill Tracts, under special administration that gave indigenous communities living there a degree of autonomy and self-governance.

In countries that provide for legal recognition (and registration, in some cases) of indigenous peoples’ lands, the government generates the needed data on the implementation of the law.

However, most countries do not generate official data on how indigenous communities view their tenure rights or the implementation of laws that affect them.

TABLE 10. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 6: “LOCALLY-MANAGED ECOSYSTEMS”

	Commitment 6: Locally-Managed Ecosystems Enable the role of local land users in territorial and ecosystem management, recognizing that sustainable development and the stewardship of ecosystems are best achieved through participatory decision-making and management at the territorial level, empowering local land users and their communities with the authority, means, and incentives to carry out this responsibility.			
	YES	LAW	REALITY	PERCEPTION
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
	NO			
BANGLADESH				
CAMBODIA				
INDIA				
INDONESIA				
KYRGYZSTAN				
NEPAL				
PAKISTAN				
PHILIPPINES				


Statutes that enable the role of local land users in territorial and ecosystem management exist in Cambodia, Indonesia, Kyrgyzstan, Nepal, and the Philippines. These include laws pertaining to, i.e.—social forestry, community-based resource management, small-scale fisheries management, pasture leases to traditional pastoralist groups, establishment of water users’ groups, designation of community forests, etc.

With regard to Bangladesh and Pakistan, however, the governments have not enacted legislations in relation to this PCLG Commitment.

Partial official data on the implementation status of the laws are provided by Cambodia, India, Kyrgyzstan, Nepal, and the Philippines.

Almost all countries do not generate or collect perception-type data.

TABLE 11. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 7: “INCLUSIVE DECISION-MAKING”


	Commitment 7: Inclusive Decision-Making Ensure that processes of decision-making over land are inclusive, so that policies, laws, procedures, and decisions adequately reflect the rights, needs, and aspirations of individuals and communities who will be affected by them. This requires the empowering those who face limitations in representing their interests, particularly through support to organizations that inform, mobilize, and legitimately represent marginalized land users, and participate in multi-stakeholder platforms for policy dialogue.		
	YES		
	PARTIALLY		
NO	LAW Do the statutes fully address the objective above?	REALITY Is official data available on the status of implementation of the law/s?	PERCEPTION Is there official data on community perceptions regarding law implementation?
	BANGLADESH		
	CAMBODIA		
	INDIA		
	INDONESIA		
	KYRGYZSTAN		
	NEPAL		
	PAKISTAN		
	PHILIPPINES		

In terms of inclusive decision-making, there are sufficient and adequate statutes in Bangladesh, Indonesia, Kyrgyzstan, Nepal, and the Philippines. There are some laws that ensure the participation of individuals and communities in discussions and decision-making related to land and resource management and access—in Cambodia and India.

In terms of implementation status of the laws, five governments do not monitor or provide official data (Bangladesh, India, Indonesia, Nepal, and the Philippines). The rest (Cambodia, Kyrgyzstan, and the Philippines) only provide partial data from the government.

In Cambodia, data on rural communities' participation in land use development and decision-making may appear at different level of government. However, not all communes conduct regular meetings. Also, it is hard to find data on the contribution of vulnerable sectoral representatives in programs and policy formulation.

TABLE 12. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 8: “TRANSPARENT AND ACCESSIBLE INFORMATION”

	Commitment 8: Transparent and Accessible Information Ensure transparency and accountability, through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues at all stages, and through decentralization to the lowest effective level, to facilitate participation, accountability, and the identification of locally appropriate solutions.			
	YES	LAW	REALITY	PERCEPTION
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
	NO			
BANGLADESH				
CAMBODIA				
INDIA				
INDONESIA				
KYRGYZSTAN				
NEPAL				
PAKISTAN				
PHILIPPINES				


For transparency and accountability, sufficient and adequate statutes are present in Bangladesh, Indonesia, Kyrgyzstan, Nepal and the Philippines. On the other hand, the legal framework and policies in relation to CBI 8 do not fully ensure transparency, participation and accountability in Cambodia, India, and Pakistan.

It may be noted that a number of countries have instituted Freedom of Information (FOI) laws and policies. These include the countries of India, Bangladesh, Nepal, Pakistan, and the Philippines. In Cambodia, the Law on FOI was initiated in 2004 but it has not been enacted to date. However, there are still many problems relating to the implementation and functioning of FOI laws. The main problems stem from a lack of political will and transparency of government. The others include bureaucratic and procedural constraints, enforcement problems, a lack of knowledge of rights by citizens and a lack of understanding and appreciation of the law by officials and agencies, and formal limitations on the types of information and documents that can be accessed.

With regard to official data on the status of implementation of laws on transparent and accountable information, most of the countries have partial data and reporting on this particular PCLG Commitment. In most countries, there are more basic issues—i.e., related to the poor state of land records and dysfunctional land administration systems.

In terms of generating perception-type data or feedback from the public regarding transparency and accessibility of information, most countries do not produce such type of data.

TABLE 13. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 9: “EFFECTIVE ACTIONS AGAINST LAND GRABBING”

	Commitment 9: Effective Actions Against Land Grabbing		
	Prevent and remedy land grabbing, respecting traditional land use rights and local livelihoods, and ensuring that all large-scale initiatives that involve the use of land, water, and other natural resources comply with human rights and environmental obligations. Where adverse impacts on human rights and legitimate tenure rights have occurred, concerned actors should provide for, and cooperate in, impartial and competent mechanisms to provide remedy, including through land restitution and compensation.		
	LAW	REALITY	PERCEPTION
YES	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
PARTIALLY			
NO			
BANGLADESH			
CAMBODIA			
INDIA			
INDONESIA			
KYRGYZSTAN			
NEPAL			
PAKISTAN			
PHILIPPINES			


Majority of the countries studied have statutes that seek to prevent and remedy land grabbing and that respect traditional land use rights and local livelihoods. The legal framework and laws in India and Pakistan, however, only partially address the objective of PCLG Commitment 9. Bangladesh does not have any laws against land grabbing.

The key issues raised in relation to PCLG Commitment 9 are: the prevalence of land conflicts, corruption in the land sector, and violations against human rights that arise from land conflicts. Related to PCLG Commitment 9, there are also questions raised on whether governments provide sufficient social protection for communities in cases of large-scale public and private land investments. While most governments have instituted safeguards in the form of requirements for free, prior, and informed consent (FPIC) of affected communities, social and environmental impact assessments (SIAs, EIAs), and just compensation in cases of forced relocation—these are often breached or poorly administered in reality.

Implementation-wise, there are partial official data from the Governments of Cambodia, Kyrgyzstan, Nepal, Pakistan, and the Philippines. No official data can be found in Bangladesh, India, and Indonesia. In the case of large-scale investments, the required data is collected by government but is not made readily available to the public.

For most of the countries, no perception-type data is generated or is available.

TABLE 14. RATINGS ON THE AVAILABILITY OF INFORMATION ON PCLG COMMITMENT 10: “PROTECTION FOR LAND RIGHTS DEFENDERS”

	Commitment 10: Protection for Land Rights Defenders Respect and protect the civil and political rights of human rights defenders working on land issues, combating the stigmatization and criminalization of peaceful protest and land rights activism, and ending impunity for human rights violations, including harassment, threats, violence, and political imprisonment.			
	YES	LAW	REALITY	PERCEPTION
	PARTIALLY	Do the statutes fully address the objective above?	Is official data available on the status of implementation of the law/s?	Is there official data on community perceptions regarding law implementation?
	NO			
BANGLADESH				
CAMBODIA				
INDIA				
INDONESIA				
KYRGYZSTAN				
NEPAL				
PAKISTAN				
PHILIPPINES				

In terms of respecting and protecting the civil and political rights of land and human rights defenders, the Governments of India, Indonesia, Kyrgyzstan, and the Philippines are deemed to have statutes that fully meet the objectives of the PCLG Commitment 10. Cambodia and Pakistan have some laws (but not enough) for the protection of land and human rights defenders. There are no such statutes in Bangladesh and Nepal.

Existing legal frameworks have general provisions to protect individuals from violence and violations of human rights but there is often no specific law or legal provisions for land rights defenders. At times, protective measures are not provided especially when it is the government that is the violator of human rights.

Five countries have no official data on the implementation status of such laws. The Governments of Cambodia, India, and the Philippines have partial data on the state of the implementation of such laws.

Most of the countries do not generate nor provide perception-type data regarding protection of land (human) rights defenders.

CONSOLIDATED RATINGS—THE “DASHBOARD”

The earlier ratings presented in Tables 5 to 14 are consolidated in Tables 15.1 and 15.2, which covers PCLG Commitments 1–10:

TABLE 15.1. SUMMARY OF RATINGS ON THE AVAILABILITY OF LAND INFORMATION FOR THE 10 PCLG COMMITMENTS

YES	PCLG COMMITMENT 1 Secure Tenure Rights			PCLG COMMITMENT 2 Strong Small-Scale Farming Systems			PCLG COMMITMENT 3 Diverse Tenure Systems			PCLG COMMITMENT 4 Equal Land Rights for Women			PCLG COMMITMENT 5 Secure Territorial Rights for Indigenous Peoples			
	PARTIALLY	L	R	P	L	R	P	L	R	P	L	R	P	L	R	P
NO																
BANGLADESH																
CAMBODIA																
INDIA																
INDONESIA																
KYRGYZSTAN																
NEPAL																
PAKISTAN																
PHILIPPINES																

Legend:

The “L,” “R,” and “P” correspond to the three assessment questions for each of the PCLG Commitments:
 L = Law (Do the statutes fully address the objective/s of the PCLG Commitment/CBI?)
 R = Reality (Is official data available on the status of implementation of the law/s?)
 P = Perception (Is there official data on community perceptions regarding law implementation?)

TABLE 15.2. SUMMARY OF RATINGS ON THE AVAILABILITY OF LAND INFORMATION FOR THE 10 PCLG COMMITMENTS (CONTINUATION)

YES	PCLG COMMITMENT 6 Locally-Managed Ecosystems			PCLG COMMITMENT 7 Inclusive Decision-Making			PCLG COMMITMENT 8 Transparent and Accessible Information			PCLG COMMITMENT 9 Effective Actions Against Land Grabbing			PCLG COMMITMENT 10 Protection for Land Rights Defenders		
	PARTIALLY														
NO	L	R	P	L	R	P	L	R	P	L	R	P	L	R	P
BANGLADESH															
CAMBODIA															
INDIA															
INDONESIA															
KYRGYZSTAN															
NEPAL															
PAKISTAN															
PHILIPPINES															

SOME OBSERVATIONS

1. ON THE ASSESSMENT EXERCISE

- **Differences in opinion.** Since the assessment exercise was based on the researchers' experiences in preparing the Land Watch country studies, initially there were different opinions and ratings even among researchers of the same country, using the same set of qualitative data. This concern was resolved in the final tabulation by having the researchers from the same country discuss and agree on a common rating.
- **Compound indicators.** Most of the Dashboard Indicators (i.e., based on shortlisted indicators from the Asia Experts' Meeting in 2017) are broad and multi-dimensional, and this contributed to the difficulty in the conduct of the rating exercise. There are compound indicators that combine two or more measures into one idea. One example is the Dashboard Indicator 2a, i.e., on "equitable land distribution and re-distribution by size, productivity, and number of households" which looks into three variables—land size, productivity, and number of households.

Moreover, some of the PCLG indicators are qualitative, and are dependent on perception-based assessments. Particular examples are those looking into the effectivity of legal frameworks, effectivity of resource management, and mechanisms for dispute resolution.

- **Indicative assessment of data availability per country.** While there are inherent limitations in the draft indicators, the tables are still indicative of the overall access and quality of land data available per country. Scanning through the color-coded cells, it appears that Pakistan and Bangladesh have the most indicators marked out in red—suggesting that policies in these countries are the least conducive to achieving people-centered land governance. (See Tables 15.1 and 15.2.)

2. ON WHETHER THE LAWS ADDRESS THE OBJECTIVES OF THE PCLG COMMITMENTS

Most PCLG Commitments are supported fully or partially by the existing laws and legal framework in the countries included in this study.⁷

Government usually provides information on laws, policies, and programs through government websites, or by government agencies upon request. However, there are issues and challenges concerning the timeliness and public accessibility of these information. As pointed also in the LWA studies, many of these land-related tenure laws may run in conflict with each other.

3. ON THE AVAILABILITY OF DATA REGARDING “REALITY” INDICATORS

Available government data are often focused on outputs (example: lands distributed, houses built) rather than on the overall state of land tenure (example: landlessness, informal settlers). Official data are often aggregated in ways that are not compatible with the PCLG Commitments. Much of the data is not disaggregated by gender and/or tenure group.

CSOs and academe occasionally do their own assessments and research into reality as part of their evidence-based advocacy. However, their scope is often limited and are not conducted on a regular basis.

In terms of the availability of information on policy implementation, the PCLG Commitments where data are seen to be the **least available and least accessible** are:

- PCLG Commitment 3: Diverse tenure systems (see Table 7)

- PCLG Commitment 5: Secure territorial rights for IPs (see Table 9)
- PCLG Commitment 7: Inclusive decision-making (see Table 11)
- PCLG Commitment 10: Protection for land rights defenders (see Table 14)

Based on the country reports, some papers noted that data on PCLG Commitment 9 (Effective Actions Against Land Grabbing) are limited. In cases where some information is available (i.e. on land grabbing, land conflicts), these are usually collected and monitored by certain government line agencies (including police agencies and local governments), and in some countries by the judicial court system. However, the data is often not consolidated or systematically analyzed.

Thus, in a number of countries, it is the CSOs who conduct land conflict monitoring in a regular and more systematic manner. These include the annual land conflict monitoring reports prepared by KPA in Indonesia, monitoring of economic land concessions by the NGO Forum on Cambodia, and Kapaeeng Foundation’s monitoring of land conflicts involving indigenous peoples in Bangladesh. The major sources of these land monitoring studies include media reports, CSO field reports, analyzed data from judicial court systems, and reports from government land agencies where they exist.

4. ON THE AVAILABILITY OF PERCEPTION-TYPE DATA

A major gap across all Dashboard Indicators is the lack of perception-type data. In cases where perception data is available, they are often based on limited sample populations.

For certain areas, CSOs and the academe gather data on perceptions, though this is not done regularly on periodic basis. Some tools that CSOs use to gather data on perceptions include surveys, focus group discussions, consultations and public forums, experts’ opinions, citizens’ scorecards (e.g. “State of Asset Reform Report” conducted by the Philippine Partnership for the Development of Human Resources in Rural Areas or PhilDHRRA), shadow reports (e.g., the “Alternative

⁷ For details on these statutes, refer to the 2018 Land Watch Asia Monitoring Report entitled “State of Land Rights and Land Governance in Eight Asian Countries: Forty Years After WCARRD” (<https://angoc.org/portal/>)

CEDAW reports” in Bangladesh, Land Watch Asia’s land monitoring reports in Asia, the Philippines’ “State of Indigenous People’s Address,” and CSRC’s “Annual Social Audit” in Nepal).

In some cases, governments gather perception data, and implement “scorecard mechanisms” to monitor the impacts of infrastructure, education, and health services and projects. However, these are usually implemented only for foreign-assisted projects, and are not focused on the land tenure sector. Moreover, there are other perception-based data gathering exercises which are based on indices related to gender, good governance, and peace.

In each country, there are also private sector groups and public opinion polling bodies that undertake opinion surveys and consumer surveys; however, these often do not focus on land issues.

RECOMMENDATIONS

1. ON THE INDICATORS

- **Need for clarity on the definition of indicators.**

In terms of the PCLG Dashboard Indicators, there is a need to further define these indicators to address the findings referring to compound indicators that combine two or more measures into one idea. The parameters need to be defined.

2. ON THE QUALITY OF LAND LAWS

- **Need for parameters in assessing land policies.**

While land laws and policies pertaining to the PCLG Commitments are generally available in the eight countries, information regarding the quality and implementation of these laws and policies are limited. To further assess the land policies, information on the following areas could be gathered: (1) responsiveness to international agreements; (2) consistency in terms of the overall land policy; and, (3) scope, coverage and potential impact of existing policies (i.e., affected areas, target populations).

3. ON IMPLEMENTATION-TYPE DATA

- **Need to improve quality of data.** Almost all governments from the countries studied provide partial data on the status of implementation of land laws. However, the data in most cases are not disaggregated by tenure-types, gender or specific sectors (e.g. indigenous peoples). Government land agencies have different methodologies in generating data, and hence the difficulty in consolidating them at the national level.

4. ON PERCEPTION-TYPE DATA

- **Need for perception data.** In general, governments do not collect or produce official data on household and community perceptions regarding the implementation and impact of land laws. On the other hand, some CSOs have piloted approaches which generate local community perceptions and feedback data, especially on land tenure security, the issues that communities face, and the solutions that they propose. These initiatives need to be further documented and systematized. Also, CSOs need to scale-up their efforts and to conduct impact assessments with more regularity in order to strengthen their evidence-based advocacy for land rights.

CONCLUSION: FOUR THEMATIC AREAS

Clustering the indicators helps identify those CBIs that are closely linked to each other. It will also help to bring better focus to the overall monitoring process by identifying the main types of data indicators that are needed.

The ten PCLG commitments may thus be clustered into four overriding themes following specific topics of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), namely: (1) Policy, legal and organizational framework related to tenure; (2) Access to land by poor sectors, and redistributive reforms; (3) Resolution of disputes over tenure rights; and, (4) Transparency in land governance (see Figures 3 and 4, next page).