

PER-COUNTRY ASSESSMENTS: AVAILABILITY AND QUALITY OF RURAL LAND DATA IN BANGLADESH, CAMBODIA, INDIA, INDONESIA, KYRGYZSTAN, NEPAL, PAKISTAN, AND PHILIPPINES

In 2018, CSO researchers in eight Asian countries from the Land Watch Asia (LWA) Campaign prepared their LWA Country Land Monitoring Reports. (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/>)

In the process of preparing their country reports, they conducted a parallel assessment of the availability of official government data based on their own research experience. The researchers conducted a rating exercise on the availability of land information for each of the Dashboard Indicators.

In particular, the researchers assessed the availability and quality of government land data in relation to the indicators by answering the following questions:

- Are existing laws sufficient to meet the objective/s of the particular CBI?
- Is official data available on the status of implementation of the law/s?
- Are there any other data available from other sources (CSOs, media, academic or research institutions)?
- Comments on the indicator, if any.

Based on the perception of the researchers, there are three possible responses guided by the following parameters:

- **“Yes”** (represented by green)—if the data for the indicators are significantly provided, or if accessing 60–100 percent of the data is entirely free or at minimum cost
- **“Partially”** (represented by brown)—if the data for the indicators are not consolidated or are available with a high cost; and,
- **“No”** (represented by red)—if the data are totally unavailable.

In the course of preparing the Land Watch Country Monitoring Reports, the researchers solicited inputs as well from participating CSOs and grassroots organizations on their perceptions regarding availability of data and information on the proposed indicators.



COMMITMENT 1: SECURE TENURE RIGHTS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
1a. Documented land and water rights—number of women and men with legally recognized documentation or evidence of secure rights of land.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Though there is no official or CSO data on this, it can be said on various qualitative research findings that, about one-third of total adult women and men (indigenous peoples; potential heirs; grabber of <i>khas</i> land [government lands], vested property, etc.) do not have any legally recognized documentation or evidence of secure rights of land.
1b. Perceived tenure security—number of women and men who perceive their rights to land are protected against dispossession or eviction.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Only very few people (from the affluent and elite society) can perceive that their rights to land are protected against dispossession or eviction in the rent-seeking society where grabbing is a regular phenomenon.
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Old data is available from “Political Economy of Land Litigation in Bangladesh” by Barkat and Roy (2004) cited in Bangladesh Land Reform Monitoring Report in 2014.	Data were gathered from the 340 respondents using quantitative and qualitative methods.
1d. Recognition of customary rights, individual and communal.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	No recognition of customary rights, either individual or communal. However, Chittagong Hill Tracts (CHT) Regulation 1900 partly recognized the communal rights of Hill IPs over land.
1e. Violations of land and water rights	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Old data is available from “Political Economy of Land Litigation in Bangladesh” by Barkat and Roy (2004) cited in Bangladesh Land Reform Monitoring Report in 2014.	Data were gathered from the 340 respondents using quantitative and qualitative methods.

Legend:


yes



no



partially available

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
1f. Budget of national government allocated to tenure rights	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	No specific budget allocated to tenure rights.



COMMITMENT 2: STRONG SMALL-SCALE FARMING SYSTEMS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	<input checked="" type="checkbox"/> Old data is available from Agricultural Sample Survey of Bangladesh, 2005 <ul style="list-style-type: none"> • HHs having no land (14.03%) • HHs having 0.05 to 0.49 acres of land (38.63%) • HHs having 0.50 to 2.49 acres of land (49.86%) • HHs having 2.50 to 7.49 acres of land (10.34%) • HHs having 7.49 acres & above (1.17%) 	<input type="checkbox"/> Data is available on: <ul style="list-style-type: none"> • the percentage of contract farmers' area in relation to total agricultural area • the number and percentage of landless persons among rural population 	Gini coefficient/GINI Index of Bangladesh in 2016 is at 32.40%.
2b. Policies and programs in support for landless and small farmers enacted and implemented, funds for capacity building, rural infrastructure, climate change adaptation and mitigation; (disaggregated by gender).	<input type="checkbox"/> Data is available regarding <ul style="list-style-type: none"> • Government policies like <i>Khas</i> Land Distribution Policy and <i>Jalamahal</i> (waterbodies) Management Policy • Program/Projects for landless and climate victims: <i>Khas</i> land distribution program, <i>Asrayan</i> (sheltering) projects, <i>Gucchogram</i> (cluster villages) projects and <i>Gucchogram-2nd phase</i> (Climate victims rehabilitation project) • Number of beneficiary families, fund for capacity building etc. But gender-disaggregated data is not available. 	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Development strategies (like the 7 th Five Year Plan and National Budget 2018–19) are supportive of landless and small-scale producers. However, in reality, support services, capacity building, rural infrastructure, financing for small farmers and producers are not adequate.

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	The National Land Use Policy 2001 (Draft) and the National Land Policy 2016 (Draft) may support for sustainable land ownership and management of small-scale farms, if finalized and effectively implemented.



COMMITMENT 3: DIVERSE TENURE SYSTEMS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
3a. Recognition of a continuum of individual and communal rights: the law recognizes a range of rights held by individuals (incl. secondary rights of tenants, sharecroppers, women, etc.)	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Article 13 of the Constitution of Bangladesh recognizes three forms of ownership of land and other resources: State, co-operative, and private ownership. Individual rights over land is recognized by East Bengal State Acquisition and Tenancy Act (EBSATA) 1950. CHT regulation 1900 partly recognized the communal rights of Hill IPs over land.
3b. Respect for and enforcement of a continuum of people's rights.	<input checked="" type="checkbox"/> Data is not available from government.	<input type="checkbox"/> Full respect for and enforcement of a continuum of people's rights is absent.	Source: "A Study on Outcomes of the Vested Property Return Act and its Implementation Process" by Abul Barkat (2017)

Legend:

yes no partially available

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
3c. Number and area of community claims made, with registration and verification by government agency.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Land rights NGOs (like Nijera Kori, Speed Trust, CDA, LDO) and grassroots organizations identify <i>khas</i> land and water-bodies with collective claims; and support the process registration.	
3d. Policy and legislation developed and implemented that better enables and supports pastoralists, IPs, forest people, fisherfolk, and productive rangeland systems.	<input checked="" type="checkbox"/> There are some policies for the IPs, forest people, and fisherfolk but they are hardly implemented to better enable and support those marginalized people.		
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Customary rights are far from being recognized. The Government Forest Department, itself, grabs the lands of forest dwelling communities.



COMMITMENT 4: EQUAL LAND RIGHTS FOR WOMEN

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
4a. Distribution of agricultural and natural resource holders by sex	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> 15.8% of land at the household level in rural areas is owned by women. Average owned amount of agricultural land (including water bodies) by men in the rural areas is 46.2 decimal (0.19 hectares), which is only 7.2 decimal (0.03 hectares) among women <i>Cited in: Barkat et al Eds. (2017) Bangladesh Land Status Report 2015</i>	

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
4b. Proportion of total agricultural population with ownership or secure rights over agricultural land, forest, pasture and housing by sex; share of women among owners or rights-bearers of agricultural land, by type of tenure	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	While majority of the agricultural population are women, they suffer from limited (or almost lacking) ownership and rights to land.
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	While laws and policies maintain some degree of gender-sensitivity, in reality, there are hardly any gender-responsive governance mechanisms on land and other resources.
4d. Availability of an inheritance or family law	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> The Muslim, Hindu, and the indigenous communities have their respective inheritance laws (i.e. <i>Shariah Law</i> and <i>Dayabhaga Law</i>) which are often discriminatory among women (Barkat, et. al., 2014).	
4e. Number of women with tenure rights to land	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Most of the women do not have tenure rights to land.

Legend:

yes no partially available



COMMITMENT 5: SECURE TERRITORIAL RIGHTS FOR INDIGENOUS PEOPLES

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
5a. Recognition of indigenous peoples' autonomous right to lands, territories and resources and sacred ceremony sites in local and national legislation, policies, and programs.	<input type="radio"/> This right is partly recognized by the CHT Regulation 1900.	<input type="radio"/> CSOs conduct occasional field researches and workshops assessing the status of tenure security among indigenous peoples.	<i>Source: "Political Economy of Unpeopling of Indigenous Peoples: The Case of Bangladesh" by Abul Barkat (2016)</i>
5b. Effective implementation of tenure security of indigenous lands (in practice).	<input checked="" type="checkbox"/> No implementation of tenure security of indigenous lands (in practice).	<input type="radio"/> CSOs conduct occasional field researches and workshops assessing the status of tenure security among indigenous peoples.	
5c. Perception of tenure security and resource governance of indigenous lands.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Only the elites (upper-class and upper-middle class) of the Hill IPs can perceive their security of land tenure to some extent.
5d. Traditional land use and management plan recognized by government.	<input checked="" type="checkbox"/> Not recognized	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	



COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

For all the proposed indicators for this CBI, data is not available from CSOs or other sources.

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.	<input checked="" type="checkbox"/> No such initiatives are taken.	
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<input checked="" type="checkbox"/> 'Effective' policies and 'sufficient' resources are not available.	<i>Source: "Land Laws in Bangladesh: A Rights-based Analysis and Suggested Changes" by Abul Barkat, et. al. (2014)</i>

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
6c. Urban development planning should be in line with indicator 6a .	<input checked="" type="checkbox"/> Data is not available from government.	Urban development planning is not in line with the indicator as the latter itself is non-existent.
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<input checked="" type="checkbox"/> Data is not available from government.	Land use tenure systems lack sufficient levels of inclusiveness among mobile communities like Bedey, Jumia (CHT IPs who are accustomed to <i>jum</i> farming).
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<input checked="" type="checkbox"/> Data is not available from government.	In the remote areas—particularly in the CHT and the Sundarbans, natural resources may be utilized by the communities. However, the government does not recognize the sectors' governance over these resources.



COMMITMENT 7: INCLUSIVE DECISION-MAKING

For all the proposed indicators for this CBI, data is not available from CSOs or other sources.

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	<input checked="" type="checkbox"/> Data is not available from government.	There is one woman representative, one representative from farmers' organization and one from cooperative in the sub-district level <i>Khas</i> Land Management Committee; but they remain underheard in the committee meetings which are dominated by other high-class representatives.
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<input checked="" type="checkbox"/> Vested Property Return Act, Draft of Agricultural Land Protection and Land Use Act, and <i>Khas</i> Land Distribution Policies were formulated where recommendations of vulnerable representatives were widely reflected.	

Legend:

yes no partially available



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

For all the proposed indicators for this CBI, data is not available from CSOs or other sources.

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<input type="radio"/> There is free access to reliable data on land and land-related issues, to some extent, but it needs improvement to become more timely and updated.	Source: "Land Data and Bangladesh Bureau of Statistics: A Scoping Study on National Statistics Office in the context of SDG Indicator 1.4.2" by Barkat, A., Suhrawardy, M. G., and Osman, A. (2018).
8b. Regional and national information on public deals.	<input checked="" type="checkbox"/> Data is not available from government.	Right to Information Act 2009 is provides for the right to access available information.
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<input checked="" type="checkbox"/> Data is not available from government.	No such process is currently in motion.



COMMITMENT 9: EFFECTIVE ACTIONS AGAINST LAND GRABBING

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Are there any other data available from other sources (CSOs, media, academic or research institutions)?	Comments on the indicator, if any
9a. Effective land policy, legal and institutional framework for private and public investments in place and implemented to prevent land grabs, including the existence of procedural safeguards.	<input type="radio"/> National Land Policy 2016 is yet to be finalized which contains some clauses on land use planning (6.3) and land grabbing (6.12).	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	