



Asia LandWatch:

The PCLG Dashboard Indicators and the Availability of Land Information in Eight Asian Countries



INTERNATIONAL
LAND
COALITION

UNITED
FOR LAND
RIGHTS



Founded in 1979, the **Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)** is a regional association of national and regional networks of civil society organizations (CSOs) in Asia actively engaged in promoting food sovereignty, land rights and agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC member networks and partners work in 10 Asian countries together with some 3,000 CSOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy discussions with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

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

ANGOC is a member of the Global Land Tool Network (GLTN), Global Forum on Agricultural Research (GFAR), Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium and the International Land Coalition (ILC).



Land Watch Asia (LWA) is a regional campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Kyrgyzstan, Nepal, Pakistan and the Philippines. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy activities on access to land; jointly develop approaches and tools; and, encourage the sharing of experiences on coalition-building and actions on land rights issues. ANGOC is the regional convener of LWA.

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The views presented in this publication do not necessarily reflect the views of ILC’s strategic partners and donors.

Commitment Based Initiatives (CBIs) are multi-country initiatives that bring together members of the International Land Coalition (ILC) to develop partnerships and common strategies on one or more of ILC’s 10 commitments to People Centred Land Governance.

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ACRONYMS USED

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ALRD	Association for Land Reform and Development
AR Now!	Peoples Campaign for Agrarian Reform Network, Inc.
CARRD	Center for Agrarian Reform and Rural Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CBI	commitment-based initiative
CSRC	Community Self-Reliance Centre
FES	Foundation for Ecological Society
FGD	focused group discussion
ILC	International Land Coalition
KAFLU	Kyrgyz Association of Forest and Land Users
KPA	Consortium for Agrarian Reform
LWA	Land Watch Asia
NES	National Engagement Strategy
NHRC/I	National Human Rights Commission/Institution
NUWUA	National Union of Water Users Association
PCLG	People Centered Land Governance
RDF	Rural Development Fund
SARRA	South Asia Rural Reconstruction Association
SCOPE	Society for the Conservation and Protection of the Environment
SDGs	Sustainable Development Goals
SK	STAR Kampuchea
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests
XSF	Xavier Science Foundation, Inc.

LAND WATCH ASIA LAND MONITORING WORKING GROUP

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Association for Land Reform and Development (ALRD) was established in January 1991 as single-focused rights based national networking organization, mandated to facilitate the land and agrarian reform advocacy, mobilization and capacity building of its partners and allies in enabling access to and control over natural resources of the poor, landless and marginalized communities in Bangladesh. In the subsequent decades, ALRD emerged as a professionally trained knowledge network in the land sector to amplify the collective voice of the marginalized communities in Bangladesh. Currently, it has a network of 200+ NGOs and civil society organizations all across the country.

CAMBODIA



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STAR Kampuchea (SK) is a Cambodian non-profit and non-partisan organization established in 1997 dedicated to building democracy through the strengthening of civil society. SK also provides direct support to communities suffering from resource conflicts like land-grabbing and land rights abuses through capacity building and legal services.

INDIA



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The **Foundation for Ecological Security (FES)** works towards conservation of nature and natural resources through collective action of local communities. In India, FES has played a pioneering role in furthering the concept of *Commons* as an effective instrument of local governance, as economic assets for the poor and for the viability of adjoining farmlands.



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Founded in 1984, the **South Asia Rural Reconstruction Association (SARRA)** has the mandate to strengthen grassroot democracies in the South Asia region. SARRA has functioned as the regional partner of ANGO in building the capabilities of the NGO sector, CSOs and academic institutions to contribute in their empowerment and to enable them to actively participate in development processes. SARRA emphasizes the importance of traditional knowledge by blending with modern development techniques for the empowerment of the poor and powerless communities for their sustainable development.

INDONESIA



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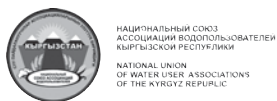
Established in 1994, the **Consortium for Agrarian Reform (KPA)** currently consists of 153 people's organizations (peasants, indigenous peoples, rural women, fisherfolk, urban poor) and NGOs in 23 provinces in Indonesia. KPA fights for agrarian reform in Indonesia through advocacy and the strengthening of people's organizations. KPA's focus on land reform and tenurial security, and policy advocacy on these issues has put the coalition at the forefront of the land rights struggles of Indonesia's landless rural poor, especially with indigenous peoples in several areas in Outer Java. KPA encourages a participatory and pluralistic approach which recognizes the development of different systems of land use and tenure to ensure land rights. KPA is a people's movement that has an open and independent character.

KYRGYZSTAN



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Established in 13 May 2010 as non-profit organization—Association of legal entities, the **Kyrgyz Association of Forest and Land Users (KAFLU)** unites 141 organizations from all regions of the country. KAFLU promotes the principles of sustainable management of land and forest resources adaptive to climate change, preventing conflicts and improving the living standards of villagers, making a worthy contribution to poverty reduction and food security in Kyrgyzstan.



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The **National Union of Water Users Association (NUWUA)** is a non-profit organization formed on the basis of voluntary participation, self-government, legality, publicity, openness, acting in the public interest with a view to coordinating and facilitating the activities and development of water user associations of Kyrgyzstan. The main objectives of the NUWUA are to: a) promote the development of WUAs; b) coordination of their activities; c) settlement of WUA relations with other economic entities and State bodies; and, d) attraction of loans, grants and other funds from donor organizations to provide technical assistance and improve the irrigation infrastructure of the viable water users' associations that have entered the Union.



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Established as non-profit and non-governmental research organization in 2003, the **Rural Development Fund (RDF)** conducts research, develops policy recommendations and implements activities in the field of rural development. RDF works with specific objectives in the field of forest community/joint management and rangelands, agricultural land, including working with small farmers on irrigation and gardening, working with local communities and developing policies to protect and secure their rights.

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Community Self Reliance Centre (CSRC) has been at the forefront of land and agrarian rights campaign in Nepal. CSRC educates, organizes, and empowers people deprived of their basic rights to land to lead free, secure, and dignified lives. The organization's programs focus on strengthening community organizations, developing human rights defenders, improving livelihoods, and promoting land and agrarian reform among land-poor farmers. Since its establishment, CSRC has constantly worked to transform discriminatory and unjust social relations by organizing landless, land poor and marginalized communities to claim and exercise their rights.

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Established in 1990, the **Society for Conservation and Protection of Environment (SCOPE)** is an NGO registered under Societies Act 160 of Pakistan. SCOPE's main focus is working for the protection of natural resources and environment. SCOPE works with national and international partners in order to achieve its objectives. SCOPE is engaged in highlighting issues of land governance in Pakistan through local partners. With the collaboration of Oxfam Pakistan, the National Peasants' Coalition of Pakistan (NPCP) has been formed to build and strengthen capacity of grassroots peasants and land rights organizations.

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People's Campaign for Agrarian Reform Network, Inc. (AR Now!) is an advocacy and campaign center for the promotion of agrarian reform and sustainable development. Its vision is to achieve peasant empowerment, agrarian and aquatic reform, sustainable agriculture and rural development.



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Center for Agrarian Reform and Rural Development (CARRD) is a non-stock, non-profit organization working for agrarian reform and rural development. CARRD believes in an inclusive rural development that is based on equitable access to and ownership of productive resources.



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Philippine Association For Intercultural Development (PAFID) is a social development organization which has been assisting Philippine indigenous communities to secure or recover traditional lands and waters since 1967. It forms institutional partnerships with indigenous communities to secure legal ownership over ancestral domains and to shape government policy over indigenous peoples' issues.



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Xavier Science Foundation, Inc. (XSF) is a non-political, non-stock, non-profit organization established and designed to encourage, support, assist, and finance projects and programs dedicated to the pursuit of social and educational development of the people in Mindanao. It is a legal and financial mechanism generating and managing resources to support such socially-concerned and development-oriented projects and programs.

REGIONAL



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Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), founded in 1979, is a regional association of national and regional networks of civil society organizations (CSOs) in Asia actively engaged in food sovereignty, land rights and agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC network members and partners work in 10 Asian countries together with 3,000 CSOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy discussions with national governments, intergovernmental organizations (IGOs) and international financial institutions (IFIs).

ANGOC is a member of the Global Land Tool Network (GLTN), Global Forum on Agricultural Research (GFAR), Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium and the International Land Coalition (ILC).

ANGOC is the regional convenor of the Land Watch Asia (LWA) campaign.

FOREWORD

Access to timely, transparent and reliable data empowers people and communities, and contributes towards democratizing land governance.

This publication analyzes the availability of land information in Bangladesh, Cambodia, India, Indonesia, Kyrgyzstan, Nepal, Pakistan, and the Philippines, as prepared by Land Watch Asia (LWA) partners.

Back in 2010, ANGOC and LWA started the CSO Land Reform Initiative to help build the capacities of civil society organizations in monitoring land tenure and access through evidence-based advocacy. In 2014, LWA then formulated a set of indicators under a Land Reform Monitoring Framework to help CSOs examine whether the rural poor's land tenure is more secure, and whether their access to land has been enhanced. These indicators looked at: (a) comparative data across countries, and (b) intermediate indicators that can be monitored in shorter periods as changes in land data can be "generational" (e.g., the impact of land reforms).

For 2018, the Land Watch Country Monitoring Reports focused on access to land information, transparency and governance through the regional initiative "*Sustainable, Reliable and Transparent Data and Information towards Responsible Land Governance*." This was supported by International Land Coalition (ILC) as part of its Commitment-Based Initiative on transparent and accessible information (CBI 8):

"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."

Public access to land information is one of the ten major pillars of ILC's People Centred Land Governance (PCLG). In relation to this, the ILC launched the Dashboard Initiative in 2017. ILC members and partners in Asia shortlisted the set of draft PCLG indicators during the ILC Asia Dashboard Experts' Meeting in Bogor, Indonesia in August 2017.

This publication is a contribution of ANGOC and LWA towards the Dashboard Initiative of the ILC. It contains rapid assessments on the

availability of land data and information in relation to the shortlisted PCLG indicators. The assessments were made by CSO researchers based on their own experiences in trying to access official government data while preparing their LWA Country Monitoring Reports in 2018.¹

This paper has two main objectives:

1. to assess the availability of official government data in relation to ILC's 10 Commitment-Based Initiatives (CBIs) and sub-indicators, and
2. to determine whether there are other information sources to complement official government data.

This publication is presented in two parts: **Part One** provides a **regional summary** of the country assessments done by CSO researchers regarding the availability of official land data on the 10 CBIs. The draft regional summary was initially formulated during the Land Watch Asia (LWA) Writeshop held on 22–23 October 2018, and later presented and discussed during the LWA Planning Meeting held on 13 February 2019 in Bangkok, Thailand. The latter event was participated in by Ward Anseeuw, focal point for the ILC Dashboard Initiative.

Part Two contains **eight per-country assessments** regarding the availability and quality of government land data in relation to the 10 CBIs and their sub-indicators. In doing their assessments, the researchers answered 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.

¹ 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/>

This publication provides insights into the quality and availability of land data and information that the various national engagement strategies (NES) and CBIs can collect and generate to further the Coalition's PCLG monitoring framework.

ANGOC extends its thanks to the following organizations for undertaking the country assessments: **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)** and **ANGOC** for the Philippines.

We acknowledge the work of Antonio "Tony" Quizon and Marianne Jane Naungayan in developing the review framework and in summarizing the country assessment studies for this regional report.

We hope that this publication shall enhance the discussion within the ILC and its partners towards the refinement of the Dashboard Initiative.

Rohini Reddy
Chairperson

Chet Charya
Vice Chairperson

Nathaniel Don Marquez
Executive Director

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



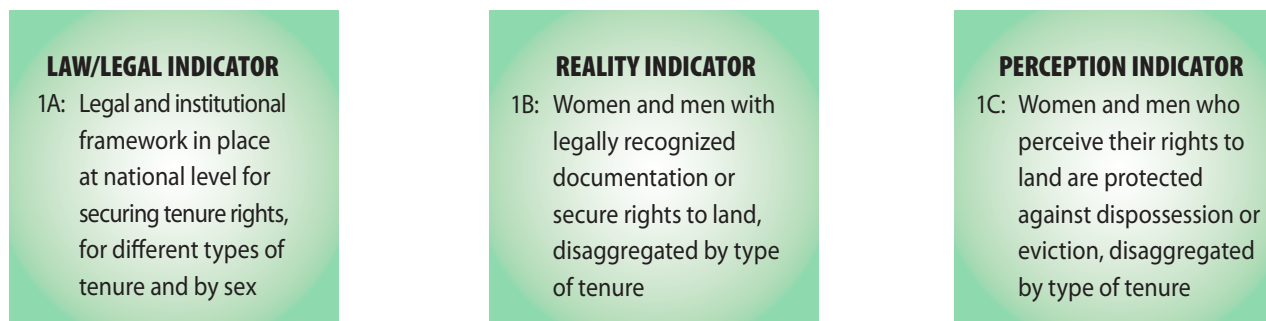
	1. Secure Tenure Rights —Respect, protect, and strengthen the land rights of women and men living in poverty, ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion, or exclusion, and with compulsory 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	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 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?
			Is there official data on community perceptions regarding law implementation?
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.		
	LAW	REALITY	PERCEPTION
	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?
YES			
PARTIALLY			
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.			
	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				


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).

FIGURE 3. THE 10 PCLG COMMITMENTS IN FOUR OVER-RIDING THEMES

CLUSTER 1: Data indicators on policy environment and legal framework		1. Secure Tenure Rights
		3. Diverse Tenure Systems
		6. Locally-Managed Ecosystems
CLUSTER 2: Data indicators on access to land by poor sectors		2. Strong Small-Scale Farming Systems
		4. Equal Land Rights for Women
		5. Secure Territorial Rights for Indigenous Peoples
CLUSTER 3: Data on resolution of conflict		9. Effective Actions Against Land Grabbing
		10. Protection for Land Rights Defenders
CLUSTER 4: Data on transparency in land governance		7. Inclusive Decision-Making
		8. Transparent and Accessible Information

Referring to the above VGGT themes, the clusters may be further described as follows.

FIGURE 4. DESCRIPTIONS OF THE FOUR THEMATIC CLUSTERS

CLUSTER 1: Data indicators on policy environment and legal framework (PCLG Commitments 1,3 and 6)		
<p>This set of data indicators pertains to policies and legal frameworks that promote responsible governance of tenure of land, fisheries and forests, which are dependent on, and are supported by, broader reforms in the legal system, public service and judicial authorities.</p>		1. Secure Tenure Rights
		3. Diverse Tenure Systems
		6. Locally-Managed Ecosystems
CLUSTER 2: Data indicators on access to land by poor sectors (PCLG Commitments 2,4 and 5)		
<p>This cluster refers to the protection of land rights and provision of redistributive reforms for the vulnerable and marginalized sectors consisting of small farmers and producers, rural women, and indigenous peoples, pastoralists, fisherfolk, and others. It emphasizes broad and equitable access to land and inclusive rural development, and guarantees equal access of men and women to land, fisheries and forests—especially where a high degree of ownership concentration is combined with a significant level of rural poverty and tenure insecurity.</p>		2. Strong Small-Scale Farming Systems
		4. Equal Land Rights for Women
		5. Secure Territorial Rights for Indigenous Peoples
CLUSTER 3: Data on resolution of conflict (PCLG Commitments 9 and 10)		
<p>This cluster focuses on land conflicts that affect communities and land rights defenders. It suggests the presence of impartial and competent judicial and administrative bodies that are timely, affordable, and effective in resolving disputes over tenure rights, including alternative means of resolving such disputes. These bodies should also provide for effective remedies and resolution services that are accessible to all.</p>		9. Effective Actions Against Land Grabbing
		10. Protection for Land Rights Defenders
CLUSTER 4: Data on transparency in land governance (PCLG Commitments 7 and 8)		
<p>This cluster emphasizes the need for democratic land governance systems characterized by accountable public institutions; the participation of sectors of the poor in decision-making bodies and systems of land administration; and public access to unhindered and timely information.</p>		7. Inclusive Decision-Making
		8. Transparent and Accessible Information

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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.	

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
9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Old information is available from the CSO-led “Bangladesh Land Reform Monitoring Report 2014”—i.e. there were 210 cases received per 100,000 population (Barkat and Roy, 2004)	The poor and marginalized sectors, including indigenous communities, have challenged land rights violation attempts. Examples are the cases of: Santal (Sahibganj–Bagda Farm), Rabidash, Orao, Patro & Santal (Chunarughat Tea Estate), Garo (Madhupur Eco-park), are among them.
9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Availing formal dispute resolution mechanisms is a challenge to majority of the people, regardless of sex and ethnicity.
9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Current/Updated Data is not available from CSOs. Old data, however, is available in the Bangladesh Land Reform Monitoring Report 2014.	
9e. Number of families restituted of their lands, by gender and by type 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.	Few families are fortunate to be restituted in their lands.
9f. Fair compensation and land restitution for affected families.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Compensation are made, but not on the basis of market price.
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	Corrective actions are taken occasionally.
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	There is no transparency in most cases.

Legend:

 yes no partially available



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

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
10a. Legal basis for the protection of land rights defenders.	<input checked="" type="checkbox"/> Existing legal frameworks have general provisions to protect individuals from violence and violation of rights but there is no specific law or legal provisions for land rights defenders.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	
10b. Protective measures taken.	<input type="checkbox"/> Measures are taken occasionally in the existing criminal law.	<input type="checkbox"/> Few CSOs occasionally have initiatives to protect land rights defenders.	
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<input checked="" type="checkbox"/> Data is not available from government.	<input type="checkbox"/> Kapaeeng Foundation gathered these data in their "Human Rights Report 2016 on Indigenous People's Right in Bangladesh."	
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<input type="checkbox"/> The justice system provides for the legal protection of individuals including land rights defenders involved in legal battles. However, at times, protective measures are not provided for it is the government and political elites that are the perpetrators of violations.	<input type="checkbox"/> Few CSOs occasionally have initiatives to protect land rights defenders, and in most cases, are subject to availability of funding.	
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.	No such effective mechanism is available.


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)?
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"/> There is no separation between men and women for land ownership—it is equal for everyone. The 2001 Land Law established the regulatory framework and ownership regime for immovable properties. It established five land categories, including State public land, State private land, private land, monastery land, and land of indigenous communities.	<input type="checkbox"/> Some NGOs document land ownership data covering national scope; while some cover some specific areas only.
1b. Perceived tenure security—number of women and men who perceive their rights to land are protected against dispossession or eviction.	<input type="checkbox"/> The Ministry of Land Management, Urban Planning and Construction (MLMUPC) releases annual reports providing data on land titles. For example: 4,881,582 land titles (66.7% of total land plots of the total 7 million land plots in Cambodia) were awarded as of 2017. These titles include: <ul style="list-style-type: none"> • 3,626,158 Systematical Land Titles; 641,623 Directive Titles; and 613,282 Sporadic Land Registration Titles • Communal Land Titles were awarded to 22 IP communities (covering more than 1,700 households). 	<input type="checkbox"/> There have been studies and references conducted on lands occupied by households without official titles.
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	<input type="checkbox"/> There are several conflict resolution mechanisms available: Administrative Commissions, Cadastral Commissions, Mobile Working Groups for Land Dispute, National Authority for Land Dispute Resolution and and Court System. The 2018 Annual Report of MLMUPC 2018 provides data on land-related cases: 1,375 cases received (where 976 cases were investigated and 208 cases were solved) through Cadastral Commissions and Mobile Working Groups for Land Dispute.	<input type="checkbox"/> NGO Forum on Cambodia releases national annual reports on land-related cases. Data sources are mostly from media which are verified by provincial network or working groups.
1d. Recognition of customary rights, individual and communal.	<input checked="" type="checkbox"/> The 2001 Land Law has provisions recognizing only the rights of indigenous peoples registered in Ministries.	<input type="checkbox"/> NGOs have reported about the clashes and disharmonies between formal legal rights and customary rights. Such reports were used as evidences to demand for IP rights.

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)?
1e. Violations of Land and water Rights	<input checked="" type="checkbox"/> No available data from government side and it has never been officially reported and shared publicly for such cases.	<input checked="" type="checkbox"/> CSOs collect data on the violation of land rights in specific areas. Reported data include: <ul style="list-style-type: none"> • 54,504 households affected by the land disputes. • Land disputes covered a total of 1,052,935.91 hectares (plantation land, residential/ village land, agricultural lands, community forestry land, forest protected land, IP land, and other public state land). • 11,863 households were forcefully relocated
1f. Budget of national government allocated to tenure rights	<input checked="" type="checkbox"/> MLMUPC allocates budget for ten community land titles (CLTs) annually. However, this was reduced to five CLTs in 2019 due to decreased applications from the indigenous communities. The National Authority for Land Dispute Resolution is another public mechanism and there is a separate budget line allocated by the government annually.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.



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)?
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.

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)?
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 checked="" type="checkbox"/> No data available for gender disaggregation The law on Social Land Concession was adopted through the government's sub-decree No.19 ANK/BK in 19 March 2003 which aims to award lands for poor homeless families, poor farming families, displaced families due to public infrastructure development, families suffering from the impacts of natural disasters, repatriated families, and demobilized soldiers and families of soldiers who became disabled or died in duty. However, the law also awards land to facilitate economic development, economic land concessions.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input checked="" type="checkbox"/> Such policy includes Contract Farming Policy under Ministry of Agriculture, Forestry and Fishery; however, this is being promoted by private sector companies such as AMRU Rice.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.



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)?
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.
3b. Respect for and enforcement of a continuum of people's rights.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs or other sources.

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)?
3c. Number and area of community claims made, with registration and verification by government agency.	<input type="checkbox"/> Data is not available from government.	<input type="radio"/> The media report cases of community claims (e.g. Phnom Penh Post, and Fresh News).
3d. Policy and legislation developed and implemented that better enables and supports pastoralists, IPs, forest people, fisherfolk, and productive rangeland systems.	<input type="checkbox"/> Data is not available from government.	<input type="checkbox"/> Data is not available from CSOs or other sources.
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	<input checked="" type="checkbox"/> Customary rights are recognized under the Community Forestry and Protected Area Laws which provide for local communities' access to covered forest areas. While these areas are under the management of the communities, community leaders are still in patronage under forestry officials.	<input type="radio"/> NGOs document cases in specific areas.



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)?
4a. Distribution of agricultural and natural resource holders by sex	<input type="checkbox"/> Data is not available from government.	<input type="checkbox"/> Data is not available from CSOs or other sources.
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 type="checkbox"/> Data is not available from government.	<input type="radio"/> Some NGOs conduct studies with gender-data disaggregation.
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	<input type="checkbox"/> Data is not available from government.	<input type="checkbox"/> Data is not available from CSOs or other sources.

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)?
4d. Availability of an inheritance or family law	<input type="checkbox"/> Data is not available from government.	<input type="checkbox"/> Data is not available from CSOs or other sources.
4e. Number of women with tenure rights to land	<input type="checkbox"/> No data disaggregated by gender is found. By law, there is no discrimination against gender over land tenure. For married couples, land titles are carried by both the names of the husband and wife.	<input type="checkbox"/> Data is not available from CSOs or other sources.



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)?
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 checked="" type="checkbox"/> The 2001 Land Law provides for the exercise of collective rights to land by the indigenous people where they have established settlements and practiced traditional agriculture. Sub-decree No. 83 on Communal Land Titling passed in 9 June 2009 details the Procedures of Registration of Land of Indigenous Communities.	<input checked="" type="checkbox"/> CSOs, particularly to those working on IP concerns, conduct periodical studies and reports on the actual enjoyment of rights by the IPs.
5b. Effective implementation of tenure security of indigenous lands (in practice).	<input type="checkbox"/> Sub-Decree No. 83 (24 April 2009) details the Procedures of Registration of Land of Indigenous Communities, 24 April 2009.	<input checked="" type="checkbox"/> Collective land registration process takes considerable time and resources despite of the existing mechanisms and procedures for collective registration. While in the process of collective registration, communities are challenged with competitions posed by economic land concession (ELC) companies. Limited knowledge among communities also limit their capacities in upholding land rights.

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)?
5c. Perception of tenure security and resource governance of indigenous lands.	<p> While the annual status of CLT awarding is reported by the Government, good practices and challenges faced by the IPs are rarely shared.</p>	<p> A total of 135 communities (of over 400 IP communities) have gained recognition under the Ministry of Rural Development.</p>
5d. Traditional land use and management plan recognized by government.	<p> In the case of CLTs, when a community gets the title, they come up with their rules and plans in the management of the acquired land. However, there have been cases of abuse in formulating these rules.</p> <p>Community Forest (CF) has annually submitted their plans to local authorities for further collaboration and alignment. The CF has worked in partnership with local authorities and sub-national public line agencies for further intervention and support.</p> <p>The CF has clear mandatory, internal regulations and its leadership; but real practice is a challenge, especially illegal encroachment.</p>	<p> CSOs have conducted studies on the customary use of resources among IP and non-IPs.</p>







COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

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
6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.	<p> Cambodian's Land Policy; Land Administration, Management and Distribution Program (LAMDP); and the Government's Strategy of Land Policy Framework provide for land and resource use planning.</p> <p>The data from Participatory Land Use Planning (PLUP) might provide data for policy and plan formulation; however, Land Use Plans are available at the sub-national and local level.</p>	<p> Some NGOs continue to work on land issue, especially in responding to conflict rather than land management planning in general. Further, there are NGOs engaged in community forestry programs which contribute to the promotion and strengthening of participations among communities.</p>	

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
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<input type="radio"/> Land Management Policy aims to ensure the efficient, sustainable, and equitable use of land and natural resources. Moreover, the White Paper on Land Policy promotes land and natural resource use management for sustainable and equitable socio-economic development. The MLMUPC and its line departments provide the technical assistance, while NGOs and other agencies provide financial support.	<input type="radio"/> The Open Development Cambodia (ODC) reported that while the Royal Government of Cambodia (RGC) made huge progress in developing policy, regulatory and administrative framework for land in Cambodia, the country continues to face significant problems concerning land disputes and evictions.	
6c. Urban development planning should be in line with indicator 6a.	<input type="radio"/> Laws on Land Management, Urban Planning and Construction, and Land Use Master Plan have provisions on the development masterplans which drawn up by the Committee for Land Management, Urban Planning and Construction (LMUPC) of Phnom Penh or the Sub-Committee for LMUPC of each province and municipality. However, information on the development process and levels of participation of the stakeholders are lacking.	<input type="radio"/> The report on “Urban Development in Phnom Penh” by World Bank (2017) provides recommendation on the improvement of urban planning in light of the challenges faced by district offices in the development of plans.	
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<input checked="" type="checkbox"/> There are no existing land use tenure systems provided for mobile communities in Cambodia. However, recently, there has been plans to relocate the floating communities of Kampong Chhnang Provinces to the land areas that would be provided by the Government.	<input checked="" type="checkbox"/> There have been many studies about the situation of people living in floating areas, especially in Tonle Sap.	Pastoral land use may not be relevant to the case in Cambodia
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<input checked="" type="checkbox"/> Community Forestry (CF), Community Protect Area (CPA), the Committee on Communal Land Titling, Community Fishery (CFi) are recognized by the Government. The data exist at the Forestry Administration (FA) and Fishery Administration (FiA) of the Ministry of Agriculture, Forestry and Fisheries (MAFF), Ministry of Environment, and MLMUPC.	<input type="radio"/> Information on effective community governance are available in NGOs, particularly in the ODC website. A number of studies conducted by the academic institutions, NGOs, and international donors found that most of these communities have not managed and governed the natural resource effectively while the deforestation, land degradation, and the decline of other resource continue unabated.	<div data-bbox="1644 1591 1812 1843" style="border: 1px solid black; padding: 5px;"> <p>Legend:</p> <p><input checked="" type="checkbox"/> yes</p> <p><input checked="" type="checkbox"/> no</p> <p><input type="radio"/> partially available</p> </div>





COMMITMENT 7: INCLUSIVE DECISION-MAKING

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)?
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	<p> Data on rural communities' participation in land use development and decision-making may appear at different level of government. For example, the data in the commune levels include the list of participants in commune planning meetings not necessarily on land concerns. However, not all communes conduct the regular meetings.</p>	<p> Some NGOs and international donors conduct studies on women participation in decision-makings.</p>
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<p> It is hard to find data on the contribution of vulnerable representatives in programs and policy formulations. Information on stakeholder's participation in decision-making are focused on the representations in the national level rather than in the community level.</p>	<p> A briefer from the Cambodian Center for Human Rights (CCHR) reported that most laws, policies, and development plans were drafted without the participation of the citizens. There have been no instances that a draft law was opened in public for discussion.</p> <p>A study also reported that SLC planning is not usually participated by the stakeholders.</p>



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

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)?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<p> The information related to the law, policies, reports on the improvement of land registration and dispute resolution, and other legal documents were shared publicly in the websites of the various Ministries.</p> <p>However, a lot of information and data are not publicly available (or not collected) and outdated</p> <p>The Law on Freedom of Information (FOI) was initiated in 2004 but it has not been enacted to date.</p>	<p> Some NGOs working on land sector have been documenting and releasing reports. However, in the last two years, there have been reservations among these NGOs to publicly share their documents due to some political sensitivity concerns.</p>

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)?
8b. Regional and national information on public deals.	<input type="radio"/> National data on public deals are mostly available in relevant Ministries upon request. These public deals data include projects on infrastructure, construction, agri-business, mining, animals and food production, among others.	<input type="radio"/> The NGOs working on land monitoring have the networks and linkages in the regional and national level that have access to information on land deals.
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<input checked="" type="checkbox"/> The law-making is based on official procedures. The land policy has described the principles of good governance, transparency, decentralization and de-concentration, and gender equity. There is also the Prakas (Notification) on the Guidelines and Procedures of cadastral land monitoring.	<input type="radio"/> A few NGOs conduct land monitoring studies on the implementation of policies. Results of these researches often do not match with the Government's data.











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)?
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 checked="" type="checkbox"/> Sub-decree on Economic Land Concession provides criteria and conditions in granting private and public investments: should be subjected to and passed the free, prior, and informed consent (FPIC), and Social and Environmental Impact Assessment. Also, Communal Land Titling follows the IP development policy, sub-decree and procedures of registration.	<input type="radio"/> Academic institutions and some NGOs (such as ADHOC, NGO Forum on Cambodia, DPA, SK, ADIC, among others) conduct studies on private and public investments.

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)?
9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description	<p> Relevant Government Ministries, Councils, sub-national mechanism of land dispute solution, the Cabinet of Prime Minister, the sub-committee of parliament, and the courts have records on violation reports, complaints, and petitions received. However, data are not consolidated and not classified according to the type of violation.</p>	<p> NGOs have produced reports regarding resource rights; however, some data in these documents are outdated.</p>
9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms	<p> The government established the mechanism for land dispute resolution, both outside the court and within the court system.</p> <p>There are 3 tiers of the court system dealing on land conflict. Case records in the courts are not disaggregated by conflict and resource type.</p> <p>Whereas, records from mechanisms outside the court system are submitted and stored at MLMUPC.</p>	<p> Some NGOs conduct land monitoring on dispute solution, such as the CCHR, ADHOC, Licadho, NGO Forum on Cambodia, and Equitable Cambodia.</p> <p>NGO reports, however, have not been updated.</p>
9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<p> The MLMUPC has created mobile working groups to resolve the land conflicts which generate data and release semestral reports in the MLMUPC website.</p> <p>Records in the judicial courts on land dispute resolution are less accessed due to the lack of data disaggregation by conflict and resource type.</p>	<p> Data from the reports of NGOs are not updated.</p> <p>Land dispute resolution cases are also available in articles released by media and news platforms.</p>
9e. Number of families restituted of their lands, by gender and by type of land.	<p> Data are available at the provincial offices and relevant Ministries on the number of families affected. However, data are not disaggregated by gender and type of land.</p>	<p> Some NGOs conduct land monitoring on land conflict cases such as the CCHR, ADHOC, Licadho, and NGO Forum on Cambodia.</p>
9f. Fair compensation and land restitution for affected families.	<p> The Government enacted the Law on Expropriation which provides for fair compensation for the affected families based on the market price. Related data are available in municipal and provincial offices rather than in relevant ministries.</p>	<p> Some NGOs conduct land monitoring on related data such as the CCHR, ADHOC, Licadho, and NGO Forum on Cambodia.</p> <p>News platforms also report cases on land restitution.</p>

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)?
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc.	<p>○ The RGC took further action to develop policies against land disputes with ELCs, ie. on the protection of leopards and the Directive 01, Inter-Ministerial Proclamations/Prakas on Strengthening ELC Management. These have resulted to the cancellation of a number of ELCs and the reduction of ELC project duration (from 90 to 50 years).</p>	<p>○ Some NGOs conduct land monitoring on related data such as the CCHR, ADHOC, Licadho, and NGO Forum on Cambodia.</p>
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<p>○ There are available information on land grabbing in the Ministry of Agriculture, Forest, and Fishery (MAFF), Ministry of Environment (MoE), Ministry of Commerce (MoC), MLMUPC, and provincial administrative offices on land use conversion (for industrial and tourism uses)</p> <p>Such information is not openly accessible to all until the process of conversion is completed to prevent petitions and further claims by other stakeholders/sectors.</p>	<p>○ A few CSOs compiled this information but often seen at Open Development Cambodia (ODC) website.</p>











COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS





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)?
10a. Legal basis for the protection of land rights defenders.	<p>✓ National frameworks on the protection of land rights defenders include Land Law, Civil Code, Procedure of Land Registration (systematic and sporadic registration), the Royal Decrees, Expropriation Law, Government Land Policy 2012, Sub-decree on Economic Land Concession, and Sub-decree on Social Land Concession. Cambodia also adopted international human rights instruments such as the Universal Declaration of Human Rights (UDHR), UN Declaration on the Rights of Indigenous Peoples (UNDRIP), International Labor Organization (ILO) Convention No. 169, International Covenant on Economic, Social, and Cultural Rights (ICESCR). These documents are publicly accessible through online sites.</p>	<p>○ NGOs, especially those promoting human rights and democracy, often produce reports on the challenges and threats faced by right defenders. Media such as RFA, RFI, and local radio, also report cases related to the protection of land rights defenders.</p>

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)?
10b. Protective measures taken.	<p> The constitution and related laws on the protection of land rights defenders provide for the unhindered expression of opinions, protests, and information by the citizens. However, implementation and enforcement of these laws are limited.</p>	<p> The changes in the political environment in the recent years have weakened NGO's space in upholding for the protection of land rights defenders. In most cases, land rights defenders suffer from injustices charging them with criminal offenses.</p> <p>These kinds of information are available from and reported by independent media and news platforms.</p>
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<p> Related data is rarely reported or shared publicly.</p>	<p> Some NGOs conduct land monitoring studies reporting the mentioned indicators. However, they are not updated in a regular basis. Further, independent media and news platforms reporting such kinds of information are closed down.</p>
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<p> Data related to dispute resolution are available mostly in the MLMUPC.</p> <p>Resolved land cases from the courts are not disaggregated by conflict type.</p> <p>The number of people killed, detained, and harassed are available in the Ministry of Interior (MoI) but they are not classified to whether these are caused by conflicts related on land.</p>	<p> There is some information available in the websites of few NGOs and media platforms.</p> <p>Only a few of the NGOs in Cambodia work on the protection of land rights defenders. Often, these NGOs are closed down by the Government.</p>
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<p> No land right defenders and their families were treated well. Under the current political climate, the defenders are seen as linked or affiliated with the oppositions—charging them with criminal offenses. In some case, though they are released from jail, they are still subject for close monitoring by the authority.</p>	<p> Some NGOs provide legal support for land rights defenders.</p> <p>Some Human Rights CSOs, and media and news platforms report updates on defenders' conditions.</p>


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)?
1a. Documented land and water rights—number of women and men with legally recognized documentation or evidence of secure rights of land.	 <ul style="list-style-type: none"> Lack of coordination and integration among the land related agencies. Compartmentalization of different departments related to land and other natural resources is India's heritage from British regime. 	 <p>The CSO sector documents case studies and researches. Data is not consolidated at the national level. Media (print and electronic) provide information occasionally but there are questions on the reliability of data.</p>
1b. Perceived tenure security—number of women and men who perceive their rights to land are protected against dispossession or eviction.	 <p>Land rights is regarded as a highly-sensitive issue in the Government as the parliamentarians are the big landlords in India.</p>	 <p>CSOs sector conduct field researches in collaboration with academic institutions. In some cases, results are featured in media platforms. However, there are no significant effort to consolidate and publish national data.</p> <p>The CSO sector needs to develop stronger and deeper partnerships with local communities to facilitate gathering of information from the ground.</p>
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	 <p>There are legal and institutional frameworks on securing tenure rights in India. However, there are loopholes that cause inequalities and injustices among the poor,</p>	 <p>Since the CSO sector works closely with local self-governments institutions, they are able to gather the situation and positions of the poor, landless, women, indigenous people, and fisherfolk related to securing their land rights.</p> <p>CSOs also provide awareness trainings and mobilizations to these sectors.</p> <p>Discussions on land rights issues are often regarded to be influenced by the political left; and therefore, viewed negatively by the government.</p>
1d. Recognition of customary rights, individual and communal.	 <p>Customary rights over public lands is recognized under the Forest Rights Act. However, communities are not able to claim their land rights due to the limitations/ lack of awareness on the law and organizational capabilities of indigenous communities.</p> <p>CSOs with partnerships with communities are black-listed by the Government.</p>	 <p>Data for this indicator are partially available from studies of CSOs and academic institutions as well as occasional media reports.</p>

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)?
1e. Violations of land and water rights	<p> Data on violations of land and water rights is available in relevant departments but it is not consolidated at State and national level.</p> <p>The Commission on Human Rights have data related to violation of land rights; however, but they are not digitally-coded and summary information is non-existent.</p>	<p> Print and electronic media are in the fore front to highlight and feature violations on land and water rights. The CSO sector in collaboration with the academic institutions conducts seminars on the issues of violations of land and water rights.</p>
1f. Budget of national government allocated to tenure rights	<p> We need the support services of software solutions to cull out data available online. People can get data under the Right to Information act (RTI). Data regarding funds allocated for land tenure can be obtained from different government departments.</p>	<p> Print and electronic media publish budget allocations at periodic intervals. Academic institutions such as those specializing in commerce and foreign trade have studies on budget allocations by the government. They also conduct periodic seminars, conferences and workshops on the issues related to land tenures and budget allocations.</p>



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)?
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	<p> Government provides data the land ownership distributed by size and cropping pattern. A three-tiered structure popularly known as <i>mandal</i>, <i>thaluks</i> and village revenue officers maintain the land records. Recently, computerization of land records has been completed and made available online. Only computer literate persons are in a position to handle the data related to ownership, size, and boundary demarcation.</p>	<p> CSOs had built pressure on the GOI in enacting a bill in the parliament under the employment guarantee program. CSOs are organizing and mobilizing landless people for strengthen their participation.</p>
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).	<p> GOI provides programs building the capacities of small farmers and landless people to enhance their agricultural production. National rural employment program ensures 100–150 days of employment for the poor and landless. Data on the number of beneficiaries of these programs are available in government websites.</p>	<p> Same as in 2a</p>



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)?
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input checked="" type="checkbox"/> GOI has enacted policies and framed rules and guidelines on sustainable land ownership for small-scale farmers. There are loopholes, however, in the existing policies on sustainable land ownership; hence there are hurdles in their implementation.	<input type="checkbox"/> CSOs promote the realization of equitable land ownership.









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 (specific comments from SARRA)
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"/> The Indian parliament has enacted comprehensive land reform legislations recognizing the rights of men and women farmers, including tenants and sharecroppers. Indigenous people's rights, both individual and communal, are recognized in Forest Rights Act (FRA). Consolidated official data are available in relevant government websites.	<input type="checkbox"/> CSO, in collaboration with academic institutions, conduct validations of existing official data.	
3b. Respect for and enforcement of a continuum of people's rights.	<input type="checkbox"/> GOI places greater importance to people's rights. However, inequalities and landlessness remain rampant in rural areas.	<input type="checkbox"/> CSOs are undertaking field-level researches and advocacy campaigns; however, CSO demands are not usually recognized by the Government.	





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 (specific comments from SARRA)
3c. Number and area of community claims made, with registration and verification by government agency.	 As per the Forest Rights Act (FRA) 2006, local communities are empowered to be able to demarcate their ancestral domains.	 CSOs provide support to communities in filing and processing community claims.	Realization of community rights over ancestral domain is hard to accomplish. it may not lead to secure tenure rights.
3d. Policy and legislation developed and implemented that better enables and supports pastoralists, IPs, forest people, fisherfolk, and productive rangeland systems.	 Polices include Joint Forest Management (JFM) and Community Forest Management (CFM).	 The CSO sector is making significant initiatives to raise awareness, organize, and mobilize tribal communities and fisherfolk.	
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	 Land-related departments have not made major attempts to restore customary rights of forest-dependent communities. Data on forest users and community rights do not exist.	 CSO sector actively enhances the capacities of forest dwelling communities to achieve legal recognition on their land rights.	



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)?
4a. Distribution of agricultural and natural resource holders by sex	 Disaggregated data related to agriculture and natural resources holders by sex are available but not consolidated.	 Initiatives on documenting women's rights are done by the CSO sector.
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	 Gender-disaggregated data on agricultural land ownership are available in the annual reports of the rural departments of the GOI. Data on housing tenure rights, on the other hand, are limited.	 Due to the limited participation of the academe and government agencies in CSO initiatives, it is difficult to develop effective designs and framework for gathering, processing and reporting data on land.



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)?
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	<input checked="" type="checkbox"/> National framework is available that complies with the CEDAW.	<input type="checkbox"/> CSO sector has remained highly sensitive regarding the gender equity dimension which includes concerns on land and natural recourses.
4d. Availability of an inheritance or family law	<input checked="" type="checkbox"/> The national legal framework clearly recognizes equal inheritance rights of women. However, the culture of patriarchy still dominates the society.	<input type="checkbox"/> CSO sector has remained active field researches on land tenure rights of women. CSOs have segregated data on land reform beneficiaries.
4e. Number of women with tenure rights to land	<input type="checkbox"/> Data are available but not consolidated at the State and national levels.	<input type="checkbox"/> CSO sector maintains records on land data and women with tenure rights.



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)?
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 checked="" type="checkbox"/> Forest Rights Act (FRA) clearly empowers indigenous communities and recognizes their rights over ancestral domains. They right to social justice and human rights are as well recognized.	<input type="checkbox"/> There is limited to lacking engagements of the government with the CSO sector in promoting for secure land rights of indigenous people.
5b. Effective implementation of tenure security of indigenous lands (in practice).	<input type="checkbox"/> While the national government has policies concerning indigenous people's rights, they are often not properly implemented.	<input type="checkbox"/> Occasional field documentations and workshops reveal the status of tenure security and struggles of indigenous people.
5c. Perception of tenure security and resource governance of indigenous lands.	<input type="checkbox"/> Mechanisms to measure perception of tenure security are lacking among government agencies.	<input type="checkbox"/> Occasional field documentations and workshops reveal the status of tenure security and struggles of indigenous people.

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)?
5d. Traditional land use and management plan recognized by government.	<input type="radio"/> While policies are in place, actual situations in the local levels do not improve due to the top-down approach in decision-making.	<input type="radio"/> CSO sector occasionally documents experiences of partner IP communities.







COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

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 (specific comments from SARRA)
6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.	<input type="radio"/> Local self-government units (LSGUs) have the mandate to formulate comprehensive land use plans but adequate technical support systems are lacking.	<input type="radio"/> CSO sector helps local communities to undertake participatory, integrated and sustainable development plans.	
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<input type="radio"/> National framework for land use planning exists. It also provides for the preparation of local land use plans but technical guidance and support services are not available from official agencies.	<input type="radio"/> CSO sector helps LSGUs undertake participatory planning excises and documentation related to ancestral domain, forest, water and land use. Adequate budget, however, is not available to enable the LSGUs effectively implement the plans.	
6c. Urban development planning should be in line with indicator 6a.	<input checked="" type="checkbox"/> There are guidelines in formulating land use plans both for urban and rural areas.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.	
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.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.	Indicator on 6d is not relevant in India because significant percentage of mobile communities are located in small towns and metropolitan cities, they are also known as nomads.

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 (specific comments from SARRA)
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	 Data on land governed by local communities are available in different agencies like the Revenue Department, Fisheries Corporations and Water Resource Corporation.	 Data is not available from CSOs nor other sources.	



COMMITMENT 7: INCLUSIVE DECISION-MAKING

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)?
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	 LSGUs in rural areas are known as <i>Panchayats raj</i> institutions. Fifty percent of the composition of these institutions are reservations for women. <i>Gramashaba</i> (Village parliament) functions as the supreme authority in designing and developing suitable mechanisms to enable vulnerable women and youth to participate in the decision-making process. Hence, GOI as well as provincial government units participate in the programs set by the <i>Gramashaba</i> .	 CSO sector recognizes <i>Gramashabhas</i> as valuable tool to influence government agencies in securing justice and equity in favor of the poor and marginalized.
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	 <i>Anthyodhaya</i> (the last man is the first) promoted by the GOI is a clear example of government's initiative on the empowerment of venerable sectors. Adequate budget is allocated for the involvement of least developed communities.	 CSOs working with the marginalized rural communities continue to provide capacity building activities to strengthen organizational capabilities of the rural poor.

Legend:

 yes
  no
  partially available



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

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)?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	Right information act (RTI) provides easier mechanism to access the official data. However, access to data is not usually free. Data are often not consolidated in the national level.	CSOs provides occasional reports on this topic.
8b. Regional and national information on public deals.	Data on public deals and projects are publicly accessible (i.e. data on agri-business ventures agreements, mining permits and investments, among others).	CSOs have deeper involvement in the monitoring of public deals.
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	Information on government initiatives and program are available. Guidelines on monitoring and implementation are also available.	Occasional reviews utilizing appreciative inquiry methods by the CSO sector are conducted which indicate the status of policy implementations.



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)?
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.	Policies are existing but there are several loopholes to curtail the implementation process. Big land-owning families who are politically powerful usually violate the rights and grab the lands of the poor.	Limited number of CSOs are participating in the discussion of land grabbing struggles as such activities are regarded negatively by the Government.
9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description	Government agencies have help desks to receive complaints on violation reports.	CSOs participate in monitoring land and resources rights of partner communities. Cases on violations are not readily available but media platforms, on the other hand, release articles related to cases on violation.

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)?
9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms	<input checked="" type="checkbox"/> Dispute resolution mechanisms exist through customary, administrative, and judicial and multi sector approaches.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.
9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<input type="checkbox"/> Government data are available but with corresponding fees.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.
9e. Number of families restituted of their lands, by gender and by type of land.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.
9f. Fair compensation and land restitution for affected families.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc.	<input checked="" type="checkbox"/> Data is not available from government.	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<input checked="" type="checkbox"/> Data are available on land agricultural land conversion in the Land Revenue Department but they are often not publicly accessible.	<input type="checkbox"/> Very few CSOs are participating in field researches related to conversion.

Legend:

yes no partially available



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

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)?
10a. Legal basis for the protection of land rights defenders.	<input checked="" type="checkbox"/> GOI follows international treaties which are accessible through online sites of IGOs.	<input type="checkbox"/> Data is not available from CSOs nor other sources.
10b. Protective measures taken.	<input checked="" type="checkbox"/> There is a legal process on protective measures for land rights defenders. However, claiming for these services is a challenge.	<input type="checkbox"/> Data is not available from CSOs nor other sources.
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<input type="checkbox"/> Data are not consolidated and lodged among the multiple agencies reports on violations.	<input type="checkbox"/> CSOs conduct periodic monitoring of land and resources right. Further, media publish reports and articles related to land and resource conflicts.
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<input type="checkbox"/> The Government, Indian justice system, and Human Rights provide legal protection and safeguards to land rights defenders involved in legal battles.	<input type="checkbox"/> Data is not available from CSOs nor other sources.
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<input type="checkbox"/> There is no approved annual budget for defending land right activists	<input type="checkbox"/> CSO sector is proactive in defending the land right activists


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 type="radio"/> In accordance with the 2016 data of the National Land Agency, from the 44 million land parcels in Indonesia, 15.88% are owned by women. (http://binadesa.org/agenda-pemerintah-untuk-reforma-agraria-belum-mengakomodir-kepentingan-perempuan/) Water rights cannot be held by individuals.	<input type="radio"/> Data is partially available from studies conducted by CSOs and research institutions.	
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"/> Government makes use of land certification concept as the mechanism for securing land rights against any expropriation. There is no regulation which severely forbids any practice of expropriating people's land.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	KPA sees land certification as not the only means to secure people's land against any threat of expropriation. The certification has to be accompanied with the strength and solidity of people organizations in the field.
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	<input checked="" type="checkbox"/> In addition to the Agrarian Basic Law No. 5/1960 and the MPR's Regulation No. IX/2001 on Agrarian Reform and Natural Resources Management, there is equally the No. 19/2013 Law on the Protection and Empowerment of Peasants. However, KPA finds the latter not ideal for protecting and providing land rights to peasants due to the following: <ul style="list-style-type: none"> • the law does not address agrarian problems (land ownership and tenure) • the law only establishes right to rent as the mechanism for providing land to the peasants • law does not include land redistribution agenda 	<input type="radio"/> For securing land rights of people especially peasants, it is necessary to settle a consensus or regulation of peasant organisations, such a consensus forbids any act which cause the loss of land rights.	

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
1d. Recognition of customary rights, individual and communal.	<input checked="" type="checkbox"/> Land rights recognition and issuance are solely to individuals. But there are government efforts to materialize communal rights recognition. Considering the current achievement of the government (as of September 2018), an area of 25,110.34 hectares have been established as customary forest in 33 areas. But these recognised forest areas are very thin if compared with the government target in the Mid-term National Development Planning (i.e. 5,008,000 hectares of customary forest area).	<input type="checkbox"/> Data is partially available from studies conducted by CSOs and research institutions.	
1e. Violations of land and water rights <i>Indicators of LWA</i> <ul style="list-style-type: none"> • <i>Casualties number (per 100,000 lives)</i> • <i>Arrested people number (per 100,000 lives)</i> • <i>The number of harassed persons (per 100,000 lives);</i> • <i>Percentage of expropriated land;</i> • <i>The number of families evicted/ expropriated from their agricultural land (per 100,000 lives)</i> • <i>The number of homeless families due to eviction.</i> 	<input checked="" type="checkbox"/> The following offices receives reports and complaints in the land sector: Indonesian Ombudsman (2,571 in 2016–2018), the National Commission of Human Rights (3,000 land conflict cases in 2017), and the Presidential Staff Office (508 agrarian conflicts in 2018). Most of those conflicts were in the plantation sector.	<input checked="" type="checkbox"/> In 2017, the KPA had recorded at least 659 agrarian conflict cases in different districts and provinces totaling to 520,492.31 hectares. Those conflicts involved at least 652,783 families. Among all other sectors, plantation was still ranked first, with 208 agrarian conflicts in 2017, or 31.5% of the total conflict documented.	
1f. Budget of national government allocated to tenure rights	<input type="checkbox"/> Special budget from the National Income and Expenditure Budget and loans from the World Bank have been allocated for the process of issuing land right certification documents by the Ministry of Land and Spatial Planning.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	



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)?
<p>2a. Equitable land distribution and re-distribution by size, productivity, and number of households.</p> <p><i>LWA indicators</i></p> <ul style="list-style-type: none"> • <i>land ownership distribution based on land size;</i> • <i>Gini coefficient /bottom to top ratio (for analysis);</i> • <i>Number and percentage of landless people among the population of a village;</i> • <i>Percentage of agricultural labor forces with legal documents.</i> 	<p><input checked="" type="checkbox"/> Following are the achievements of Agrarian Reform implementation under the administration of President Joko Widodo (October 2014 to September 2018), data from the Ministry of Agrarian and Spatial Planning indicate the following:</p> <ul style="list-style-type: none"> • out of targeted 0.6 million hectares, 12.6% (75,600 hectares) of transmigration land has been legalized; • out of 3.9 million hectares land assets targeted, only 47% (1,832,970 hectares) has been certified; • redistributed only 59% of the targeted 0.4 million hectares of land from abandoned and expired land use right • 24.3% of the targeted 4.1 million hectares of forest areas has been redistributed. 	<p><input type="checkbox"/> No available data from CSOs nor other sources.</p>
<p>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).</p>	<p><input checked="" type="checkbox"/> Government has enacted a Presidential Regulation No. 45/2016 and No. 79/2017 on Government Works Planning in 2018. The most recent development is that the government has issued a Presidential Regulation No. 86/2018 on Land Reform.</p>	<p><input type="checkbox"/> No available data from CSOs nor other sources.</p>
<p>2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.</p>	<p><input checked="" type="checkbox"/> The Presidential Regulation No. 86/2018 on Agrarian Reform contains articles which oblige the government to develop people economic management. In Article 15 the government are tasked to provide:</p> <ul style="list-style-type: none"> • Improvement of institutional capacity; • Business coaching; • Skill improvement; • Use of appropriate technology; • Business diversification; • Access facility to capital; • Access to marketing; • Data base and commodity information improvement; and • Supporting infrastructure. 	<p><input type="checkbox"/> No available data from CSOs nor other sources.</p>





Legend:

yes no partially available









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
<p>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.)</p>	<p><input checked="" type="checkbox"/> At least there are three basic regulations on land rights:</p> <ul style="list-style-type: none"> • the No. 5/1960 Basic Agrarian law; • the government Regulation No. 24/1997 on land registration; • the Regulation of the PMA/Chief of the Land Agency No. 3/1997 on the implementary procedures for the government Regulation No. 24/1997 on land registration. <p>With regard to rent rights, agricultural rent had been abolished through the Constitutional Court's Regulation No. 87/PUU-XI/2013. The Article 59 of the No. 59/2013 Law on Protection and Empowerment of Peasants. (KPA with other CSO networks have lobbied for its abolition).</p>	<p><input checked="" type="checkbox"/> No available data from CSOs nor other sources.</p>	
<p>3b. Respect for and enforcement of a continuum of people's rights.</p>	<p><input checked="" type="checkbox"/> Similar to 3a</p>	<p><input checked="" type="checkbox"/> No available data from CSOs nor other sources.</p>	
<p>3c. Number and area of community claims made, with registration and verification by government agency.</p>	<p><input checked="" type="checkbox"/> Similar to 2a</p>	<p><input type="radio"/> To date, KPA with its community members though its LPRA initiative, have been consolidating 444 locations comprising 654,392 hectares involving 144,808 farming families. Those locations are identified by 103 people's organizations from 20 provinces and 98 districts, and their registration files had been submitted officially to the government at several occasions.</p> <p>With regard to customary communities, AMAN (Aliansi Masyarakat Adat Nusantara) has mapped 9.3 million hectares of customary areas all over the country.</p>	

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
3d. Policy and legislation developed and implemented that better enables and supports pastoralists, IPs, forest people, fisherfolk, and productive rangeland systems.	 While there land laws, they do not recognize, respect and protect the land rights of individuals, peasants, customary communities, fishermen, women, and agricultural laborers.	 The KPA has crafted and proposed a land law which promotes agrarian justice, people's prosperity, and sovereignty of Indonesians over their own territory. The bill is also essential for materializing the mandate and basic agrarian law No. 5/1960 (UUPA): humanity, nationalism, socialism, prosperity and justice.	Large scale pastoral issue is not relevant to the Indonesian context.
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	 The details are the same as 1d.	 Data is partially available from occasional studies of CSOs.	



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)?
4a. Distribution of agricultural and natural resource holders by sex	 There are no data or information that the public can access from government on the distribution of land or other agrarian resources based on gender differentiation.	 KPA developed the approach of LPRA (Agrarian Reform Priority Locations) which identified lands to be distributed to men and women.
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	 The 2013 Agricultural Census of the Central Statistic Bureau indicates that there were 31.70 million peasants, dominantly male (24.36 million) vis-à-vis the female population (7.34 million).	 No available data from CSOs nor other sources.
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	 Article 9 Number (2) of the 1960 UUPA, stipulates that every citizen, either male or female, has equal opportunity in gaining a land right and in benefiting from the right for his or herself and their families.	 Data is partially available from studies of CSOs and academic institutions.

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)?
4d. Availability of an inheritance or family law	<input type="radio"/> Land patrimonial law can be seen in: <ul style="list-style-type: none"> • Article 852a of the Common Law Code • Article 42 of the Government Regulation No. 24/1997 on Land Registration. 	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.
4e. Number of women with tenure rights to land	<input checked="" type="checkbox"/> Similar to the point 1a	<input type="radio"/> Within its network, KPA has identified a number of female citizens who are appropriate to be land owners within the LPRA.



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)?
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 checked="" type="checkbox"/> Customary communities rights are generally regulated in: <ul style="list-style-type: none"> • Article 18B Number (2) of the National Constitution; • Article 3 of the 1960 UUPA; and, • Article 67 Number (1) of the No. 41 1999 Law on Forestry. At local levels, there are regional regulations recognizing the rights of customary community such as: <ul style="list-style-type: none"> • Lebak District Regional Law No. 8/2015 on recognition, protection and empowerment of the Kasepuhan Customary Community's rights; • Sumatera Barat Provincial Regulation No. 16/2008 on Customary Community lands and their uses. 	<input type="radio"/> Data is partially available from occasional studies of CSOs.
5b. Effective implementation of tenure security of indigenous lands (in practice).	<input type="radio"/> Only recognition of customary forests such as in the point 1d.	<input type="radio"/> Alliance of Indigenous Peoples of the Archipelago (AMAN) with their community securing their indigenous territory with adat laws.
5c. Perception of tenure security and resource governance of indigenous lands.	<input checked="" type="checkbox"/> It is not perceivable that the government gives security and guarantee for the management of agrarian resources held by customary communities.	<input type="radio"/> Same as the 5b

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)?
5d. Traditional land use and management plan recognized by government.	<input checked="" type="checkbox"/> No available data from government.	<input type="checkbox"/> A number of CSOs which are dealing with the issue of customary community have their mechanisms in planning the land use for a customary community.



COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

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
6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.	<input checked="" type="checkbox"/> There has not been no data nor information from the government, despite the fact that it has its regulation No. 16/2004 on Land Use Management.	<input type="checkbox"/> KPA implements the program of Desa Maju Reforma Agraria (DAMARA or developed village with land reform), which aims to: <ul style="list-style-type: none"> • promote an agrarian transformation in rural areas, • address agrarian structure imbalance at village level • develop and enhance rural potentials in agrarian sector • transform villages into centers of production and economic growth with justice, sustainability and independence 	
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<input checked="" type="checkbox"/> Local communities advance their aspiration through Agrarian Reform Priority Location proposals with the Presidential Decree No. 86/2018 on Agrarian Reform as their legal basis for participating in determining local spatial planning.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	
6c. Urban development planning should be in line with indicator 6a.	<input checked="" type="checkbox"/> Data not available from government.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	

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
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<input checked="" type="checkbox"/> Data not available from government.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	Indicator 6d may not be relevant to Indonesian case.
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<input checked="" type="checkbox"/> Data not available from government.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	Indicator 6e may not be relevant to Indonesian case.









COMMITMENT 7: INCLUSIVE DECISION-MAKING

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
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	<input checked="" type="checkbox"/> In legal terms, participation of women and youths in reorganizing land structure and use is possible because of: <ul style="list-style-type: none"> • No. 6/2014 Law on Rural Areas • The Presidential Decree No. 86/2018 on Agrarian Reform 	<input checked="" type="checkbox"/> In every decision-making processes, women and youth participation are observed within KPA network.	
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<input checked="" type="checkbox"/> Data not available from government.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	In the realm of government policy or authority, it is difficult to find the links between policy and program development with sectoral representative participation. In most cases, the people can only recommend.





COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

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)?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<p> For people who have internet connection, accessing policy and regulations of land is of a great ease. However, majority of the rural poor do not have access to internet.</p> <p>The land data that are available and accessible are limited to general policy, development or allocation of land. Data on location/areas for land acquisition and program implementation are not accessible.</p> <p>Land information is generally found in the Central Bureau of Statistics. These data are generated from the agricultural census, conducted every 10 years.</p>	<p> A number of CSOs provide regulation and legal data which are easily accessible and free.</p>
8b. Regional and national information on public deals.	<p> Openness of information for public in Indonesia is provided through the No. 14/2008 law on Openness of Information for Public.</p>	<p> No available data from CSOs nor other sources.</p>
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<p> Either central or local governments of Indonesia tend to be not transparent in deciding the allocations of land uses. Such inclination leads to high occurrence of land conflicts in Indonesia.</p>	<p> Civil Society Organisations have produced a number of reviews on the implementation of those policies, among them there is the KPA's Year End Notes.</p>



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.	<p> Despite the presence of a regulation which necessitate people's participation in settling the allocation of an area such as for infrastructure development (i.e. Article 16 of the No. 2/2012 Law on Land Acquisition for Public Facilities), in most cases public consultations have never been done.</p>	<p> No available data from CSOs nor other sources.</p>	<p>It is worth noting that the delayed process of land acquisition for infrastructure development is caused by the lack of transparency.</p>

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
9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description <i>LWA indicator</i> <ul style="list-style-type: none"> • <i>number of received cases (per 100,000 people)</i> 	<input checked="" type="checkbox"/> Similar as point 1e.	<input checked="" type="checkbox"/> Similar as point 1e	
9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms	<input type="checkbox"/> The only available mechanism for such conflicts is the court. However, data is not gender-disaggregated.	<input type="checkbox"/> KPA conducts an annual reporting of land conflicts.	
9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<input type="checkbox"/> There are no regular information provided by the government on the status of land conflict cases which had been resolved in the last few years.	<input type="checkbox"/> Same as 9c	
9e. Number of families restituted of their lands, by gender and by type of land.	<input checked="" type="checkbox"/> No available data from government.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	
9f. Fair compensation and land restitution for affected families.	<input checked="" type="checkbox"/> No available data from government.	<input checked="" type="checkbox"/> No available data from CSOs nor other sources.	
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc. <i>LWA indicators</i> <ul style="list-style-type: none"> • <i>the number of cases reported and recorded (per 100,000 people)</i> • <i>the number of cases which are already trialed/decided in the court (per 100,000 people).</i> 	<input checked="" type="checkbox"/> No available data from government.	<input type="checkbox"/> Same as point 1e In conflict locations which are recorded by the KPA, 90% of people used the legal cases were filed.	

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
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	 The government does not have any data on agricultural land conversion to other uses, except the 2012–2016 data of agricultural areas prepared by Agriculture Ministry.	 A number of CSOs have conducted researches on this conversion issue.	



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

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)?
10a. Legal basis for the protection of land rights defenders.	 The government does not have any legal provisions for protecting activists from the threats of criminalisation, violence and assassination.	 No available data from CSOs nor other sources.
10b. Protective measures taken.	 No available data from government.	 The National Committee of Agrarian Reform (KNPA) has a conflict handling system financed with emergency fund.
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	 Such as the point 1e	 Same as the point 1e
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders. <i>LWA Indicators:</i> <ul style="list-style-type: none"> • the number of activists murdered (per 100,000 people); • the number of arrested activists (per 100,000 people); • the number of harassed activists (per 100,000 people) 	 No available data from government.	 Data is partially available from land conflict monitoring report of KPA.
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	 Such mechanism can be accessed by powerless people with the presence of pro bono lawyers who are paid by the State with the fees provided in the government Regulation No. 42/2013 on Requirements and Procedures of Legal Assistance Provision and Legal Aid Funds Channeling.	 Similar as point 10b
<p>Legend:  yes  no  partially available</p>		







OTHER LAND DATA WHICH ARE RELEVANT TO THE AIM OF PEOPLE CENTERED LAND GOVERNANCE

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)?
11. Data of land tenure of large scale enterprises	<p>● There are general data on land tenure of large scale enterprises, but they are very limited in a number of ministries such as:</p> <ul style="list-style-type: none"> • As of 2017, the areas covered by oil palm comprise 12,307,677 hectares. • As of 2017, the areas of productive forests in Indonesia (HPT, HP, HPK, HTI) are 68.7 million hectares with licences of 499 enterprises. • As of 2019, lands which are needed for infrastructure development are 133,657 hectares. • All over the country, there are 232 industrial areas covering 78,976 hectares (as of 2017). 	<p>● A number of CSOs have data on large-scale land tenure, such as:</p> <ul style="list-style-type: none"> • According to Sawit Watch, the areas of oil palm in Indonesia today have reached a tenure of 16.18 millions hectares. • As of 2016, Mining Advocacy Networks have recorded 11,142 issued mining licenses comprising areas of 93.36 million hectares.
12. Peasants and Agricultural Condition Data	<p>●</p> <ul style="list-style-type: none"> • 12.87% of peasant families are less than 35 year old. • Those who are within the range 35–40 year old are 14.21 million families (54.37%) • Those who are above 54 year old are of a great number, i.e. 8.56 million families (32.76%) • Within a decade, 5.09 million peasant families moved out of the agricultural sector and it can be ascertained that they became landless, laborers or urban poor. • Agricultural land conversion in Indonesia is high. Every year 100,000 to 110,000 hectates of agricultural areas are converted into other uses. • In addition to the high rate of land conversion, those families left agriculture because they cannot maintain their business or agricultural income and is simply inadequate for meeting their necessities. Average income of a Peasant family in Indonesia is IDR 12,413,920 or less than IDR 1,034,500 per month. • Indonesian population in 2010 were 237,641,326 people, those who lived in urban areas were 118,320,256 (49.79%) and those in rural areas were 119,321,256 (50.21%). • There are 25.863 villages which are within forest areas or 36.7% of all villages in Indonesia. 	<p>● Data is occasionally available from research studies of CSOs and academic institutions.</p>

The researchers noted that DATA ARE PARTIALLY AVAILABLE as provided by CSOs and academic institutions through conduct of occasional field research that covers data on each of the indicators listed. However, the scope is limited to their areas of operations. On the other hand, the researchers did not provide feedback/comment on the proposed indicators.




COMMITMENT 1: SECURE TENURE RIGHTS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
1a. Documented land and water rights—number of women and men with legally recognized documentation or evidence of secure rights of land.	 There is no available data on land rights divided by the sex and landlessness. Official data often based only on the owners' names, but there is no selection by other characteristics.
1b. Perceived tenure security—number of women and men who perceive their rights to land are protected against dispossession or eviction.	 Data is not available from government. However, the Kyrgyz Statistics Authority calculate the population confidence index, so we could use it for the second half of 2017.
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	 In terms of policies and tenurial instruments, there are available measures to secure the rights of farmers over agricultural lands, and the rights of rural people. As per the law, all rights of land users are protected by the existing legislation.
1d. Recognition of customary rights, individual and communal.	 The law recognizes customary rights to public lands.
1e. Violations of land and water rights	 For cases with government agencies, reported by the media, or with CSOs, it is difficult to ascertain whether violations are directly related to land conflicts or are driven by other motivations. But there is no official data concerning the exact issues such as number of cases investigated (per 100k pop) or number of cases received (per 100k pop), etc.
1f. Budget of national government allocated to tenure rights	 National budget is available by request, but budget per government agency is not accessible. There is no data regarding funds allocated specifically for tenure, it has to be manually culled out and consolidated from different sources.



COMMITMENT 2: STRONG SMALL-SCALE FARMING SYSTEMS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	 There is government data on owners and occupants, size of land (re)distributed, crops planted per farmland, and availability of irrigation.

Legend:



yes



no



partially available

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
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 checked="" type="checkbox"/> Data on the number of beneficiaries of support service are available in several government agencies (i.e. Department of Pastures, Agriculture Ministry, etc.). But in most cases, data are not sex-disaggregated, type of services are not specifically defined, and not readily accessible.
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input checked="" type="checkbox"/> By existing legislations, support services are provided to small-scale farmers and local peoples for them to be able to manage their farms sustainably.



COMMITMENT 3: DIVERSE TENURE SYSTEMS





PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
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"/> Existing legislation framework recognizes the rights of men and women farmers (both individual and communal).
3b. Respect for and enforcement of a continuum of people's rights.	<input checked="" type="checkbox"/> Existing legislation framework recognizes the rights of men and women farmers (both individual and communal).
3c. Number and area of community claims made, with registration and verification by government agency.	<input type="checkbox"/> There is no available data on the exact area claims, no separated cases.
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"/> Government policies and existing legislation framework support effective and sustainable use and management of natural resources by all the groups of users.
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	<input checked="" type="checkbox"/> Policies and programs implemented include the Community-Based Forest Management/Agreement Programs.



COMMITMENT 4: EQUAL LAND RIGHTS FOR WOMEN





PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
4a. Distribution of agricultural and natural resource holders by sex	<input type="checkbox"/> Gender disaggregation of data may be done by several government agencies for specific sectors; however, gender disaggregation of data is not applied in all datasets of the government, and not available in all agencies.



PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
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	 Ownership of agricultural land data with disaggregation by gender are available from some programs, however, there are no available data disaggregated by gender for tenurial rights from all the agencies.
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	 Existing general legislation framework on gender-responsiveness adopts the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
4d. Availability of an inheritance or family law	 Policies implemented and national legal framework protect women's equal rights within the family, including inheritance, however, these are not always followed in practice—due largely to social, cultural and religious factors.
4e. Number of women with tenure rights to land	 There is no consolidated data from the government at the national level.



COMMITMENT 5: SECURE TERRITORIAL RIGHTS FOR INDIGENOUS PEOPLES

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
5a. Recognition of indigenous peoples' autonomous right to lands, territories and resources and sacred ceremony sites in local and national legislation, policies, and programs.	 There is no data concerning indigenous people in Kyrgyzstan. All the land rights are determined by the ownerships in the framework of the land distribution policies in the early independent years.
5b. Effective implementation of tenure security of indigenous lands (in practice).	 All citizens are equal in the land rights issues and can use it in the existing legislation framework. However, while there is no any legislation concerning the indigenous peoples, issues affecting the sector may not be directly reflected in the government documents as there are no defined measures in assessing this indicator.
5c. Perception of tenure security and resource governance of indigenous lands.	 There are currently no mechanisms on gathering perceptions of tenure security.
5d. Traditional land use and management plan recognized by government.	 At policy level, the government recognizes traditional land use and management through the exist legislation and community based natural resources management plans approved by the local government.

Legend:

 yes
  no
  partially available



COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.	<input checked="" type="checkbox"/> The State's strategic document on sustainable management and use of natural resources authorized bodies is always provided to the public for discussion.
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<input checked="" type="checkbox"/> There is a national framework on land use planning. Community planning on specific resources are mandated and defined in sectorial policies. Specially authorized State bodies, within the limits of their competence with participation of all interested parties, develop a policy and plan for management and use of natural resources.
6c. Urban development planning should be in line with indicator 6a.	<input type="checkbox"/> There is no land use planning for the development of cities as well as for village land use planning is not conducted.
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<input checked="" type="checkbox"/> Data available to all, can be found on the website of the National Statistics Committee of Kyrgyz Republic, pasture users' association, etc. (Statistical Digest of the NSC KR)
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<input type="checkbox"/> According to the existing legislation, there are good conditions have been created for the participation of communities in the management of natural pastures and other natural pastures. But in some cases, compliance with legislation is not observed.



COMMITMENT 7: INCLUSIVE DECISION-MAKING

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	<input checked="" type="checkbox"/> Data on mandatory representatives at different levels of government (local government, national government), per sector may be acquired from various agencies, and consolidated by the Local Government.
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<input type="checkbox"/> There is no consolidated data to analyze.



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<input checked="" type="checkbox"/> All data on implemented and approved programs of the Government of the Kyrgyz Republic are published on official websites of the Government of the Kyrgyz Republic, ministries, and agencies.
8b. Regional and national information on public deals.	<input type="checkbox"/> There is no consolidated data to analyze.
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<input checked="" type="checkbox"/> Official information and government-initiated mechanisms are available for the different stages of law-making. Guidelines are also available to monitor the implementation of these laws.



COMMITMENT 9: EFFECTIVE ACTIONS AGAINST LAND GRABBING

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
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 checked="" type="checkbox"/> Land relations in the Kyrgyz Republic are regulated by the Constitution of the Kyrgyz Republic, the Civil Code, the Land Code, the laws of the Kyrgyz Republic, as well as decrees of the President of the Kyrgyz Republic issued by them, decisions of the <i>Jogorku Kenesh</i> (parliament), resolutions of the Government of the Kyrgyz Republic. Relations on the use and protection of subsoil, forest and water resources, flora and fauna, atmospheric air are regulated by the relevant legislation of the Kyrgyz Republic.
9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description	<input type="checkbox"/> The data are recorded in authorized State bodies, but not all are available.
9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms	<input checked="" type="checkbox"/> There are available mechanisms for resolving disputes. Any dispute can be resolved through the mechanisms of pre-trial settlement, in court, as well as alternative dispute resolution, such as <i>aksakal</i> (elders) court, consisting of local residents.
9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<input type="checkbox"/> Data is recorded in authorized law enforcement agencies, but sometimes not available. Some disputes are settled through negotiations before the trial, such data are not recorded anywhere.
9e. Number of families restituted of their lands, by gender and by type of land.	<input type="checkbox"/> There is no consolidated data to analyze.

Legend:



yes



no



partially available

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
9f. Fair compensation and land restitution for affected families.	<input type="checkbox"/> There is no consolidated data to analyze.
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<input checked="" type="checkbox"/> The transfer (transformation) of land from one category to another is stipulated by the Land Code of the Kyrgyz Republic, the Kyrgyz Republic Law "On Transfer (Transformation) of Land Plots" No. 145, as well as the Provisional Regulations on the procedure for the transfer (transformation) of land plots. Data on categories of land can be obtained from the GDS, Kyrgyzgprozem and other authorized State bodies.



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
10a. Legal basis for the protection of land rights defenders.	<input checked="" type="checkbox"/> Kyrgyzstan protects the rights of human rights defenders, including their right to freedom of opinion and expression, peaceful assembly and association, as set out in the UN Declaration on Human Rights and the International Covenant on Civil and Political Rights, which Kyrgyzstan ratified in 1994.
10b. Protective measures taken.	<input type="checkbox"/> There is no consolidated data to analyze.
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<input type="checkbox"/> There is no consolidated data to analyze.
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<input type="checkbox"/> There is no consolidated data to analyze.
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<input type="checkbox"/> There is no consolidated data to analyze.



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
<p>1a. Documented land and water rights—number of women and men with legally recognized documentation or evidence of secure rights of land.</p>	<p><input checked="" type="checkbox"/> The Department of Land Management and Archive (DLMA) provides data on registered land owners. However, data for some districts are not available. There is also government data on the number and percentage of females having ownership of fixed assets.</p> <p>There are 11,076,422 registered landowners recorded. Altogether, 19.71% of households reported the ownership of land or house or both in the name of female member of the household. Around 16% of the total farmland are registered under the name of female or Joint land ownership.</p> <p>Although available, data is not consolidated, and national-level aggregates or summaries may not be produced.</p> <p><i>Source: Fourteenth plan approach paper, GON, NPC 2016 ADS 2015–2035, Ministry of Agricultural Development (MoAD), Singha Durbar, Nepal</i></p>	<p><input type="checkbox"/> CSOs conduct occasional field research that includes private ownership over land. However, studies are limited in scope (i.e., in areas of operations and number of respondents).</p>	<p>The DLMA does not have the disaggregated data of ownership over different categories of land. Thus, the data available is the consolidated form of data representing all the agricultural land, residential property and industrial zone registered in private name. The data excludes community forest and other public and customary lands.</p>
<p>1b. Perceived tenure security—number of women and men who perceive their rights to land are protected against dispossession or eviction.</p>	<p><input type="checkbox"/> Perception of individual is not considered by any survey by the Central Bureau of Statistics (CBS).</p>	<p><input type="checkbox"/> CSOs and other research organizations have not conducted any kind of perception survey regarding the tenure security.</p>	
<p>1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.</p>	<p><input checked="" type="checkbox"/> There are various enabling land policies, i.e., the Constitution of Nepal, Land Use Policy of 2015, and Land Related Acts (Land Survey and Measurement Act 1963, Land Reform Act 1964, and Land Acquisition Act 1977).</p>	<p><input type="checkbox"/> Data is not available from CSOs nor from other sources.</p>	

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
1d. Recognition of customary rights, individual and communal.	<input type="radio"/> Customary and communal land governance, such as for lands under the <i>Kipat</i> system, is practiced and recognized by communities. However, there is no law recognizing communal land tenure systems.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.	
1e. Violations of land and water rights	<input type="radio"/> A number of governments and their agencies have been involved on displacing communities and people residing and operating on the land which is not registered as the private land. Documentation of eviction cases are conducted by the National Human Rights Commission (NHRC) of Nepal and the Lawyer's Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP). At the District Land Reform Offices, there are cases being filed by landowners against tenants filing tenancy land rights claims.	<input type="radio"/> CSOs conduct occasional field researches on the violation of land and water rights in selected areas.	
1f. Budget of national government allocated to tenure rights	<input checked="" type="checkbox"/> National budgets of government agencies are available either online or by request. The government has allocated minimal budget for the tenure security of informal land holders from 2017–2018.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.	



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)?
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	<input checked="" type="checkbox"/> There are available data on size of land by number of households, gathered through the National Living Standard Survey (2011). Data are also available on the number of landless households. The National Sample Census of Agriculture 2011/12 reports on the number of households operating on x number of hectares which are not their own. There is also data on the number of households with land certificates operating on a number of hectares. The Gini coefficient in land ownership (0.51) is also available.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.

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)?
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 checked="" type="checkbox"/> There are available programs and policies (e.g., Land Use Policy 2015, National Development Strategies) that are supportive of landless and small-scale producers. The Constitution mentions that the State should provide land to landless <i>Dalit</i> . It also states that the Right to Housing is a fundamental right. The Right to Housing Act is recently passed by Parliament. Ministry of Land Management, Cooperatives and Poverty Alleviation has issued a notice to end dual ownership. Budget has been allocated to waive some loans borrowed by small farmers, and the government has promised to reform the Agricultural Loan Program of Small Farmers.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input type="checkbox"/> Federal, provincial, and local governments have rules and guidelines on policies of ownership and management of small-scale farms. Proposed Land Use Act 2018 (Draft) & Land Policy (2018) are expected to support for sustainable land ownership & solve many problems of small-scale farms, if finalized and implemented properly.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.



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)?
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 type="checkbox"/> Right to property of individuals is guaranteed under Article 25 of the Constitution. Diverse forms of land tenure are practiced and recognized at the community level. For example, <i>Kipat</i> system of land governance among <i>Limbus</i> in Eastern Hill, sharecropping across the country, and <i>Maate</i> system in Mid-western and Far-western region. Other customary forms of land tenures are also in practice. However, none of these kinds of the land tenure are legally recognized.	<input type="checkbox"/> CSOs have conducted studies on the different types of tenure and the continuum of individual and communal rights. CSRC and NLRP have been advocating for peoples' land and resource related rights at grassroots level.

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)?
3b. Respect for and enforcement of a continuum of people's rights.	<input checked="" type="checkbox"/> Although communities are respecting and practicing diverse land and resource related tenures, they are not legally recognized by the government.	<input type="radio"/> Same with 3a
3c. Number and area of community claims made, with registration and verification by government agency.	<input checked="" type="checkbox"/> There are government records on the number of hectares distributed to a number of landless families. There are also data on the number of landless people with applications registered with the Landless Problem Solution Commission. Government also records the number of registered tenants.	<input type="radio"/> The National Engagement Strategy of the International Land Coalition for Nepal has conducted rigorous tenancy campaign all over the country. As the result of the initiated 10,101 tenancy application filled for tenancy separation. <i>Source: 11th Social Audit Report of CSRC, 2018</i>
3d. Policy and legislation developed and implemented that better enables and supports pastoralists, IPs, forest people, fisherfolk, and productive rangeland systems.	<input type="radio"/> The Rangeland Policy of 2012 has a vision to improve the "livelihood of the rangeland dependent communities and thereby contributing to the national economy." However, there is no legislation recognizing communal and indigenous systems.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	<input checked="" type="checkbox"/> These rights are recognized under the Forest Act of 1993 and the Forest Regulation Act of 1995.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.



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)?
4a. Distribution of agricultural and natural resource holders by sex	<input type="radio"/> Altogether, 19.71% of households reported the ownership of land or house or both in the name of female member of the household. However, data is not consolidated, and national-level aggregates or summaries may not be produced.	<input type="radio"/> CSOs conduct occasional field research that includes number of women with tenure rights to land. Such studies are limited in scope (i.e. in areas of operations and number of respondents).

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)?
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"/> The disaggregated data specifically related to the total agricultural population in relation to their ownership or secure tenure rights over agricultural land, forest land, pasture land and housing by sex; share of women is not available.	<input type="radio"/> Same as 4a
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	<input checked="" type="checkbox"/> There are existing general framework on Gender-Responsiveness Country Civil (Code) Act 2017, Part 4, Chapter on Property and Department of Land Reform and Management (2017). The Joint Land Ownership (JLO) Guidelines are the major policies present in Nepal. A total of 7,427 HHs acquired JLO over 2,250.01 hectares of land. Further, various tax exemption measures (depending on the geographical location) from 25% to 50% exemption on registration is given when land is owned by a woman; 35% tax exemption for single women; and a fee of Rs. 100 for joint registration of land in the names of husband and wife.	<input type="radio"/> CSRC and NLRP have played a pivotal role in ensuring women ownership/access to land.
4d. Availability of an inheritance or family law	<input checked="" type="checkbox"/> Article 18(5) of the Constitution of Nepal and Country Civil Code Act, 2017 legally grant equal right to <i>all offspring to have the ancestral property, without discrimination on the ground of gender.</i> While women's equal rights within the family, including inheritance, are in the national legal framework, these are not always followed in practice—due largely to social, cultural and religious factors.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.
4e. Number of women with tenure rights to land	<input type="radio"/> Same as 4.a	<input type="radio"/> CSOs conduct occasional field research that includes number of women with tenure rights to land. However, studies are limited in scope (i. e. in areas of operations and number of respondents).

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)?
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 checked="" type="checkbox"/> The Constitution of Nepal, Article 261 has provided a provision for formation of Adibasi Janajati Commission (Indigenous People Commission). It is one of the constitutional bodies working for the welfare of IPs.	<input type="checkbox"/> Nepal Federation of Indigenous Nationalities (NEFIN), an autonomous and representative umbrella organization of the 59 indigenous nationalities or peoples, recognized by the government of Nepal is working for IPs.
5b. Effective implementation of tenure security of indigenous lands (in practice).	<input checked="" type="checkbox"/> There is gap between policy and practices. Government of Nepal does not recognize land tenure system of IPs but in practice they are managing their lands under communal or customary practices like <i>Kipat</i> system.	<input type="checkbox"/> CSOs occasionally document experiences of partner IP-communities. CSRC has recently conducted a research on locally present land tenure typology in Nepal. <i>Source: www.csrcnepal.org/uploads/publication/QMJWm1DPC4z9nUcVHm_2iglm19Mt3Q8.pdf</i>
5c. Perception of tenure security and resource governance of indigenous lands.	<input checked="" type="checkbox"/> IPs has been struggling to protect their ancestral land and resources from the Mega projects of the government. This often leads to encroachment of their lands without practicing Free Prior Informed Consent (FPIC). The Government has not conducted any kind of perception survey in this matter.	<input checked="" type="checkbox"/> CSOs and academic institutions have not conducted any kind of perception survey in this matter.
5d. Traditional land use and management plan recognized by government.	<input type="checkbox"/> Traditional land use system in Nepal, though not recognized formally and/or directly by the government, is reflected in the programs and policies of the government as land use and management in Nepal is largely dominated by traditional system in Nepal.	<input type="checkbox"/> CSOs occasionally document experiences of partner IP-communities. CSRC has recently conducted a research on locally present land tenure typology in Nepal. <i>Source: www.csrcnepal.org/uploads/publication/QMJWm1DPC4z9nUcVHm_2iglm19IMt3Q8.pdf</i>



COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

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)?
6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.	<p> Data on formulated plans may be gathered through the Land Use Plans (Comprehensive Land Use Plans, Regional Land Use Plans, etc.). However, the status of the implementation of land use plans are not assessed.</p> <p>Resources are available but in fragmented form.</p>	<p> Data is not available from CSOs nor from other sources.</p>
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<p> There is a national framework on land use planning. Community planning on specific resources (e.g. ancestral domain, forests, water use) are mandated and defined in various sectoral policies.</p> <p>Laws and policies (e.g., Land Use Policy, Land Reform Act, Agricultural Development Strategy, National Urban Development Strategy, Nepal Biodiversity Implementation Plan, Nepal Biodiversity Strategy) speak about sustainable use of land and other natural resources.</p> <p>Housing Rights Bill has been tabled in the Parliament in 2018.</p>	<p> CSOs are assisting communities in preparing rural strategic plans to ensure sustainable use of land and other natural resources.</p>
6c. Urban development planning should be in line with indicator 6a.	<p> Practices of Urban development planning in Nepal is as presented in 6a above.</p>	<p> Data is not available from CSOs nor from other sources.</p>
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<p> The Rangeland Policy of 2012 provides the framework for managing pasturelands issue in Nepal. About 22.6% of the country's land area is categorized as rangeland.</p> <p>However, indigenous issues and nomadic practices are not recognized in this policy. It only aspires to strengthen the livelihoods of pastoralist communities in general.</p>	<p> Data is not available from CSOs nor from other sources.</p>
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<p> There are many pasture lands and other natural resources commonly used by certain communities, but it is not recognized by the government.</p> <p>Pasturelands in the High-Himalayan region of Nepal are managed by communities. They are not legal but legitimized by the community practices. The Department of Livestock, DLMA and Ministry of Forests and Environment might have data on number of pasturelands.</p>	<p> Data is not available from CSOs nor from other sources.</p>

Legend:

 yes  no  partially available



COMMITMENT 7: INCLUSIVE DECISION-MAKING

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
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	<input checked="" type="checkbox"/> The Constitution of Nepal is progressive in terms of safeguarding the rights of marginalized, excluded groups, and vulnerable people. Further, Civil Service Act 1993 also ensures participation of women in decision-making mechanisms. Government decision-making mechanisms should be constituted as follows: 33% for women, 27% for IPs, 22% for <i>Madhesi</i> , 9% for <i>Dalit</i> , 5% for differently-abled people, 4% for people from remote areas. However, in practice, the procedure is still debatable on its participatory approach and power of decision making.	<input type="checkbox"/> CSOs and other research institution conduct studies to measure the participation and influence of the vulnerable groups in government bodies.	The numbers themselves may not reveal how participatory the selection process was or what impact their presence has made.
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<input type="checkbox"/> The Constitution of Nepal provides the legal framework for participation of the historically marginalized section of Nepali society. However, the system of public debate, public hearing and opinion collection is practiced, but not in a uniform manner.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.	



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

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)?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<input type="checkbox"/> Under the Article 27 of the Constitution of Nepal, 2015 and the Right to Information Act, 2017 the right to information of all the Nepali citizen on public matters is ensured. However, most of the data are outdated, not user-friendly, and are pre-tabulated. In some agencies, users have to pay fees to access data.	<input type="checkbox"/> CSOs regularly conduct interaction and orientation programs to acquaint communities and other people on the policies, regulations and mechanisms initiated by the government on land-related issues.

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)?
8b. Regional and national information on public deals.	<input type="radio"/> Same as 8a. While approved deals are updated and accessible online, some of the data are still not user-friendly. There are also no nationally-consolidated data on public deals of various types.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<input type="radio"/> The Law mentions of the 7-step participatory planning process as mandatory for all the local administrative unit. However, specific policies for enabling land use—transparent and participatory are not present in Nepal.	<input type="radio"/> CSOs produce occasional reviews regarding the implementation of policies.









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 checked="" type="checkbox"/> Regulations on the use of land and policies for the protection of tenure are available. The Environment Protection Act 1997, Section 3 and Environment Protection Regulation, 1997, Land Acquisition Act 1977 and the Constitution of Nepal are the major legal provisions to prevent land grabs. However, there remain several issues on the implementation of laws. There are inherent loopholes in the agrarian reform law that allow for land use conversion of smallholder farms. Tenure of land is also subject to overlaps in instruments, policies, and jurisdiction of agencies. Some titles have been issued for public domains. There is continued encroachment of private or commercial interests into community land and water resources. Regulatory mechanisms of the government are also weak.	<input type="radio"/> CSOs conduct occasional monitoring of land and resource rights of their partner-communities.	

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
9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description	<p> The judicial courts and other different government agencies have desks for receiving complaints and violation reports from communities. However, data are not nationally-consolidated, and are scattered among the different agencies. Some agencies and courts do not categorize whether the cases and complaints are due to land conflicts. Reports on violations are also not easily verifiable, as they mostly rely on anecdotes.</p> <p>Most of the indigenous communities have been complaining about the land grabbing due to the development aggregation: for example, Nijgad International Airport in Tangiya Basti, Bara, Budhigandaki Hydropower in Gorkha and Dhading District, Provincial Army Headquarter in Bardibas Army Camp, Mahottari, Province no 2.</p>	<p> CSOs conduct occasional monitoring of land and resource rights of their partner-communities.</p> <p>Other sources of this data include courts and media reports.</p>	
9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms	<p> There are available dispute-resolution mechanisms ranging from customary, administrative, quasi-judicial, judicial and multi-sectoral approaches.</p> <p>The Local Government Operation Act, 2017 has provided the right of dispute resolution to local authorities as well. Here, Judicial Committees are established at each local government unit, chaired by Deputy Mayor or Deputy Chair, and by the Land Reform Office for tenancy issues.</p>	<p> Data is not available from CSOs nor from other sources.</p>	
9d. Land dispute resolution effectiveness: number of individuals/ households/ communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<p> There is government data on the status of land dispute cases for the past 2 years (i.e. 2016/17). The Cases registered at Land Revenue Office are as follows: # of cases received: 146938 and # of cases adjudicated: 8793.</p> <p>Agrarian reform records of land dispute cases are filed in the District Land Revenue Office.</p> <p>Data on other kinds of land dispute are scattered across several agencies, including the judicial courts.</p>	<p> Village and District Chapters of National Land Rights Forum (NLRF) have been involved on dispute resolutions at community level, but this kind of initiatives are not documented well.</p>	

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
9e. Number of families restituted of their lands, by gender and by type of land.	<input checked="" type="checkbox"/> No specific data can be obtained in this indicator.	<input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.	
9f. Fair compensation and land restitution for affected families.	<input type="checkbox"/> Under Article 25(3) of the Constitution of Nepal, government shall provide compensation in case when land under private ownership is acquired for public interest by the State in accordance with clause (2). There is Land acquisition Act which further provides the procedures for compensation and land restitution; but the Act needs some fundamental amendments for its effective implementation. Compensation is made, but it is not uniform and rational in all instances. In cases of the informal settlements and unregistered lands, compensation and restitution are non-existent.	<input type="checkbox"/> CSOs lobby and advocate this issue regularly by organizing interaction and discussion programs between the victims and the government agencies. A case in point is the Hongshi–Shivam Cement, where the company has provided compensation to residents of Jyamire Nawalparasi. <i>Source: www.globalcement.com/news/itemlist/tag/Hongshi%20Shivam%20Cement</i>	
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc.	<input type="checkbox"/> Policies are in place but examples of implementation of corrective action are not documented properly.	<input type="checkbox"/> CSOs conduct occasional field research that includes cases of land grabs and number of corrective actions taken against violators. However, studies are limited in scope (i.e. in areas of operations and number of respondents).	Further research study is required for this indicator.
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<input type="checkbox"/> There are policies in place for land conversion such as the National Parks and Wildlife Conservation Act 1973, National Parks and Wildlife Conservation Regulations 1974, Other National Park Related Acts, and Buffer Zone Regulations 1996. But the legal provisions may not be followed properly while practicing land conversion. Government often does not inform communities about the land conversion. Regarding the data, it is very difficult to find up-to-date data.	<input type="checkbox"/> CSOs conduct occasional field research on land conversion.	

Legend:





yes
 no
 partially available



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

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
10a. Legal basis for the protection of land rights defenders.	<p><input type="radio"/> Nepal is a signatory to the Universal Declaration on Human Rights, and other human rights and humanitarian conventions/treaties but no specific law which is formulated to protect land rights defenders in Nepal. In addition, however, Constitution guarantees the right to life in a broader sense.</p> <p>National Human Rights Commission has developed the guideline for the protections of land rights defenders</p>	<p><input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.</p>	
10b. Protective measures taken.	<p><input checked="" type="checkbox"/> The justice system does not provide legal protection for land rights defenders involved in legal battles.</p> <p>However, a general protective measure as per the constitution is provided to all the Nepalese citizen.</p>	<p><input type="radio"/> Few CSOs occasionally have initiatives to protect land rights defenders.</p>	
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<p><input checked="" type="checkbox"/> Cases of killings of Land rights defenders are non-existent.</p> <p>However, front-line land right activists are getting occasional threats from disguised landless people, land owners, Forest Department and other government offices but there is no data on these instances.</p> <p>Reports on violations are also not easily verifiable, as they are mostly anecdotal.</p>	<p><input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.</p>	
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<p><input checked="" type="checkbox"/> In the context of Nepal there is general human right provision in practice, but no specific provisions for land rights defenders or activists.</p> <p>At times, protective measures are not provided since it is the government that is the aggressor.</p>	<p><input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.</p>	Indicator 10d is very similar to indicator 10b.
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<p><input checked="" type="checkbox"/> Data is not available from government.</p>	<p><input checked="" type="checkbox"/> Data is not available from CSOs nor from other sources.</p>	


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	<p> Data from the government is produced mainly on agriculture, livestock and social status by Pakistan Bureau of Statistics (PBS), Fisheries Department, and provincial offices of the Agriculture Department, Land Revenue Department, and Ministry of Planning and Development.</p> <p>Land records are available on the Land Revenue Department website.</p> <p>Fishing rights to public lands are awarded as contracts on bidding. Access to selected forests, mangroves, and rangelands is provided given with corresponding user fees. Data on the contract and user fee payors are available.</p> <p>There are no consolidated data available on landlessness. Informal settlements data are largely based on estimates.</p>	<p> CSOs and academic institutions conduct occasional field research that covers data on legally-documented tenure security in selected areas.</p> <p>CSOs working with partner-communities also have some case-specific data on the number and sex of agrarian reform beneficiaries</p>	
1b. Perceived tenure security— number of women and men who perceive their rights to land are protected against dispossession or eviction.	<p> Data is not available from government. However, the Pakistan Bureau of Statistics has some limited information.</p>	<p> CSOs conduct occasional field research that include perceptions of tenure security. However, studies are limited in scope (i.e., in areas of operations).</p>	

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
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	<p><input checked="" type="checkbox"/> To some extent laws in the form of provincial tenancy acts are in place but these are just to define relationship between landowner and tenant. Three attempts of land reforms legislations introduced in 1960s and 1970s which largely failed to give land ownership to landless majority.</p> <p>There are available measures to secure the rights of farmers over agricultural lands. As per the law, fisherfolk also have preferential access to public waters and are mandated to have settlements near coastal areas.</p> <p>There are loopholes in the agrarian reform law that allow for sanction of land to landless tenant or agricultural labor.</p> <p>Despite of the presence of local courts, most land dispute cases are pending for longer periods of time—discouraging parties to go these courts.</p>	<p><input type="checkbox"/> While there are no definite parameters to assess the effectiveness of laws, there have been initiatives by CSOs and academe to assess government policies and programs.</p>	
1d. Recognition of customary rights, individual and communal.	<p><input checked="" type="checkbox"/> The law recognizes customary rights to public lands.</p> <p>There are some measures to assess de-facto recognition of customary rights (i.e., tribal domain, village rights over common lands, common guzara (subsistent) forests.</p> <p>However, de-facto recognition of communal rights undergoes several procedural problems. The registry system for tribal and common lands is not adapted to communal rights.</p>		<p>It is unclear whether the indicator (1d) refers to legal or de-facto recognition of communal rights.</p> <p>Legal recognition may be measured through claims, registered titles, self-delineation.</p> <p>De-facto recognition may be measured in terms of actual exercise of rights (e.g. implementation of ancestral community plans, practice of customs, among others).</p>
1e. Violations of land and water rights	<p><input type="checkbox"/> Data on land rights violation are available but not consolidated at the national level.</p> <p>Available government data are gathered using different methodologies per agency (Human Right Commission of Pakistan, courts and police department). In police offices and courts, cases of violations are filed as individual reports which are not digitally encoded nor summarized.</p>	<p><input type="checkbox"/> CSOs conduct occasional field researches on the violation of land and water rights in selected areas.</p>	

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"/> National budgets of government agencies are available either online or by request. Data regarding funds allocated specifically for tenure has to be manually culled out and consolidated from the budgets of individual government agencies.		



COMMITMENT 2: STRONG SMALL-SCALE FARMING SYSTEMS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	<input checked="" type="checkbox"/> There are government data on the owners and occupants of lands, size of land (re)distributed, crops planted per farmland, and availability of irrigation.	There are too many variables contained in one indicator (1–size, 2–productivity, 3–number of households).
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 checked="" type="checkbox"/> Data on the number of beneficiaries of support service are available in several government agencies (i.e. Department of Agriculture, Irrigation, Land Revenue). But in most cases, data are not sex-disaggregated, type of services are not specifically defined, and not readily accessible.	There are too many variables contained in one indicator.
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input checked="" type="checkbox"/> No available data from government.	



Legend:

 yes no partially available







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"/> Individual, communal, tribal and traditional rights are recognized. There is contract system for inland and coastal fishing. However, while individual and communal rights are recognized in these laws, there is no consolidated official data on the extent of their implementation. A proxy indicator might be the instances of violation of such rights. Moreover, the lack of synchronization of policy has led to a complex and fragmented landscape of laws.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.	Whether the indicator (3a) refers to legal, or de-facto recognition of individual and communal rights, or both, should be clarified.
3b. Respect for and enforcement of a continuum of people's rights.	<input checked="" type="checkbox"/> Same as 3a	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.	'Enforcement' should be separate variable, and its parameters determined.
3c. Number and area of community claims made, with registration and verification by government agency.	<input type="checkbox"/> These indicators are determined through available government data lodged in the Land Revenue Department and through forest management applications. However, some data may not be easily accessible and updated.	<input type="checkbox"/> CSOs assist their partner communities in filing and processing of community claims. Community claims may not necessarily lead to secure tenure rights.	
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"/> No available data from government.	<input type="checkbox"/> There has been sustained advocacy on this but from small section of civil society.	

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
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	 Policies and programs implemented include the Guzara Forest, Community Based Forest Management/Agreement Programs. While there are data on forest users and communities whose tenure rights are recognized, there are no consolidated and national data or census of forest dwellers.	 No available data from either CSOs or other sources.	



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	 Gender disaggregation of data is done by several government agencies for specific sectors PBS, Land Revenue Departments. However, gender disaggregation of data is not applied in all datasets of the government, and not available in all agencies.	 No available data from either CSOs or other sources.	
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	 No available data from government.	 No available data from either CSOs or other sources.	There are too many variables contained in this indicator.

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
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	<input checked="" type="checkbox"/> Pakistan is a signatory to CEDAW, however it does not meet most of the benchmarks of the convention. Gender responsiveness in land and resources governance, is still a remote possibility in Pakistan.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.	
4d. Availability of an inheritance or family law	<input checked="" type="checkbox"/> Policies implemented are under inheritance laws. Women's equal rights within the family, including inheritance, are not recognized—due largely to social, cultural and religious factors.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.	
4e. Number of women with tenure rights to land	<input type="checkbox"/> Data is partially available. Documents of land ownership from the government's land revenue may be available for farmers. These may not be sex-disaggregated.	<input type="checkbox"/> CSOs conduct occasional field research that covers data on women with tenure rights to land in selected areas. CSOs working with partner-communities may also have some site- and case-specific data on the number and sex of agrarian reform beneficiaries.	



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)?
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 checked="" type="checkbox"/> There are no officially-recognized indigenous people in Pakistan.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.

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)?
5b. Effective implementation of tenure security of indigenous lands (in practice).	<input checked="" type="checkbox"/> No available data from government.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.
5c. Perception of tenure security and resource governance of indigenous lands.	<input checked="" type="checkbox"/> There are no officially-recognized indigenous people in Pakistan.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.
5d. Traditional land use and management plan recognized by government.	<input type="checkbox"/> At policy level, the government recognizes traditional land use and management through the Forest Act. In practice, traditional land use and management plans are often in conflict with each other and are often not recognized by other national government agencies, and by local governments.	<input type="checkbox"/> CSOs occasionally document experiences of partner tribal and forest communities.



COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

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 type="checkbox"/> Information on formulated plans can be gathered in local government offices. However, statuses of the implementation of land use plans are not assessed. While the Local Government and district governments are mandated to form Comprehensive Land Use Plans, there is no national policy to set consistent parameters and regulations for formulating local land use plans.	
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<input type="checkbox"/> There is a national framework on land use policy planning. Community planning on specific resources (e.g. ancestral domain, forests, water use) are mandated and defined in sectoral policies. Since Pakistan yet has no national policy on land use at the moment, no implementation and budgeting is in place.	
6c. Urban development planning should be in line with indicator 6a.	<input checked="" type="checkbox"/> There are guidelines in formulating land use plans. Both urban and rural development planning follow the same guidelines. These may be provided in the different land use policies—protection, production, settlements, and infrastructure.	

Legend:	
<input checked="" type="checkbox"/>	yes
<input checked="" type="checkbox"/>	no
<input type="checkbox"/>	partially available

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<input checked="" type="checkbox"/> No available data from government.	Indicator 6d may not be relevant to the Pakistan case.
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<input type="checkbox"/> Data on lands governed by communities may be gathered from Forest Departments. Data may reveal which community-governed areas are recognized by government. However, as in indicator 5c and 5d, there is no measure as to whether these areas are effectively managed or the governance is recognized in practice.	









COMMITMENT 7: INCLUSIVE DECISION-MAKING

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?
7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.	<input checked="" type="checkbox"/> No available data from government.
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<input checked="" type="checkbox"/> It is difficult to attribute the formulation of policies and programs to the participation of sectoral representatives in government bodies. Most mandatory representatives may only recommend to policymakers, and not create policies themselves. Capacity development is also lacking for these sectoral (farmers, indigenous peoples, fisherfolk) representatives.



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

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)?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<p> There is a recently-enacted Freedom of Information Policy Act, which allowed for easier access to official government data.</p> <p>However, most of the data are outdated, not user-friendly, and are pre-tabulated. In some agencies, users have to pay fees to access data.</p> <p>There is also no nationally-consolidated data on information requests catered to by government agencies.</p>	<p> No available data from either CSOs or other sources.</p>
8b. Regional and national information on public deals.	<p> Government agencies have limited publicly accessible data on deals and projects.</p> <p>However, many of the public deals remain undisclosed, until after the deals have already been made. Affected communities often have no access to prior information.</p> <p>There is an Environmental Protection Agency (EPA) requirement of holding public hearings on public lands for environment purposes.</p> <p>While approved deals are updated and accessible online, some of the data are still not user-friendly. There are also no nationally-consolidated data on public deals of various types.</p>	<p> CSOs have conducted occasional monitoring initiatives on public deals.</p>
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<p> Official information and government-initiated mechanisms are available for the different stages of lawmaking. Guidelines are also available to monitor the implementation of these laws.</p>	<p> CSOs produce occasional reviews regarding the implementation of policies.</p>

Legend:

 yes  no  partially available



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)?
<p>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.</p>	<p><input checked="" type="checkbox"/> Regulations on the use of land and policies for the protection of tenure are available.</p> <p>However, there remain several issues on the implementation of laws. There are inherent loopholes in the agrarian reform law that allow for land use conversion of from agriculture to other industrial uses. Tenure of land is also subject to overlaps in instruments, policies, and jurisdiction of agencies. Some titles have been issued for public domains. There is continued encroachment of private or commercial interests into State and community land. Regulatory mechanisms of the government are also weak.</p>	<p><input type="checkbox"/> CSOs conduct occasional monitoring of land and resource rights of their partner-communities.</p> <p>While there are no definite parameters to assess the effectiveness of policies, there have been initiatives by CSOs and academe to assess government policies and programs (e.g. Corporate Agriculture Investment Policy introduced by the Board of Investment).</p>
<p>9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description</p>	<p><input type="checkbox"/> Different government agencies have desks for receiving complaints and violation reports from communities (Ministry of Human Rights, PM complain cell).</p> <p>However, data are not nationally-consolidated, and are scattered among the different agencies. Some agencies and courts do not categorize whether the cases and complaints are due to land conflicts. Reports on violations are also not easily verifiable, as they mostly rely on anecdotes.</p>	<p><input type="checkbox"/> CSOs conduct occasional monitoring of land and resource rights of their partner-communities.</p> <p>Other sources of this data include: courts and media reports.</p>
<p>9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms</p>	<p><input checked="" type="checkbox"/> There are available dispute-resolution mechanisms ranging from customary, administrative, quasi-judicial, judicial and multi-sectoral approaches.</p>	<p><input checked="" type="checkbox"/> No available data from either CSOs or other sources.</p>
<p>9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved</p>	<p><input type="checkbox"/> There is no government compiled and published data on the status of land dispute cases except reports in police stations and court registrars.</p> <p>Data on other kinds of land dispute are scattered across several agencies, including the judicial courts.</p>	<p><input checked="" type="checkbox"/> No available data from either CSOs or other sources.</p>

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)?
9e. Number of families restituted of their lands, by gender and by type of land.	<input checked="" type="checkbox"/> No available data from government.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.
9f. Fair compensation and land restitution for affected families.	<input checked="" type="checkbox"/> No available data from government.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc.	<input checked="" type="checkbox"/> No available data from government.	<input type="radio"/> CSOs have conducted occasional monitoring and documentation of land grab cases of partner communities or upon request.
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<input type="radio"/> There is available government data on land conversion of agricultural lands to other uses. The Board of Revenue may provide data only on approved, legally-converted lands. Often, information is made available only after the land has been converted. Agencies also vary in terms of their level of transparency. Some government agencies are more willing than others to provide data. Data may also be outdated. The processes for land-use conversion are outlined in laws. However, communities have limited knowledge and understanding these laws.	<input type="radio"/> CSOs conduct occasional field research on land conversion.

Legend:



yes no partially available



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

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
10a. Legal basis for the protection of land rights defenders.	<input checked="" type="checkbox"/> Legal basis for the protection of land rights defenders are provided by criminal and civil laws.	<input checked="" type="checkbox"/> No available data from either CSOs or other sources.	
10b. Protective measures taken.	<input checked="" type="checkbox"/> The justice system provides for the legal protection of land rights defenders involved in legal battles. However, at times, protective measures are not provided for it is the government that is the perpetrator of violations.	<input type="checkbox"/> A few CSOs occasionally have initiatives to protect land rights defenders, and in most cases subject to availability of funding.	
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<input type="checkbox"/> Can't be specified, however there were few cases when defenders lost their life.	<input type="checkbox"/> CSOs conduct occasional monitoring of land and resource rights of their partner-communities. Other sources of this data include: courts and media reports.	
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<input type="checkbox"/> The State justice system provides for the legal protection of land rights defenders involved in legal battles.	<input type="checkbox"/> A few CSOs occasionally have initiatives to protect land rights defenders; mostly subject to availability of funding.	Indicator 10d is very similar to indicator 10b.
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<input checked="" type="checkbox"/> The justice system has a reintegration program, but only for State witnesses, not for victims.	<input type="checkbox"/> Some CSOs, church groups, and individuals have supported programs on rehabilitation of land rights defenders and their families.	


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
<p>1a. Documented land and water rights—number of women and men with legally recognized documentation or evidence of secure rights of land.</p>	<p> Data from the government is produced per sector (farmers, fisherfolk, IPs) by specific agencies (Department of Agrarian Reform [DAR], Bureau of Fisheries and Aquatic Resources [BFAR], Department of Environment and Natural Resources [DENR], National Commission on Indigenous Peoples [NCIP]). Although available, data is not consolidated, and national-level aggregates or summaries may not be produced.</p> <p>For the agrarian sector: Documents of land ownership from the government’s agrarian reform program are available for smallholder farmers. These may be sex-disaggregated.</p> <p>For the IP sector: The number of indigenous peoples living within titled ancestral domains may be determined but may not be disaggregated by sex.</p> <p>For the fishery sector: Use rights to public lands may be awarded, among others, to fisherfolk—through foreshore lease agreements (FLAs).</p> <p>Access to selected public lands (including forests, mangroves, foreshores, etc.) are provided through different kinds of permits, licenses, leaseholds, and management agreements. Some agreements are with community organizations, others are given to private individuals and corporations. Information on the beneficiaries of these agreements (including on whether they are individually- or corporate-owned) and data disaggregation by sex are not available.</p> <p>Further, there is no available data on landlessness; and official data on informal settlers are often based largely on estimates.</p>	<p> CSOs and academic institutions conduct occasional field research that covers data on legally-documented tenure security in selected areas.</p> <p>CSOs working with partner-communities also have some case-specific data on the number and sex of agrarian reform beneficiaries.</p>	

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
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 type="checkbox"/> CSOs conduct occasional field research that include perceptions of tenure security. However studies are limited in scope (i.e., in areas of operations).	
1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.	<input checked="" type="checkbox"/> In terms of policies and tenurial instruments, there are available measures to secure the rights of farmers over agricultural lands, the rights of indigenous peoples over ancestral domains and fisherfolk also have preferential access to municipal waters and are mandated to have settlements near coastal areas. There remain several issues on the implementation of laws. There are inherent loopholes in the agrarian reform law that allow for land use conversion of smallholder farms. Tenure of land is also subject to overlaps in instruments, policies, and jurisdiction of agencies. Despite legal mandate, there are no institutional arrangements to ensure preferential access for fisherfolk to municipal waters and to secure settlements near coastal areas.	<input type="checkbox"/> While there are no definite parameters to assess the effectiveness of laws, there have been initiatives by CSOs and academe to assess government policies and programs (e.g. comparing government accomplishments vis-à-vis targets; documenting emergence of tenure conflicts and squatting; occasional perception surveys; shadow reports and scorecards; among others).	
1d. Recognition of customary rights, individual and communal.	<input checked="" type="checkbox"/> The law recognizes customary rights to public lands. There are some measures to assess de-facto recognition of customary rights (i.e., Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) integration in the Comprehensive Land Use Plan and/or Local Development Plans). However, de-facto recognition of communal rights undergoes several procedural problems. The registry system for ancestral domains is not adapted to communal rights (i.e., Transfer of Certificate of Title, which can legally be sold for Certificate of Ancestral Domain Title that are on the other hand, prohibited by law to be sold to non-IP members).		It is unclear whether the indicator (1d) refers to legal or de-facto recognition of communal rights. Legal recognition may be measured through claims, registered titles, self-delineation. De-facto recognition may be measured in terms of actual exercise of rights (e.g. implementation of ancestral community plans, practice of customs, among others).

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
1e. Violations of land and water rights	<p> Data on violations are available from several government agencies but is not consolidated at the national level.</p> <p>Available government data are gathered using different methodologies per agency (Commission on Human Rights, Department of Agrarian Reform, National Commission on Indigenous Peoples, Bureau of Fisheries and Aquatic Resources, Department of Justice, Department of Interior and Local Government, LGUs, etc.) and come in different formats. In some agencies, cases of violations are filed as individual reports which are not digitally encoded nor summarized.</p> <p>For cases with government agencies, reported by the media, or with CSOs, it is difficult to ascertain whether violations are directly related to land conflicts or are driven by other motivations.</p>	<p> CSOs conduct occasional field researches on the violation of land and water rights in selected areas.</p>	
1f. Budget of national government allocated to tenure rights	<p> National budgets of government agencies are available either online or by request.</p> <p>Data regarding funds allocated specifically for tenure has to be manually culled out and consolidated from the budgets of individual government agencies.</p>	<p> Data is partially available from occasional studies by CSOs using government data.</p>	

Legend:

 yes  no  partially available



COMMITMENT 2: STRONG SMALL-SCALE FARMING SYSTEMS

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
2a. Equitable land distribution and re-distribution by size, productivity, and number of households.	<input checked="" type="checkbox"/> There is government data on owners and occupants, size of land (re)distributed, crops planted per farmland, and availability of irrigation.	There are too many variables contained in one indicator (size, productivity, number of households).
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 checked="" type="checkbox"/> Data on the number of beneficiaries of support service are available in several government agencies (i.e. Department of Agrarian Reform, Department of Agriculture, Land Bank of the Philippines). But in most cases, data are not sex-disaggregated, type of services are not specifically defined, and not readily accessible.	There are too many variables contained in one indicator.
2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.	<input checked="" type="checkbox"/> Through several laws (CARPER and IPRA) and policies of agencies (DA, DAR, NCIP), support services are provided to small-scale farmers and indigenous peoples for them to be able to manage their farms sustainably. Goals on sustainable land ownership and management of small-scale farms are enshrined in agrarian reform law through land ceilings and land distribution. On the other hand, for the fishery sector, guidelines for Foreshore Lease Agreements and Fishpond Lease Agreements do not give preferential ownership for nor pursue a redistributive approach to providing access/ownership to small fishers.	While there are existing policies in support of sustainable land ownership and management of small-scale farms, the indicator should reflect their actual implementation. The indicator should likewise reflect instances where national policies in support of family farming are negated by other policies and local ordinances—ex, price controls on rice & corn produce, agricultural investment policies, etc.



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
<p>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.)</p>	<p><input checked="" type="checkbox"/> The Comprehensive Agrarian Reform Program (CARP) recognizes the rights of men and women farmers, tenants, and sharecroppers. Indigenous People's Rights Act (IPRA) recognizes individual and communal rights of indigenous peoples.</p> <p>There are also programs that provide group and individual user rights to forest dwellers for 25 years with the option of renewal.</p> <p>On the other hand, preferential rights to the use of municipal waters are bestowed to small-fisherfolk through the Fisheries Code.</p> <p>However, while individual and communal rights are recognized in these laws, there is no consolidated official data on the extent of their implementation. The lack of synchronization of policy has led to a complex and fragmented landscape of laws.</p>	<p><input type="radio"/> Data is partially available from studies of CSO and academic institutions.</p>	<p>Whether the indicator (3a) refers to legal, or de-facto recognition of individual and communal rights, or both, should be clarified.</p>
<p>3b. Respect for and enforcement of a continuum of people's rights.</p>	<p><input checked="" type="checkbox"/> Same as 3a</p>	<p><input type="radio"/> Data is partially available from studies of CSO and academic institutions.</p>	<p>'Enforcement' should be separate variable, and its parameters determined.</p>
<p>3c. Number and area of community claims made, with registration and verification by government agency.</p>	<p><input type="radio"/> These indicators are determined through available government data on Certificate of Ancestral Domain Claims (CADCs)—filed by indigenous peoples; and on forest management applications (i.e. Community-Based Forest Management Agreement [CBFMA], Integrated Forest Management Agreement [IFMA], others)—filed by forest dwellers.</p> <p>However, some data may not be easily accessible and updated.</p>	<p><input type="radio"/> Data found when CSOs assist their partner communities in filing and processing of community claims.</p>	<p>Community claims may not necessarily lead to secure tenure rights.</p>

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
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"/> Policies implemented include the CARP for farmers; IPRA for indigenous peoples; Community-Based Forest Management/Agreement Programs (e.g. CBFMA, IFMA, etc.) for forest dwellers; and Fisheries Code for fisherfolk.	<input type="checkbox"/> Data is partially available from studies of CSO and academic institutions.	<p>Policy development indicators may include assessment whether national policies follow international frameworks/treaties/agreements, and incorporate international guidelines (on climate change; disaster risk reduction and management; tenure and land governance; among others) into law.</p> <p>Indicators for policy implementation may include comparing government accomplishments vis-à-vis targets; documenting emergence of tenure conflicts and squatting; perception surveys; shadow reports and scorecards; among others).</p>
3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.	<input type="checkbox"/> Policies and programs implemented include the IPRA and CBFM/A programs. While there is data on forest users and communities whose tenure rights are recognized, there is no general data or census of forest dwellers.	<input type="checkbox"/> Data is partially available from studies of CSO and academic institutions.	



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	<p> Gender disaggregation of data is done by several government agencies for specific sectors (i.e. DAR for farmer sector, DENR for farmer and fisherfolk sectors). However, gender disaggregation of data is not applied in all datasets of the government, and not available in all agencies (e.g. NCIP does not provide readily-processed gender disaggregated data for indigenous peoples).</p>	<p> Data is partially available from occasional studies of CSO and academic institutions.</p>	
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	<p> Ownership of agricultural land data with disaggregation by gender are available from DAR (gathered annually), DENR (gathered annually), and the Philippine Statistics Authority/PSA (gathered every 10 years). However, there are no available data disaggregated by gender for tenurial rights over forestlands and ancestral domains. On the other hand, data tenure rights over housing are limited to household head.</p>	<p> Data is partially available from occasional studies of CSO and academic institutions.</p>	There are too many variables contained in one indicator.
4c. Gender-responsiveness of land and resource governance laws, policies or mechanisms	<p> There are existing general framework on gender-responsiveness—the Magna Carta of Women adopts the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Gender-responsiveness of land and resource governance is reflected in CARP and laws on public lands. On the other hand, IPRA and Fisheries Code only mention gender equality principle, but do not provide specific guidelines for the separate recognition of men and women.</p>	<p> Data is partially available from occasional studies of CSO and academic institutions.</p>	
4d. Availability of an inheritance or family law	<p> Policies implemented include the Family Code (Articles 96, 211, and 225). While women’s equal rights within the family, including inheritance, are in the national legal framework, these are not always followed in practice—due largely to social, cultural and religious factors.</p>	<p> Data is partially available from studies of CSO and academic institutions.</p>	

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
4e. Number of women with tenure rights to land	<p>🕒 Data from the government is produced per sector (farmers, fisherfolk, IPs) by specific agencies (Department of Agrarian Reform [DAR], Bureau of Fisheries and Aquatic Resources [BFAR], Department of Environment and Natural Resources [DENR], National Commission on Indigenous Peoples [NCIP]). Much of which is gender-disaggregated.</p> <p>Although available, data is not consolidated, and national-level aggregates or summaries may not be produced.</p> <p>Documents of land ownership from the government's agrarian reform program are available for smallholder farmers. These may be sex-disaggregated.</p> <p>The number of indigenous peoples living within titled ancestral domains may be determined but may not be disaggregated by sex.</p> <p>There are no tenure instruments on land issued specifically for small fisherfolk. But there are collective tenure instruments for fisherfolk organizations giving them exclusive use rights over municipal waters.</p>	<p>🕒 CSOs conduct occasional field research that covers data on women with tenure rights to land in selected areas.</p> <p>CSOs working with partner-communities may also have some site- and case-specific data on the number and sex of agrarian reform beneficiaries.</p>	



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
<p>5a. Recognition of indigenous peoples' autonomous right to lands, territories and resources and sacred ceremony sites in local and national legislation, policies, and programs.</p>	<p><input checked="" type="checkbox"/> Passed in 1997, Republic Act 8371 or the IPRA, addresses four substantive rights of indigenous people/communities: (i) the right to ancestral domains and lands, (ii) the right to self-governance, (iii) the right to cultural integrity, and (iv) social justice and human rights.</p> <p>The IPRA defines ancestral domains to cover “forests, pastures, residential and agricultural lands, hunting grounds, worship and burial areas, including lands no longer occupied exclusively by indigenous cultural communities, but to which they had traditional access.”</p> <p>Under the principle of self-determination, IPRA provides for indigenous communities to document and delineate their own ancestral domain claims and to formulate their own ancestral domain sustainable development and management plans (ADSDPPs). ADSDPPs are the consolidated community plans developed by indigenous communities within an ancestral domain, and how resources will be managed based on their indigenous knowledge systems and practices.</p>	<p><input type="radio"/> Data is partially available from occasional studies of CSO and academic institutions.</p>	
<p>5b. Effective implementation of tenure security of indigenous lands (in practice).</p>	<p><input checked="" type="checkbox"/> While there are annual reports (which compare the targets with the accomplishments) released by the National Commission on Indigenous People (NCIP), effective implementation may not be directly reflected in these documents as there are no defined measures in assessing this indicator.</p>	<p><input type="radio"/> CSOs conduct occasional field researches and workshops assessing the status of tenure security among indigenous peoples.</p> <p>Scope of CSO assessments are limited to partner IP-communities.</p>	<p>This can best be assessed by IP communities themselves or by their networks & alliances. See 5c.</p>
<p>5c. Perception of tenure security and resource governance of indigenous lands.</p>	<p><input checked="" type="checkbox"/> There are currently no mechanisms on gathering perceptions of tenure security.</p> <p>There was one study (NSCB CAR in 2013) commissioned by the government to assess perceptions on IP tenure security and resource governance—however this was only done once for a particular project.</p>	<p><input type="radio"/> CSOs and research institutions conduct occasional field researches and workshops assessing the status of tenure security and resource governance, but limited to partner IP-communities.</p>	

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
5d. Traditional land use and management plan recognized by government.	<p><input type="radio"/> At policy level, the government recognizes traditional land use and management through the ADSDPPs. Data on the number of plans formulated can be accessed in the NCIP; however, information whether they are integrated in local plans (e.g. CLUP, CDP, etc.) are lacking.</p> <p>There are also no consolidated data on the status of financing or implementation of ADSDPPs.</p> <p>In practice, ADSDPPs or traditional land use and management plans often conflict with/ and are often not recognized by other national government agencies, and by local governments. Indigenous lands also often overlap with other claims.</p>	<p><input type="radio"/> CSOs occasionally document experiences of partner IP-communities.</p>	



COMMITMENT 6: LOCALLY-MANAGED ECOSYSTEMS

For all the indicators for this commitment, data is not available from CSOs nor academic institutions.

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.	<p><input type="checkbox"/> Data on formulated plans may be gathered through the Land Use Plans (Comprehensive Land Use Plans, Regional Land Use Plans, etc.). However, statuses of the implementation of land use plans are not assessed.</p> <p>While the Local Government Code (LGC) mandates LGUs to formulate Comprehensive Land Use Plans, there is no national policy to set consistent parameters & regulations for formulating local land use plans.</p> <p>Listing of land use plans are available in the local government units, Housing and Land Use Regulatory Board (HLURB), and the Regional Offices of the National Economic Development Authority (NEDA).</p>	
6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.	<p><input checked="" type="checkbox"/> There is a national framework on land use planning. Community planning on specific resources (e.g. ancestral domain, forests, water use) are mandated and defined in sectoral policies.</p> <p>Since the Philippines has no national policy on land use, implementation and budgeting is dependent on the local government units (LGUs).</p>	



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"/> There are guidelines in formulating land use plans. Both urban and rural development planning follow the same guidelines. These may be provided in the different land use policies—protection, production, settlements, and infrastructure.	
6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.	<input checked="" type="checkbox"/> No data provided by the government.	Indicator 6d may not be relevant to the Philippine case.
6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.	<input type="checkbox"/> Data on lands governed by communities may be gathered from BFAR (e.g. Fish Sanctuaries, Fishpond Lease Agreement) assigned to fisherfolk organizations, DENR (e.g. Leaseholds, Patents, Resource Use Permits, Resource Management Agreements, CBFMAs etc.) assigned to local community organizations, and NCIP (CADT) assigned to indigenous peoples. Data may reveal which community-governed areas are recognized by government. However, as in indicator 5c and 5d, there is no measure as to whether these areas are effectively managed or the governance is recognized in practice. There is an existing compendium of statistics under the DENR but updated and more detailed data are accessible in separate DENR bureaus.	



COMMITMENT 7: INCLUSIVE DECISION-MAKING

For all the indicators for this commitment, data is not available from CSOs nor academic institutions.

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 on mandatory representatives at different levels of government (local government, national government), per sector may be acquired from various agencies, and consolidated by the Department of Interior and Local Government (DILG).	The numbers themselves may not reveal how participatory the selection process was or what impact their presence has made.

Legend:

yes
 no
 partially available

PROPOSED PCLG INDICATORS	Is official data available on the status of implementation of the law?	Comments on the indicator, if any
7b. Number of policies and programs formulated as a result of the recommendation of vulnerable representatives.	<input checked="" type="checkbox"/> No data provided by the government.	<p>It is difficult to attribute the formulation of policies and programs to the participation of sectoral representatives in government bodies. Most mandatory representatives may only recommend to policymakers, and not create policies themselves.</p> <p>Capacity development is also lacking for these sectoral (farmers, indigenous peoples, fisherfolk) representatives.</p>



COMMITMENT 8: TRANSPARENT AND ACCESSIBLE INFORMATION

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)?
8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.	<p><input type="checkbox"/> There is a recently-enacted Freedom of Information Policy (2017), which allowed for easier access to official government data.</p> <p>However, most of the data are outdated, not user-friendly, and are pre-tabulated. In some agencies, users have to pay fees to access data.</p> <p>There is also no nationally-consolidated data on information requests catered to by government agencies.</p>	<input checked="" type="checkbox"/> Data is not available from CSOs nor other sources.
8b. Regional and national information on public deals.	<p><input type="checkbox"/> Government agencies have publicly accessible data on deals and projects (ex. information on infrastructure projects, agribusiness venture arrangements, mining permits, investments in ancestral domains, among others).</p> <p>However, many of the public deals remain undisclosed, until after the deals have already been made. Affected communities often have no access to prior information.</p> <p>There is an FPIC requirement for projects involving IP lands, but not for other sectors.</p> <p>While approved deals are updated and accessible online, some of the data are still not user-friendly. There are also no nationally-consolidated data on public deals of various types.</p>	<input type="checkbox"/> CSOs have conducted occasional monitoring initiatives on public deals.
8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.	<input checked="" type="checkbox"/> Official information and government-initiated mechanisms are available for the different stages of lawmaking. Guidelines are also available to monitor the implementation of these laws.	<input type="checkbox"/> CSOs produce occasional reviews regarding the implementation of policies.











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
<p>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.</p>	<p><input checked="" type="checkbox"/> Regulations on the use of land and policies for the protection of tenure are available (ex. Free prior and informed consent as enshrined in the IPRA).</p> <p>However, there remain several issues on the implementation of laws. There are inherent loopholes in the agrarian reform law that allow for land use conversion of smallholder farms. Tenure of land is also subject to overlaps in instruments, policies, and jurisdiction of agencies. Some titles have been issued for public domains. There is continued encroachment of private or commercial interests into community land and water resources. Regulatory mechanisms of the government are also weak.</p>	<p><input type="checkbox"/> CSOs conduct occasional monitoring of land and resource rights of their partner-communities.</p>	<p>While there are no definite parameters to assess the effectiveness of policies, there have been initiatives by CSOs and academe to assess government policies and programs (e.g. comparing government accomplishments vis-à-vis targets; documenting emergence of tenure conflicts, land grabbing, and squatting; occasional perception surveys; shadow reports and scorecards; among others).</p>
<p>9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description</p>	<p><input type="checkbox"/> Different government agencies have desks for receiving complaints and violation reports from communities (ex. Commission on Human Rights, NCIP, DAR, LGUs).</p> <p>However, data are not nationally-consolidated, and are scattered among the different agencies. Some agencies and courts do not categorize whether the cases and complaints are due to land conflicts. Reports on violations are also not easily verifiable, as they mostly rely on anecdotes.</p>	<p><input type="checkbox"/> CSOs conduct occasional monitoring of land and resource rights of their partner-communities.</p> <p>Other sources of this data include: courts and media reports.</p>	
<p>9c. Availability of dispute resolution mechanisms: number of women and men, indigenous and local communities that have access to effective dispute-resolution mechanisms</p>	<p><input checked="" type="checkbox"/> There are available dispute-resolution mechanisms ranging from customary, administrative, quasi-judicial, judicial and multi-sectoral approaches.</p>	<p><input type="checkbox"/> Data is partially available from occasional studies of CSOs.</p>	

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
9d. Land dispute resolution effectiveness: number of individuals/ households/ communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved	<p> There is government data on the status of land dispute cases within the past three years. The DAR records land dispute cases in agrarian reform. Data is summarized by the number of cases received by DAR and how these are disposed, and thus land disputes may be counted more than once if they reoccur, as there is no final resolution. Summaries also do not indicate the total number of people/families/communities involved; these are estimated based on the number of hectares under contention.</p> <p>Data on other kinds of land dispute are scattered across several agencies, including the judicial courts.</p>	<p> Data is partially available from occasional studies of CSOs.</p>	
9e. Number of families restituted of their lands, by gender and by type of land.	<p> Although, the government through IPRA provides the legal basis for restitution for indigenous peoples on their ancestral domains, but data is not readily available for this.</p>	<p> Data is partially available from occasional studies of CSOs.</p>	
9f. Fair compensation and land restitution for affected families.	<p> Data is not provided by the government.</p>	<p> Data is not available from CSOs nor academic institutions.</p>	
9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc.	<p> Data is not provided by the government.</p>	<p> CSOs have conducted occasional monitoring and documentation of land grab cases of partner communities or upon request.</p>	



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
9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.	<p> There is available government data on land conversion of agricultural lands to other uses. DAR may provide data only on approved, legally-converted lands. Often, information is made available only after the land has been converted.</p> <p>Agencies also vary in terms of their level of transparency. Some government agencies are more willing than others to provide data. Data may also be outdated.</p> <p>The processes for land-use conversion are outlined in laws. However, communities have limited knowledge and understanding of these laws.</p>	<p> CSOs conduct occasional field research on land conversion.</p>	



COMMITMENT 10: PROTECTION FOR LAND RIGHTS DEFENDERS

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
10a. Legal basis for the protection of land rights defenders.	<p> The Philippines is a signatory to the Universal Declaration on Human Rights, the Convention on Civil and Political Rights, and the Convention on Economic, Social, and Cultural Rights, and other human rights and humanitarian conventions/treaties.</p>	<p> Data is partially available from occasional studies of CSO and academic institutions.</p>	
10b. Protective measures taken.	<p> The justice system provides for the legal protection of land rights defenders involved in legal battles. However, at times, protective measures are not provided for it is the government that is the perpetrator of violations.</p>	<p> A few CSOs occasionally have initiatives to protect land rights defenders, and in most cases subject to availability of funding.</p>	

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
10c. Number of land rights defenders that have been threatened, arrested, killed, missing and jailed, specify number of violent acts against women.	<p> Different government agencies have desks for receiving complaints and violation reports from communities (ex. Commission on Human Rights, NCIP, DAR, LGUs). Data are not nationally-consolidated, and are scattered among the different agencies. Some agencies and courts do not categorize whether the cases and complaints are due to land conflicts. Reports on violations are also not easily verifiable, as they are mostly anecdotal.</p>	<p> CSOs conduct occasional monitoring of land and resource rights of their partner-communities. Other sources of this data include: courts and media reports.</p>	
10d. Availability of effective mechanisms to protect, respect, and fulfil the rights of land rights defenders.	<p> The State justice system provides for the legal protection of land rights defenders involved in legal battles. At times, protective measures are not provided for it is the government that is the perpetrator. The Commission on Human Rights, the Philippines's independent human rights body, often probes into rights violations committed by State actors. However, there are no definite parameters to assess effectivity of the mechanisms.</p>	<p> A few CSOs occasionally have initiatives to protect land rights defenders; mostly subject to availability of funding.</p>	Indicator 10d is very similar to indicator 10b.
10e. Availability of effective mechanisms—with sufficient budget—for the rehabilitation of land rights defenders and families that have been jailed or harassed.	<p> The justice system has a reintegration program, but only for State witnesses, not for victims.</p>	<p> Some CSOs, church groups, and individuals have supported programs on rehabilitation of land rights defenders and their families.</p>	

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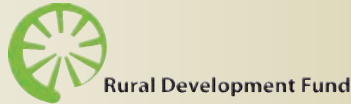
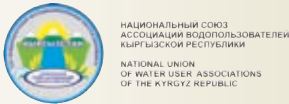
The **International Land Coalition (ILC)** is a global alliance of civil society and intergovernmental organizations working together to put people at the center of land governance. The shared goal of ILC's over 200 members is to realize land governance for, and with people at the country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

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This publication analyzes the availability of official government data in relation to the 10 Commitment-Based Initiatives of the International Land Coalition (ILC) across eight Asian countries. This assessment is based on land monitoring studies undertaken by Land Watch Asia (LWA) partners in each country — Bangladesh, Cambodia, India, Indonesia, Kyrgyz Republic, Nepal, Pakistan, and the Philippines. It contains feedback from country researchers regarding the availability and quality of official land data and information regarding laws (legal framework), the current reality (de facto) and people’s perceptions and views. This publication is LWA’s contribution to the ILC network, towards generating land information for monitoring People Centered Land Governance.