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# Bangladesh

## Land Conflict Monitoring Report<sup>1</sup>

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### INTRODUCTION

#### Project and study background

**M**anagement of land and natural resources is one of the most critical challenges facing developing countries like Bangladesh. The exploitation of high-value natural resources has often been reported as a key factor in triggering, escalating, or sustaining violent conflicts around the globe. Increasing competition and conflict for diminishing land and natural resources is on the rise, and creates new challenges such as: environmental degradation, population growth, and climate change, which contribute to new conflicts and obstruct the peaceful resolution of existing ones.

Disputes over land are one of the reasons behind numerous human rights violations, conflicts, and violence. Incidences of harassments, tortures, killings, and rape of women and girls, and many other human rights violations by land grabbers are common in many countries, including Bangladesh. A proper and regular land monitoring mechanism is essential for effective action against land grabbers and protection of rights defenders.

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<sup>1</sup> This is an abridged version of the paper "Bangladesh Land Conflict Monitoring Report" prepared by the Community Development Association (CDA) for the project "Defending Land Rights and Human Rights Defenders." For more information, contact edcda08@gmail.com.

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## Study objectives

This study aims to answer the following three questions:

- What is the nature and prevalence of land and resource conflicts in Bangladesh?
- What are the causes of land and resource conflicts, their outcomes, and impacts?
- How effective are existing conflict management and resolution mechanisms?

## Study methodology

Both primary and secondary data have been collected to understand the nature and prevalence of land conflicts, its causes, impacts and resolution mechanisms in Bangladesh. Primary data have been collected through FGDs and consultation workshops. Secondary data have been gathered from books, published research reports, and media reports.

Two consultation workshops, on 30 July 2018 and 5 November 2018 were conducted with the participation of CSOs and land rights activists.

One focus group discussion with the participation of CSOs, land rights activists and experts was also conducted to identify causes of land and resource conflicts, their impacts, as well as to know the existing conflict-management and resolution mechanisms.

<p><b>146</b> land related laws</p> <p><b>80%</b> cases over land</p> <p><b>25 lakh</b> cases pending</p> <p><b>9.5 yrs</b> on average for disposal of a case</p> <p><b>23.5 lakh</b> acres of land are disputed</p> <p>Annual household losses <b>Tk 11,520 crore</b></p> <p><b>Tk 24,860</b> crore spent on land cases a year</p>	<p>The number of land cases are increasing every day. People have to spend almost 3 billion USD (Tk 24,860 crore) a year to resolve these cases. Disposal of a case takes nine and a half years on average, meaning it would require 27,000 (2.70 crore) years to dispose of the 2.5 million (25 lakh) pending cases (The Daily Star, 23 December 2015, citing a study of Barkat, 2015).</p>
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Source Barkat, 2015

## Limitations of the study

This study is limited to land-human rights violation against indigenous people in the Chittagong Hill Tracts (CHT) and in plain lands across the country. It is mostly based on secondary data gathered by Kapaeeng Foundation from media reports and its own network from 2015 until June 2018.

## OVERVIEW OF LAND AND RESOURCE CONFLICTS IN THE COUNTRY

### Nature of the conflicts

Bangladesh is experiencing strong pressures on land due to population growth. Tenure insecurity is high due to outdated and inactive laws and policies. Incidences of land conflicts and land grabbing are increasing. Influential people have encroached on public land. Flood control projects are accompanied by expropriation; and ongoing conflicts over control of water bodies are negatively impacting the lives and livelihoods of poor communities.

Land conflicts occur in many forms in Bangladesh – between individuals, between communities, landless and land grabbers, and people and State actors. Disputes occur over State property, private property, and collective and common property (see table below).

**Table 1: Nature of land conflicts in Bangladesh**

<p><b>Conflicts over all types of property</b></p>	<ul style="list-style-type: none"> <li>■ Inheritance and ancestral land conflicts</li> <li>■ Boundary conflicts</li> <li>■ Conflicts over overlapping rights (indigenous rights vs. statutory laws, such as between Bengali settlers and IPs in CHT and plain lands)</li> <li>■ Conflicts due to lack of land registration, i.e. 45.2 percent unregistered documents in cases of inherited land parcels (BRAC HRLS-PRI, 2014)</li> <li>■ Conflicts between State and private/collective owners due to unclear and non-transparent land demarcation</li> <li>■ Multiple sales/allocations of land</li> <li>■ Limited access to land due to discrimination by law, custom or practice</li> <li>■ Peaceful and informal land acquisitions without evictions</li> <li>■ Violent land acquisitions</li> <li>■ Evictions by landowners</li> <li>■ Illegal evictions by State officials acting without mandate</li> <li>■ Establishment of tea gardens and Eco Parks/social forestry</li> <li>■ Commercialization of land and unplanned development projects</li> <li>■ Disputes over the payment for using/buying land</li> <li>■ Disputes over land value</li> <li>■ Destruction of property (pre-grabbing for dispossession, ex. violent attacks and burning)</li> </ul>
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<b>Conflicts over private property</b>	<ul style="list-style-type: none"> <li>■ Eviction by the State without compensation</li> <li>■ Sales of other's property</li> <li>■ Leasing/renting disputes</li> <li>■ Agrarian reform issues</li> <li>■ Intra-family conflicts, especially in the case of polygamy</li> <li>■ Indigenous people's land is falsely recorded as Vested Property</li> </ul>
<b>Conflicts over collective/common property</b>	<ul style="list-style-type: none"> <li>■ Competing, illegal, or improper uses of collective land</li> <li>■ Unauthorized sales of collectively owned property</li> <li>■ Disputes over the distribution of revenue from collective land</li> </ul>
<b>Conflicts over State property</b>	<ul style="list-style-type: none"> <li>■ Competing, illegal, or improper uses of State property</li> <li>■ Land grabbing by politicians, public officials and other influential persons</li> <li>■ Illegal sales/lease of State land like forests, mines, and concession land to be used by the Water Supply and Sewerage Authority (WASA), city corporations</li> <li>■ Improper land privatization (e.g. unfair land distribution or titling)</li> </ul>

## Recent developments/Emerging issues

Recent and emerging factors contributing to land and resources conflicts in the country include commercialization of agricultural land and value chain development; migration due to climate change; industrialization and unplanned development projects; unplanned housing projects around cities; unplanned urbanization due to demographic and economic growth as well as new/expansion of cities in the name of increasing civic services; and, multinational investments.

The table below shows the victims and perpetrators of land conflicts.

**Table 2: Land conflict victims and perpetrators**

Land conflict victims		Perpetrators
<ul style="list-style-type: none"> <li>■ Landless poor people</li> <li>■ Agricultural labors</li> <li>■ Construction workers</li> <li>■ Tea garden workers</li> <li>■ Small peasants</li> <li>■ Migrants</li> <li>■ Slum dwellers</li> <li>■ Marginalized people</li> </ul>	<ul style="list-style-type: none"> <li>■ Women and girls</li> <li>■ Children</li> <li>■ Old-aged people</li> <li>■ Indigenous people in both hill and plain lands</li> <li>■ Persons with disabilities</li> <li>■ Occupational minorities</li> <li>■ Transgender people</li> </ul>	<ul style="list-style-type: none"> <li>■ Political leaders</li> <li>■ Influential persons/groups</li> <li>■ Local administration and government officials, bureaucrats</li> <li>■ Military and para-military forces</li> <li>■ Police</li> <li>■ Land grabbers</li> <li>■ Agriculture investors</li> </ul>

The recent influx of more than 700,000 Rohingya refugees from Myanmar has led to the degradation of the environment and undermining of the land and resource rights of the hill tribes in CHT, and has had a critical impact on forest land in Cox's Bazar, as thousands of hectares were cleared to make way for makeshift camps and firewood.

## Land conflicts in the CHT region

The Chittagong Hill Tracts (CHT) region is the principal home of the country's indigenous peoples. Here, land administration is a blend of unwritten customary laws and State laws. Practicing customary land-rights in line with the State's laws creates problems in the land-use patterns of the indigenous peoples.

Fierce clashes, killings, rape, abduction, arbitrary arrests, detentions and eviction of indigenous people are common incidents in CHT region due mainly to conflicts over land. From January to June 2018, at least 70 incidents of human rights violations against indigenous peoples, both in the plain lands and CHT region have been reported (UNPO, 2018). Some 209 indigenous persons from 125 families, including 12 children and 23 women and girls, have been subjected to violence (UNPO, 2018).

Following the Chittagong Hill Tracts Accord in 1997<sup>2</sup>, the government formed the CHT Land Dispute Resolution Commission to settle land disputes in the region. But it is still ineffective due to lack of rules and mechanisms. Roughly 30,000 applications are now pending with the land commission to settle disputes over land (Prothom Alo, 2018).

Due to non-resolution of land disputes, land grabbing, eviction, and ethnic conflicts are frequently taking place in CHT and plain lands, which negatively affect the lives and livelihoods of indigenous communities. The conflicts among different political groups in the CHT over establishing supremacy have left an estimated 600 people killed since the signing of the Peace Accord in 1997 (Rahman, 2008).

The table below details the types of human rights violations experienced by indigenous peoples in the CHT and plain lands.

**Table 3: Human rights violations against indigenous people over land disputes**

Types of human rights violation against indigenous people	2015-June 2018		Total
	CHT	Plain lands	
Number of houses burnt to ashes	237	1,247	1,484
Number of houses looted and ransacked	115	91	206
Number of persons assaulted and injured	13	133	146
Number of persons killed	02	07	09

<sup>2</sup> Against the backdrop of two decades of insurgency in the Chittagong Hill Tracts (CHT), the Peace Accord was signed between the State-led National Committee on Chittagong Hill Tracts and the Parbatta Chattagram Janasanghati Samity (PCJSS), the political wing of the separatist rebels, on 2 December 1997.

Number of rape attempt/molestation against women	08	32	40
Number of evicted families	263	1,281	1,544
Number of families threatened to eviction	1,163	13,465	14,628
Land grabbed (in hectares)	3,083	5,305	8,388
Land under grabbing/acquisition (in hectares)	3,384	5,223	8,607
Number of victims facing false cases	89	682	771
Number of arrested victims	10	29	39

Source: Kapaeeng Foundation's Human Rights Reports on Indigenous People in Bangladesh

## ANALYSIS OF LAND CONFLICTS

### Drivers of conflict

**Table 4. Current drivers of land conflicts**

Drivers/causes	Examples
Socio-economic and demographic causes	<ul style="list-style-type: none"> <li>■ Patriarchal society and discrimination of the women</li> <li>■ Unsettled vested property, abandoned property and <i>khas</i> land</li> <li>■ Evolution of land markets</li> <li>■ Increasing land prices</li> <li>■ Poverty and poverty-related marginalization/exclusion</li> <li>■ Extremely unequal distribution of power and resources (including land)</li> <li>■ Strong population growth and rural exodus</li> <li>■ New and returning refugees</li> <li>■ Development projects undertaken without consent (FPIC) from locals/IPs, for establishing tea gardens and Eco Parks/social forestry, etc.</li> </ul>
Legal & judicial causes	<ul style="list-style-type: none"> <li>■ Unfavorable laws and policies</li> <li>■ Outdated laws and policies</li> <li>■ Non-implementation of policies</li> <li>■ Legislative loopholes</li> <li>■ Contradictory legislation</li> <li>■ Discriminatory State policies and inheritance laws</li> <li>■ Legal pluralism</li> <li>■ Customary land law without written records</li> <li>■ Formal law which is not sufficiently known to all</li> <li>■ Limited/no access to law enforcement and jurisdiction by the poor/disadvantaged</li> <li>■ Insufficient implementation of legislation</li> <li>■ Ignorance about mutation and laws</li> <li>■ Insufficient or absence of land conflict resolution mechanisms</li> </ul>
Administrative causes	<ul style="list-style-type: none"> <li>■ Corruption in land administration, which ranks among the top three institutions with worst rates of bribery (71.2 percent)</li> <li>■ Insufficient control over State land</li> <li>■ Lack of co-ordination within and between different government agencies as well as between public and private sector</li> <li>■ Lack of responsibility/accountability/transparency</li> </ul>

Administrative causes	<ul style="list-style-type: none"> <li>■ Lack of conflict management capacity of government officials</li> <li>■ Delayed land survey</li> <li>■ Limited access to land administration, especially for the poor and rural population</li> <li>■ Insufficient information to the public</li> <li>■ Contradiction between judiciary and land ministry</li> <li>■ No updated data and ideas about tax, court fees, prices of stamps etc.</li> </ul>
Technical causes	<ul style="list-style-type: none"> <li>■ Missing or inaccurate surveying</li> <li>■ Missing land register (e.g. destroyed) or one that does not meet modern requirements</li> <li>■ Lack of modern land management system</li> <li>■ Lack of proper documents keeping/storage</li> <li>■ Falsification of deeds</li> </ul>
Causes of political economy	<ul style="list-style-type: none"> <li>■ Change in the political and economic system</li> <li>■ Exercise of political influence</li> <li>■ No political commitments to resolve land conflicts and land grabbing</li> <li>■ Political corruption, State capture and land grabbing</li> <li>■ Political (and economic) support for big agricultural investments, which go against the poor peasants</li> <li>■ State land acquisitions/expropriations for infrastructure &amp; investment areas (i.e., establishment of special economic zones)</li> </ul>

## Impacts of land conflicts

Land conflicts often have extensive negative effects on economic, social, spatial, and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action are widespread, and many poor people lack access to land (Wehrmann, 2008). Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources (Wehrmann, 2008).

It is said that 80 percent of criminal offences today stem from land disputes (Saleh, 2015). Victim families take the toll financially, and in terms of safety. One study states that some 18 percent of families in the country pay 266 USD to police and 65 USD to local arbitrators as bribes for the resolution of pending cases of land disputes (BRAC HRLS-PRI, 2014).

According to the study, 7.5 percent of households involved in land conflicts have experienced physical violence. Lawyers' fees account for about 60 percent of the total costs for resolving a dispute. The total cost to see through a land dispute is 45 percent of a household's annual income.

## MECHANISMS TO ADDRESS CONFLICT AND VIOLENCE

Land administration and management is the realm of the Ministry of Land, which has four divisions: i) Land Administration; ii) Land Appeal Board; iii) Land Reforms Board; and, iv) Directorate of Land Record & Survey (DLRS).

The Land Appeals Board and Land Reforms Board are in charge of administrative dispute resolution over land. Assistant Commissioners, Additional Deputy Commissioners, and Additional Commissioners hand down decisions on disputes. These two bodies are the final arbiters in matters of *khas* land, changes in records, mutation, plot demarcation, and taxation at the lower levels. After administrative decision, people can take their cases to the lower court, which is the first step of a judicial procedure.

Land litigation in Bangladesh is characterized by a huge backlog of cases, high legal expenditure, corruption, bribery, and harassment. Land litigation leads to destitution and distress among the families involved. Corrupt government officials, influential locals, and touts are the only beneficiaries of the system (Barkat & Roy, 2004). The formal legal and judicial system is obviously cumbersome in Bangladesh and does not work in the end.

One in every seven households in Bangladesh is involved in land disputes, according to a study conducted in 14 districts. About two million land related cases are pending with the judiciary, which make up more than 70 percent of all litigations in the country (BRAC HRLS-PRI, 2014). Of those resolved, each dispute took about three years to be adjudicated, but some cases found settlement after 17 years. However, the average time a case remains pending is approximately eight years, while a few cases have been continuing for nearly 40 to 50 years.

## POLICY IMPLICATION AND RECOMMENDATIONS

### For government

- Repeal *discriminatory* laws against marginalized people— such as against women’s land and inheritance rights, and against indigenous peoples land entitlements before any reforms like formulation of a comprehensive land policy or land governance system.
- Enact a specific law to prevent land grabbing and ensure quick resolution of land disputes.
- Establish an independent land commission for the plain land indigenous people to protect their land human rights and resolve land disputes.



- Strengthen the CHT Land Disputes Resolution Commission and enforce its law and rules.
- Enact laws and formulate a mechanism to protect land rights defenders.
- Check corruption, irregularities, and bribes at land administration, courts and police stations.
- Take initiative to withdraw false cases over land conflicts and stop police or administrative harassments against land rights holders and defenders.
- Cancel lease of land among companies/corporations/political and non-political influential groups for violation of land-human rights.
- Ensure people-centered land governance and digitalization of land management system.
- National Human Rights Commission can act as a negotiator to resolve land disputes by engaging political parties, CSOs and other GO-NGO stakeholders.
- Fast-track the resolution of land related cases at courts.
- Strengthen local mediation mechanisms to resolve land conflicts.
- Establish a 24-hour service-based unit/cell with hotlines under the Land Ministry to monitor land conflicts, take immediate actions against land grabbers and protect victims and defenders. A mobile court led by the executive magistrate can be run under the unit/cell to stop land grabbing and protect victims.

### **For CSOs**

- Popularize land rights as human rights and business and human rights.
- Monitor land conflicts continuously and publish land conflict monitoring reports periodically and annually.
- Formulate and implement a strategic plan to reduce land-human rights violation and to assist victims and land rights defenders.
- Build public solidarity and support especially in cases of large-scale land grabbing and evictions due to land acquisitions that violate land-human rights.
- Empower affected communities and strengthen their organizations particularly landless and small producers.
- Improve reporting and response mechanisms to land conflicts. Monitor business interests that affect land rights.
- Undertaking strategic communication program engaging local land administration, CSOs, political leaders, landless people and marginalized farmers to resolve land disputes.
- Establish independent People's Institutions to investigate land conflicts, including the conduct of businesses and the role of the State, towards the protection of people's rights. ○

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## LIST OF ACRONYMS

ALRD	Association for Land Reform and Development
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ARBAN	Association for the Realisation of Basic Needs
CDA	Community Development Association
CHT	Chittagong Hill Tracts
CSO	civil society organization
FPIC	Free, Prior, and Informed Consent
GO	government office
IPs	indigenous peoples
NGO	non-government organization
Tk	Bangladeshi Taka
USD	United States Dollar
WASA	Water Supply and Sewerage Authority

## REFERENCES

Barkat, A. (22 December 2015). *Land Laws of Bangladesh: A Right-based Analysis and Proposed Changes*. [Keynote address].

- Barkat, A. and Roy, P. (2004). *Political Economy of Land Litigation in Bangladesh: A Case of Colossal National Wastage*. Dhaka: Association for Land Reform and Development (ALRD).
- BRAC Human Rights and Legal Services and Policy Research Institute (BRAC HRLS-PRI). (2014). *Socio-Economic Costs of Property Disputes: An Empirical Examination from Bangladesh*. Dhaka: BRAC HRLS-PRI
- Hossain, M. I. and Ahsan, M. (2015). *Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh*. Dhaka: Human Development Research Centre (HDRC).
- Kapaeeng Foundation (KF). (2017). *Human Rights Report on Indigenous People in Bangladesh 2017*. Dhaka: Kapaeeng Foundation.
- Kumar, C. (24 September 2013). Bangladesh Power Plant Struggle Calls for International Solidarity. *The Huffington Post*. Retrieved from [https://www.huffingtonpost.com/chaitanya-kumar/bangladesh-power-plant-st\\_b\\_3983560.html](https://www.huffingtonpost.com/chaitanya-kumar/bangladesh-power-plant-st_b_3983560.html)
- Land Portal and Uttaran. (2017). *Land Governance: a country profile*. Retrieved from [www.thisisplace.org/i/?id=d65b3405-d78f-46ca-9269-42cd97e6e91c](http://www.thisisplace.org/i/?id=d65b3405-d78f-46ca-9269-42cd97e6e91c)
- Muhammad, A. (11 April 2016). Scrap Project of Destruction. *The Daily Star*. Retrieved from <https://www.thedailystar.net/op-ed/politics/scrap-projects-destruction-1207177>
- Prothom Alo. (6 October 2018). *A report on CHT land commission: no rules formulated in two years*.
- Rahman, F. M. (7 May 2008). Killings in Hills: Justice elusive, all along. *The Daily Star*. Retrieved from <https://www.thedailystar.net/backpage/killings-hills-justice-elusive-all-along-1572721>
- Sabuj, M. (6 November 2018). Trapped in uncertainty: Around 1200 Santal families in Gaiband have yet to be rehabilitated in 2 years after their houses were torched. *The Daily Star*. Retrieved from <https://www.thedailystar.net/backpage/news/trapped-uncertainty-1656751>
- Saleh, M. F. (19 August 2015). Drawback of land administration system in Bangladesh and some feasible solutions. *Bangladesh Law Digest*.
- Transparency International and FAO. (2011). *Corruption in the land sector*. Working Paper 04/2011.
- UN Interagency Framework Team for Preventive Action (UNIFTPA). (2011). *Toolkit and guidance for preventing and managing land and natural resources conflict: Conflict prevention in resource-rich economies*. New York: UNIFTPA.
- Unrepresented Nations and Peoples Organization (UNPO). (2018). *Chittagong Hill Tracts: Increasing Human Rights Abuses Threaten Hundreds of Lives*. Retrieved from <https://unpo.org/article/20930>

- Wehrmann, B. (2006). *Landkonflikte im urbanen und peri-urbanen Raum von Großstädten in Entwicklungsländern*. Research Reports on Urban and Regional Geography 2. Berlin: LIT.
- Wehrmann, B. (2008). *Land Conflicts: A Practical Guild to Dealing with Land Disputes*. Germany: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.