



Land Watch Asia

Campaign Update 2011

BANGLADESH

The Fight for Land Rights Moves Forward¹

In Bangladesh where over 150 million citizens have to live on only 15 million hectares of land—making it one of the most densely populated countries in the world—issues on land rights and agrarian reform take on even greater significance.

Indeed, the fight for these rights has become part and parcel of the fight for survival. Access to precious land, however, is determined largely through either ownership—mainly limited to the elite or those with connections—or access to state-owned land, known as *khas* land. Thus, the history of land reform in Bangladesh is largely about past and current attempts to distribute *khas* land to the landless poor.

Khas land and *khas* water bodies cover some 2.1 million hectares, 24% of which are agricultural. Past administrations in Bangladesh have all adopted an agrarian reform agenda with the key strategy of distributing *khas* land to the poor, but little progress had been made.

While *khas* lands have been given to poor peasants through the years, large numbers of these recipients have either been forced or tricked into giving up their holdings, due to alleged collusion among village leaders, government officials and urban-based groups. Recent

phenomena of land speculation and widespread grabbing of *khas* land for large-scale agricultural development or commercial concerns have added another barrier to the full implementation of agrarian reform programs.

As a result of these largely failed attempts over the years to effect genuine land reform, the number of landless people in Bangladesh has doubled in the last 30 years, with a large section forced to migrate to the slums of big cities, where they live in subhuman conditions. Studies have indicated that free and fair distribution of *khas* land could prevent further migration to the cities, thus it is imperative that Bangladesh's poverty eradication agenda should have equitable distribution of *khas* land and enhanced access of the poor to the land at the center.

Of particular interest is agricultural *khas* land as the majority of Bangladesh's citizens still depend on agriculture for their livelihood and agriculture comprises the single biggest industry in the developing South Asian country.

Agricultural *khas* land covers some 321,323 ha, of which 43.47% has reportedly been distributed to landless households. One enabling law was the policy instituted in 1997 to distribute *khas* land to landless peasants, defined as landless families dependent on agriculture for their livelihood. This also prioritized certain groups, such as families of freedom fighters, families

The Land Watch campaign in Bangladesh is spearheaded by the Association for Land Reform and Development (ALRD) in partnership with the Society for Environment and Human Development (SEHD).

that lost their land to erosion, and families whose lands were expropriated by the government.

The Country Paper “Land Watch Asia Campaign: Bangladesh Status Report” prepared by ALRD for Land Watch Asia in 2008, however, showed that while 82.8% of the *khas* recipients fit these identified categories, as much as 17.2% of them do not even own close to a quarter of a hectare of land, thus severely limiting their ability to earn a decent living from their land and have enough left over for other basic needs such as health and education.

As for non-agricultural land, there were no management guidelines before 1995. Because of this regulatory vacuum, influential and well-connected persons were able to claim ownership. The government eventually issued detailed guidelines for the management and settlement of state land in urban areas in March 1995, but by then most of these prime pieces of property had been awarded to the rich and powerful, again leaving ordinary Bangladesh citizens by the wayside.

Steady economic growth over the past few years has likewise posed its own challenges on land rights in Bangladesh; for as investments have grown, so has the demand for land that can be used for commercial purposes.

Shrimp cultivation, for example, has become a major industry in Bangladesh, supporting 1.5 million citizens. It was initially practiced in the households and on fallow or marginal land. But as it became more profitable, coastal land, including rice farms, mangrove areas and marshes were brought under shrimp cultivation, causing serious environmental problems such as land degradation due to increase in soil salinity.

Agricultural land is also being diminished due to conversion into export processing zones, residential developments, infrastructure development and other government projects. Much of the converted land is *khas* land, which the government ought to be distributing to landless peasants.

In 2008, Bangladesh elected a new President, and his administration has opened up potential spaces for

civil society organizations to popularize land issues, which have to be urgently addressed to ensure the equitable economic development of Bangladesh. CSOs have reason to believe that land rights would be taken seriously by the current administration as land issues were included in the election manifesto of the Awami League and the Grand Alliance forces, which vowed to ensure “food for all” in Bangladesh and fight for food self-sufficiency by 2013.

The Land Watch Asia Campaign in Bangladesh

Land Watch Asia (LWA) is a regional campaign that aims to ensure that issues of access to land, agrarian reform, and equitable and sustainable development in rural areas are addressed in national and regional development discussions.

To contribute to the fight for land rights, the Association for Land Reform and Development (ALRD), a non-government organization (NGO) that seeks to empower the poor and ensure their land rights through comprehensive land and agrarian reform in Bangladesh, sought to enhance national policy dialogues on land issues among local civil society organizations, government offices and international groups.



A major component of the Land Watch campaign in Bangladesh is information networking to increase partners' and beneficiaries' knowledge of land rights.

To achieve goals under information dissemination, ALRD published its newsletter *Bhumibarta* in Bangla and *Land Agenda First* in English. These publications contain brief news/summaries/analyses of different seminars, workshops and regular programs and activities concerning land, water and agrarian reform. Over 2,000 copies of each volume were distributed among partner organizations, government offices, civil society members, as well as concerned institutions and individuals.²

ALRD likewise printed and disseminated 500 copies of the Bangladesh Land Watch Country Paper in the local language to reach out to organizations and civil society members in an attempt to build a wider CSO consensus

on issues of land rights and agrarian reform. This paper assessed the policy and legal environment affecting land access and land rights; reviewed the past contributions and existing efforts of different sectors to address land issues; and identified opportunities, challenges and strategies to effectively address issues and gaps and advance access to land and tenurial security of disadvantaged and land dependent citizens.

ALRD also organized seminars, workshops and roundtable discussions to influence policy changes in favor of the poor and the disadvantaged.

In February 2011, ALRD organized two activities as part of its advocacy work. One was a seminar on the "Commercialization of Agricultural Land and Water Bodies: Disempowerment of Poor in Bangladesh" that over 150 participants attended, and the other was a

BOX 1

Major Achievements of ALRD and Partners

Advocacy of ALRD and its partners have contributed to the following victories for land and agrarian reforms in Bangladesh:

- repeal of the Vested Property Act (considered as singularly discriminatory against the Hindu religious minorities) and subsequent enactment of the Vested Property Restoration Act 2001;
- enactment of the Registration (Amendment) Act 2004 that brought about major reforms in land registration and record keeping system;
- adoption of *Khas* Land Management and Distribution Policy by the government (ALRD was closely involved in the drafting and elaboration of the original *khas* land distribution policy, which gives women equal rights and titles over *khas* or state-owned land);
- incorporation of the relevant chapters on land and agrarian reforms, highlighting the importance of prioritizing marginalized communities in *khas* land distribution, in the Poverty Reduction Strategy Paper (PRSP) of the Government of Bangladesh;
- preparation of a Citizen's Charter, a useful instrument for the grassroots people to exact accountability from land management administration, by providing technical assistance to the Directorate of Land Records and Surveys (DLRS); and,
- reactivation the CHT Land Commission, a key part of the CHT Peace Accord, which stipulates arbitration over the cases of land disputes in the region.

press conference and roundtable discussion on the “Vested Properties Return Act of 2011 and the need to abolish historic injustice”, which drew about 200 participants from government, civil society, academe and media. Another briefing on the same topic was held in June 2011, which attracted the participation of about 150 people.

A roundtable discussion on “Food Sovereignty of Poor Farmers and Marginalized vs Their Access to Land and Natural Resources” was held on 1 August 2011. It revealed the status of food sovereignty, safety and security in Bangladesh. More than 120 participants from local, national and international NGOs, human rights activities, students, politicians, indigenous peoples, grassroots representatives and members of media participated in the roundtable.

A separate seminar on land grabbing for commercial use was organized on 24 July 2011 to shed light on the overall trend of commercialization and its impact on poor people’s access to and control over rural agricultural as well as urban land. Experts who took part in the discussion indicated that there are already concrete cases of land grabbing and forced migration.

The discussion also focused on contentious development initiatives and commercial activities on agricultural land. It was concluded that government intervention is needed fast to protect agricultural land, demolish illegal structures on agricultural land and save agriculture—on which most Bangladesh citizens depend—from the grasp of uncontrolled commercialization and urbanization.

In September 2011, ALRD organized a series of valuable training sessions. The first course was on “*Adivasi* Land Law and Land Management”, which encouraged

BOX 2

Land Grabbing Cases Abound

Anybody looking for evidence of land grabbing in Bangladesh will not have to look far, for incidents are all around the populous country that depends greatly on agriculture to feed its growing population.

- At the northern end of the capital of Dhaka, slum dwellers of Bhashantek were made to leave the land they were tilling because of the promise that they would have their own home, courtesy of the government that contracted real estate developer North–South Properties Ltd.

Unfortunately, promises made to them were broken for they could not move into their allotted flats unless they pay a steep deposit that they had no hope of ever shelling out. They thus lost the land and their promised flats, and private firms ended up selling the same flats to others.

While steps have been taken to stop the corrupt practice of reselling the units that were supposed to be allotted to the slum dwellers,

the cases remain unresolved.

- Tea plantation workers at the Udna Tea Garden, meanwhile, feel that they are readily expendable if management feels that they have crossed the line.

Udna Tea garden, a subsidiary of Furry garden of Etah Tea Estate in Maulvibazar district in the northwest Bangladesh, is owned by Duncan Brothers, one of four British companies owning tea gardens in the country.

partner organizations to double their efforts to raise awareness of people in the *adivasi* areas on indigenous peoples' land rights, causes of land dispossession and the government's obligation to protect IP rights in Bangladesh. The two other courses dealt with women issues. "Women Leadership on Land Reform" was designed to sensitize local communities to land issues and help marginalized women involved in land-related conflicts. Women who took part in the course realized they had to improve their leadership skills to ensure their ownership of their land and other resources. On the other hand, "Gender Equity and Women's Access to Land" enabled participants to get a clearer concept of women's rights and the discrimination women continue to face in society.

In October 2011, ALRD organized a training course on "Land Law, Land Administration and Mobilization",

the objective of which is to increase awareness of land laws and land administration among organizations that work on issues of land and agrarian reform.

On 14 October 2011, ALRD organized a discussion on "Making necessary amendment and finalization of the Vested Property Return Act 2011 and expectations of the victims", during which authorities spoke about some clauses in the law that would not protect the rights of the minority groups and other marginalized sectors. The findings shared with media eventually helped lead to the passage of amendments to the law to benefit minority groups.

The momentum built during the discussion was sustained through appearances on television. ALRD Executive Director Shamsul Huda, for example, appeared on 17 November 2011 in a talk show on "Role of Local Government on Land Management". The move

Worker Gopi Pashi was terminated because of his alleged association with the union. He has filed a case against the company for illegal eviction but the case has dragged on for years. He has been unable to continue fighting because of lack of money for lawyers and to attend court hearings.

- Shanku Majhi of the Udalea Tea Garden, Chittagong district in southeast Bangladesh shared

the same fate. When a new company bought the garden in 2003, it took away all of the paddy land from the tea workers on grounds that they do not cultivate the land, even if most of the workers have been cultivating the land for more than 150 years.

- There are also cases of indigenous communities in the Chittagong Hill Tracts losing their land to private firms who force their way into the

ancestral lands so that they can continue with commercial crop production. With the expansion of plantations dedicated to cash crops like rubber and tobacco, IPs' way of life has reluctantly given way to commercial agricultural production that benefits mainly private companies.

SOURCE: Based on the case studies prepared by SEHD

was followed up on 26 December 2011 with the holding of a press conference organized by ALRD together with seven human rights organizations. Speakers during the conference on "Civil Society's Voice on Vested Property Return (Amendment) Act 2011" were able to relay to media their demand for the government to create the implementing rules of the law within 60 days so that the marginalized groups can immediately take advantage of its provisions that will help them in their cause.

Then in November 2011, a training course was held to help organizations assess the training needs of their respective organizations. Besides learning how to conduct effective training sessions, participants are working on raising awareness of communities in keeping with the thrust to develop a strong grassroots movement for land and agrarian reform in Bangladesh.

ALRD also implemented a series of activities to convince government regulators and persons in authority to implement the Chittagong Hill Tracts (CHT) Peace Accord of 1997, which granted the hill tribes of Bangladesh limited level of autonomy and also required the establishment of a Land Commission to settle land ownership issues.

CHT Regulation 1900 is a key law for people living in the CHT, as it spells out land and human rights of CHT inhabitants, among others. ALRD helped the hill tribes by compiling all rights included in the regulation, into one document, for dissemination and use of lawyers, human rights activities and professionals. A book was then published and launched on 30 June 2011 and a workshop was conducted to highlight the points of the regulation.

Close to 200 participants, including government officials, human rights activists, academics, politicians, indigenous community members, village leaders, politicians and journalists, attended the launch and workshop.

Barrister Shafique Ahmed, Honorable Minister for Law, Justice and Parliamentary Affairs was chief guest during the workshop and he stressed during the

proceedings the importance of accurate knowledge of CHT Regulation 1900 and its effective use by the judiciary, local administration and the concerned community. He even said that knowledge of the landmark law could help reduce eviction or grabbing of IP land in the CHT.

Conscious of the fact that it would be able to do its work best in cooperation with other like-minded groups, ALRD arranged a network meeting with partner organizations on 27 October 2011 to assess the effectiveness of its activities and see how it can improve its work.

The meeting revealed how ALRD and its partners can better work together to make sure that the government makes good on its commitment to provide subsidies for agriculture and improve farmers' access to equipment, tools, seeds and fertilizers, among others. The partners also agreed at the end of the meeting to work together to protect land from commercial uses to ensure food security and land rights.

THE FIGHT FOR INDIGENOUS PEOPLES' RIGHTS

Upholding the rights of the indigenous peoples is a serious challenge in Bangladesh, but other countries such as the Philippines have made significant steps in instituting state protection of minority rights. This is why ALRD thought it fitting to organize a learning trip to the Philippines to see how the country was able to pass its Indigenous Peoples Rights Act.

The study visit organized in collaboration with the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and the Philippine Association for Intercultural Development (PAFID) from 20–25 February 2011 gave the visiting team (composed of members of Parliament and NGOs) better insight into how to strengthen the campaign for IP rights, drawing from the experience in the Philippines.

ALRD also enticed members of media to focus on the CHT and indigenous peoples' land and human rights through a three-day orientation and workshop conducted in April 2011. Some 16 journalists from print and electronic



media attended the workshop, which was designed to highlight the importance of media reporting on key issues such as land rights.

Members of the media were also on hand during a visit by ALRD and other rights-based organizations such as Transparency International Bangladesh (TIB), Bangladesh Environmental Lawyers Association (BELA), BLAST, Ain o Salish Kendra and Nijera Kori, to Sonaidangabeel (water body) at Raiganj Upazila in Sirajganj district, which is being targeted for acquisition by unscrupulous land grabbers from some 400 local landless, fishers and marginalized people.

ALRD also reached out to the networks of lawyers, especially those present in the hill districts, to collaborate and find ways to provide legal aid to marginalized people who are fighting for the right to land. It held a legal network meeting in May 2011 and lawyers from local bar associations were present, all agreeing to strengthen and increase help to indigenous and marginalized people.

ALRD also participated in a review to determine strategies on how public interest can be served through Public Interest Litigation (PIL). The 43 participants included lawyers who have undertaken PIL in the Supreme Court and other courts or are involved in human rights litigations, particularly the rights of marginalized groups and communities.

Some 19 lawyers from different bar associations likewise participated in an orientation course on Land

Survey to increase lawyers' knowledge of the different stages of land survey and to encourage them to help the poor during land surveys conducted occasionally by the government.

As seen in its list of activities, ALRD invested time and effort throughout the campaign in training programs as part of its objective to build the capacity of grassroots NGOs, partner organizations, institutions and professionals working for land rights and agrarian reform. These include courses on land laws, ordinances and policies, land administration, traditional land management and rights of women over land resources.

Of particular interest to ALRD is the training course on "Land Survey", which it has been conducting over the past 17 years. The main objective is to increase awareness of the land management system, land survey, and the need for a comprehensive land and agrarian reform in Bangladesh.

And considering how important land registration is to maintaining and transferring land ownership, very few people in Bangladesh have adequate knowledge of the process. To promote transparency, ALRD took it upon itself to produce a poster illustrating the process of land registration. Some 7,000 copies of the poster were produced and distributed among ALRD partners, CSOs, government offices and individuals.

ALRD was also instrumental in convening the South Asia Social Forum (SASF) in November 2011. The body seeks to find solutions to transnational issues that have an impact on the fight for land rights and agrarian reform. SASF, for example, organized a plenary titled "Transboundary Water Sharing: Regional Cooperation and Equitable Progress in South Asia" on 22 November 2011, during which experts from Bangladesh, India, Nepal and New Zealand said that access to water will become a major issue in South Asia. Common basin management is the best way to solve the water crisis in the region.

On the issue of grabbing natural resources and the impact on people's food sovereignty, parties that took

Table 1: Selected Land Watch Asia Campaign Activities in Bangladesh (2011)

Policy Dialogue and Advocacy	
Seminar on “Commercialization of Agricultural Land and Water Bodies: Disempowerment of Poor in Bangladesh”	February 2011
Press Conference on “Vested Properties Return Act of 2011 and the Need to Abolish Historic Injustice”	February 2011
Roundtable discussion on “Food Sovereignty of Poor Farmers and Marginalized vs Their Access to Land and Natural Resources”	August 2011
Discussion on making necessary amendments to and finalization of the Vested Property Return Act 2011, and expectations of victims	October 2011
Interview on “Role of Local Government on Land Management” in a talk show	November 2011
Press conference on “Civil Society’s Voice on Vested Property Return (Amendment) Act 2011”	December 2011
Capacity Building	
Study visit to the Philippines on strengthening the campaign for IP rights	February 2011
Orientation and workshop for media on the CHT and indigenous peoples’ land and human rights	April 2011
Workshop and launch of a publication on the rights of CHT inhabitants as per CHT Regulation 1900	June 2011
Seminar on land grabbing for commercial use	July 2011
Legal network meeting to increase legal aid to indigenous and marginalized people	May 2011
Training session on “Adivasi Land Law and Land Management”	September 2011
Training session on “Women Leadership on Land Reform”	September 2011
Training session on “Gender Equity and Women’s Access to Land”	September 2011
Training course on “Land Law, Land Administration and Mobilization”	October 2011
Networking meeting with partner organizations for strategic assessment of activities	October 2011
Training course on training needs assessment for organizations	November 2011
Convening of the South Asia Social Forum (SASF)	November 2011
Seminar on “Grabbing Natural Resources and People’s Food Sovereignty”	November 2011
Training course on land survey	Regularly
Information Dissemination	
Regular publication of <i>Bhumibarta</i> (in Bangla) and <i>Land Agenda First</i>	
Publication of Bangladesh Land Watch Country Paper (in Bangla)	
Poster illustrating the process of land registration	

part in the “Grabbing Natural Resources and People’s Food Sovereignty” seminar in November 2011 concluded that there is a need to see how water bodies are being maximized and are being grabbed by influential parties. Similar cooperation is also seen in addressing other key problems such as human rights and the dwindling access of indigenous peoples to natural resources.

Gains of the Campaign

In the area of policy dialogue and advocacy, the campaign has not only heightened awareness of vital issues such as food security, land rights and the plight of the indigenous peoples, but also spurred decision makers, CSOs, and international funding agencies to participate in finding solutions to concerns involving land rights and agrarian reform. For instance, the Country Paper has been used as reference book by campaigners, land activists, researchers as well as partners of ALRD.

On the other hand, questioned provisions/clauses on the Vested Property Act (e.g., grabbing of ancestral land) were resolved as a result of the lobby work of the campaign. There are on-going discussions on possible strategies to implement the CHT Accord policies as well as reactivate the CHT Land Commission as a result of the high-level delegation visit to the Philippines. Media



organizations have increased coverage of articles featuring food safety, protection of agricultural land and dangers posed by commercialization.

In the area of capacity building, farmers became more confident in articulating their land issues. The commitment to provide legal assistance intensified as a result when lawyers were “educated” on the plight of the indigenous peoples.

ALRD has also made significant headway in its networking programs. In information networking, for example, the regular sharing of news, analysis and other land-related information has led to the building of wider civil society consensus on land issues.

ALRD also consciously involves other CSOs, international NGOs and local and foreign donors and multilateral institutions in its work throughout the campaign, thereby increasing its network and strengthening its alliance to bring about change in the land rights arena.

Lessons and Ways Forward

As long as the majority of people in Bangladesh live below the poverty line, with the lack of access to land a major factor behind their unfortunate lot in life, the fight for land rights and genuine land reform continues.

ALRD believes that battling along would mean altering the political and legal landscape to benefit the landless would require the passage of new laws as well as the implementation of current rules that favor the marginalized, landless peasants, indigenous peoples and women instead of interest groups and the private sector.

It also sees the great need to effect the meaningful participation of affected people and civil society groups in the decision making and implementation processes, particularly of laws or ordinances related to land rights and agrarian reform. Corollary to this, there should be recognition of the way various indigenous peoples approach land ownership and natural resources

management. They have their own concepts of communal ownership that should be taken into account in implementing various laws.

Going forward, ALRD is positioning its actions around the following policy recommendations:

- Adoption of land use policy to include land zoning and extensive maps to show zones allotted for certain functions such as agriculture and forestry.
- Creation of pertinent mechanisms to ensure participation of the affected persons/communities and civil society groups in the decision making and implementation processes.
- Government review of laws related to land acquisition, especially the settlement of grievance redress mechanisms and compensation process
- Recognition of customary land ownership laws of the country's IP communities, including those in the

CHT. It is estimated that two thirds of the country's indigenous peoples do not have legal ownership of their land.

- Inclusion of women in the discussion on land rights, and ensuring they have equal rights to their land. ■

Endnotes

- ¹ Prepared by Ma. Cristina Dumlao with inputs from Catherine Liamzon and Nathaniel Don Marquez, based on reports and updates prepared by the Association for Land Reform and Development (ALRD). Design and layout by Liza Almojuela.
- ² These publications are available online at www.alrd.org.

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The International Land Coalition is a global alliance of civil society and intergovernmental organizations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building.



As the overseas development agency of the Catholic Church in Germany, MISEREOR works in partnership with all people of goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity with the poor and persecuted, and help create "One World".



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Founded in 1979, ANGO is a regional association of 17 national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGO member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGO actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is a founding member of the International Land Coalition (ILC).

Asian NGO Coalition for Agrarian Reform and Rural Development
73-K Dr. Lazcano St., Barangay Laging Handa, 1103 Quezon City, Philippines
P.O. Box 3107, QCCPO 1101, Quezon City, Philippines
Tel: +63-2 3510581 Fax: +63-2 3510011
E-mail: angoc@angoc.org
URL: www.angoc.org



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

This campaign update covers the period 2011.