SUMMARY REPORT

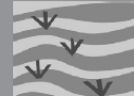## Asia Regional Forum on Land Administration and Management in Rural and Urban Areas

18-19 October 2015 | Century Park Hotel, Jakarta, Indonesia

ANGOC   KONSORSIUM PEMBARUAN AGRARIA KPA   INTERNATIONAL LAND COALITION ASIA   LAND WATCH ASIA   UN-HABITAT   GLTN GLOBAL LAND TOOL NETWORK

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Asia Regional Forum on Land Administration and Management in Rural and Urban Areas

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Organized by the

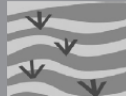**Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)**

In partnership with

**Global Land Tool Network (GLTN)
Misereor
Land Watch Asia (LWA)
International Land Coalition, Asia (ILC-Asia) and
Consortium for Agrarian Reform (KPA)**

Acknowledgments

Contents

INTRODUCTION

C onvened by the Asian NGO Coalition (ANGOC) in partnership with the Global Land Tool Network (GLTN), Misereor, Land Watch Asia (LWA), International Land Coalition (ILC-Asia) and Consortium for Agrarian Reform (KPA), the "Asia Regional Forum on Land Administration and Management in Rural and Urban Areas" has been organized to:

- analyze policy and implementation challenges and opportunities in ensuring rural and urban poor's tenurial security through land administration and management projects;

- share existing tools and approaches in addressing such challenges; and

- identify interventions to address the identified issues.
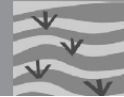
Land administration and management is central to land governance. Although, efficiency in land titling systems can be ensured through good land administration, CSOs view that reforming land administration itself is not land reform, nor should it replace agrarian reform.[1] ANGOC (2005) cites in its policy paper how land administration provides an avenue for corruption and political patronage, "whether in allocating rights, agreeing to change of land use from farmland to building plot, or deciding in favor of one party in a dispute over land claims" (p.55). Moreover, full transparency, accountability, and public participation in land administration projects, if not ensured, could be a huge source of potential procurement contracts for foreign and private corporations.

Furthermore, land administration and management has also been identified as a cross-cutting land tenure security issue across Asia and the Pacific region.[2] According to Mitchell, people across the Asia Pacific region are barred from improved tenure security due to ineffective and unresponsive land administration and management. Developed during colonial periods, legal and policy frameworks in the region often serve the elite, undermining customary and informal rights to land. In addition to this, information management (i.e. data gathering and record keeping) is unsustainable due to its heavy reliance on out of date, incomplete and inaccurate documents, kept mostly on paper. Other issues on land administration and management identified were ineffective and highly political land use planning, and weak land valuation.

This summary report contains extracts from the presentations and outlines the highlights of the discussion and agreements reached during the forum. Forum materials can be downloaded at: (https://www.dropbox.com/sh/r343b4wczan5azh/AABUoH3ZuCVeoWYeKzTlXQupa?dl=0)

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[1] Asian NGO Coalition for Agrarian Reform and Rural Development. (2005). *Asian NGO Perspectives on Agrarian Reform and Access to Land*. Quezon City, Philippines: Author
[2] Mitchell, D., Antonio, D., Rosales-Kawasaki, L., and Storey, D.. (2015). *Land Tenure in Asia and the Pacific: Challenges, Opportunities and Way Forward*. Nairobi: UN Habitat

EXECUTIVE SUMMARY

n the Asia-Pacific region, rapid urbanization fueled economic growth in most countries. With this growth came social repercussions related to equity of access to land, population density, and environmental crises. Poverty became concentrated in less favorable areas and the vulnerable have become more challenged. Amidst rapid urbanization, rising poverty incidence in rural areas and food insecurity, the land agenda has peaked at the global level. Various tools and interventions have been formulated to address these land-related issues.

Land is complex. Its governance, management and administration continues to evolve. In many countries, the land administration system is often inherited from colonial administrators, and is controlled by special interest groups such as lawyers and surveyors. Numerous reforms in land administration and management have been taken into action to improve land tenure security, land valuation processes, land use planning, and development projects. Land administration reform is more than systematic registration. There needs to be clear policy, good laws and strong well-financed and resourced institutions with a focus on service delivery.

An effective land administration and management system is key to achieving secure tenure for all. Land administration projects, if effective and participatory, can facilitate land reform and agrarian justice through laws and policies.

Main issues and challenges in land administration and management projects revolved around institutional mandates, land information and disputes. Often, there are numerous institutions with overlapping mandates on the administration and management of land. This plurality leads to inefficiency in land governance as related agencies lack coordination, award overlapping tenurial instruments, and resolve less land conflicts. At the same time, the non-implementation of land use policies hinders effective land administration and management.

During the two-day forum, the 42 participants agreed to work on three areas: policy, tooling and information networking.

The center point of land administration and management systems should always be the people, focusing on peoples' relationship to the land, their context and their community. Systems should also recognize the plurality of tenurial forms, from formal to informal. To effectively address the challenges on land administration and management, key intervention on tooling as part of a continuing capacity building practice of both CSOs and governments for better land governance
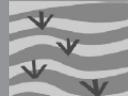
should be implemented. While a number of tools have been developed (e.g., participatory land use planning, spatial mapping, capacity building, inclusive decision making, participatory conflict management and alternative dispute mechanisms), there is still a need to contextualize them into different country characteristics. On the other hand, regular sharing of laws and mechanisms/processes on land administration among countries can go a long way. Government agencies from different countries can also start sharing challenges and successful methods and experiences.

ANGOC and GLTN shall continue to facilitate and foster multi-stakeholder dialogues to understand and address the land challenges raised in the forum.   Coming from various platforms, campaigns and processes, the challenge for this regional platform is on bringing and expanding synergy among CSOs, government, academe and private sectors. ■
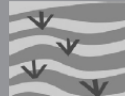
Global Trends in Land Governance and Land Administration[3]
By Chee Hai Teo , *International Federation of Surveyors (FIG)*

Over the past decades, there have been a series of international developments that resulted to internationally agreed goals and themes related to land. The Millennium Development Goals in 2000, the Johannesburg Plan of Implementation (World Summit on Sustainable Development) in 2002, the World Food Summit Plan of Action in 1996, the UN Convention to Combat Desertification in 1994 and Ramsar Convention on Wetlands in 1971 to name a few.

In May 2012, the Committee on World Food Security endorsed the historic and first global tenure guidelines, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries in the context of National Food Security (VGGT) during its 38th special session (FAO, 2012). These voluntary guidelines outline the principles and practices that governments can refer to when enacting laws and administering land, fisheries and forest rights.

During the seventh plenary meeting of the 23rd session of the Governing Council of the UN Habitat Settlements Programme (UN-Habitat) on 15 April 2011, a landmark resolution was passed on "Sustainable urban development through expanding equitable access to land, housing, basic services and infrastructure." In promoting security of tenure, the resolution encouraged governments and Habitat Agenda partners to recognize and respect the wide variety of tenure systems, identify and adopt appropriate tenure arrangements, adopt other alternative forms of land administration and improve efforts in securing tenure in post-conflict and post-disaster situations. The resolution also acknowledged the contributions of the GLTN in building partnerships and developing and implementing land tools. One key aspect of GLTN's work is the **continuum of land rights**, an inclusive, pro-poor and gender responsive approach incorporating tenure rights that are documented as well as undocumented from individuals and groups.[4]   This range of rights   generally cannot be described relative to a parcel. It is about a plurality of tenure types. In 'Handling Land' (UN-Habitat, 2012) the Continuum is described as follows:

> *"We can view rights to land as lying on a continuum. At one end are*
> *formal land rights, where the owner is an individual, who holds a set*
> *of registered rights to a parcel of land that are enshrined in law: the*
> *parcel is delineated on a map held in a record office; the owner has*
> *the right to occupy the land, build on it (subject to approvals), sell it,*
> *rent it out, transfer it to his or her heirs, and prevent other people*
> *from coming on to it.   At the informal end of the continuum are*

[3]Extracted from the paper presented by Chee Hai Teo. For more details, contact <chteo.surveyor@gmail.com>
[4]For more information, visit www.gltn.net

informal rights: a group of individuals (such as a clan) may have
traditional rights to use a piece of land. The boundaries of the land
may not be clearly marked on the ground or on a map, and there
may be no official paperwork certifying who owns or has what rights
to the land. In between these two extremes are a wide range of
rights." (p.12)

This wide range of rights is illustrated in Figure 1. The security of tenure of people in many areas within the developing world relies on forms of tenure different and varied and not necessarily that of individual freehold. The Continuum suggests that tenure can take various forms, but one must not consider a particular form of tenure as the ultimate or preferred form of land rights.
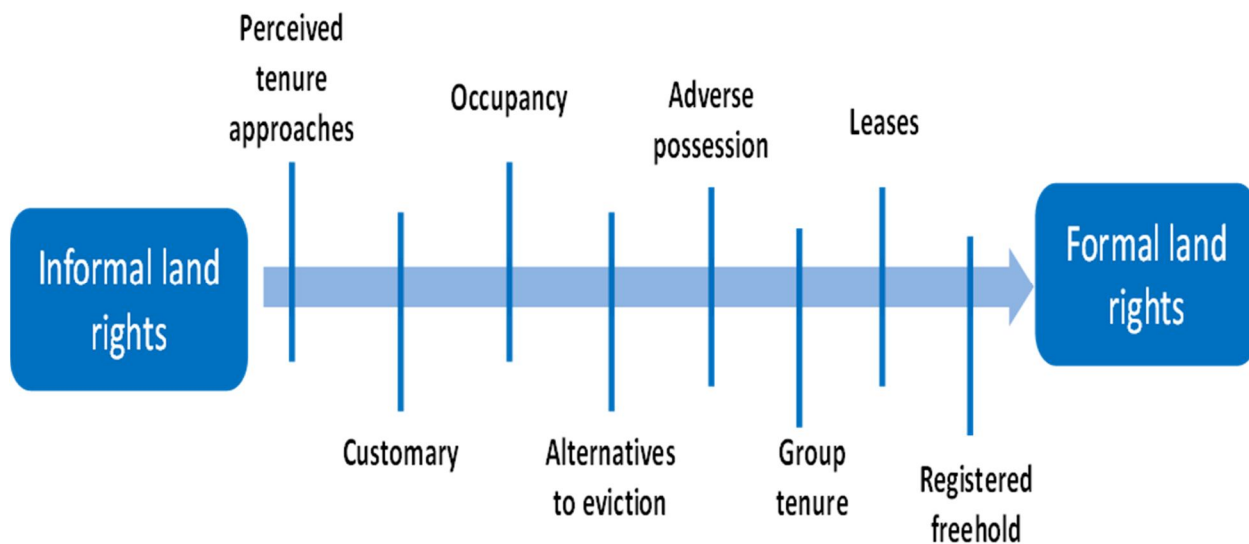
Source: United Nations Human Settlements Programme (UN-Habitat). (2012). *Handling Land: Innovative tools for land governance and secure tenure.* Nairobi: Author.

Figure 1. Continuum of Land Rights

In September 2015, leaders of the world at the United Nations agreed to the 2030 Agenda for Sustainable Development.[5] The 17 Sustainable Development Goals and 169 targets as agreed demonstrated the scale, reach and ambition of this Agenda. These goals and targets, where land remains an essential element, should inspire and galvanize actions over the coming decade in areas crucial and important to humankind.

Other global processes include the World Bank's Land Governance Assessment Framework, the World Bank/FIG Declaration on Fit-for-Purpose Land Administration, the Land Administration Domain Model (LADM) as published by the International Organization for Standardization, the recognition of the United Nations Global Geospatial Information Management (GGIM) to engage the land agenda, and the Global Land Indicators Initiative –aimed towards the quest for secure land and property rights for all and sustainable development.

Land is complex and its governance, management and administration continues to evolve. Adapting a range of tools and approaches to gradually navigate through the ever-changing nature of data collection, land information, land systems and priorities are of paramount importance. Land rights and responsibilities are embedded into, and largely influenced by context, culture and circumstances. Embracing the complexity, the typology of prevailing relations between a person and land, and then the various means to record, secure and protect those rights can go a long way to protect land and property rights for all. Indeed, land and property rights for all cannot be achieved without acknowledging the continuum of land rights. ■

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United Nations Human Settlements Programme (UN-Habitat). (2012). *Handling Land: Innovative tools for land governance and secure tenure*. Nairobi: Author.

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[5]For more information, visit www.un.org
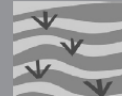
Challenges on Land Tenure in Asia-Pacific: Findings from the GLTN-study on Land Tenure in Asia and the Pacific[6]
By David Mitchell, *RMIT University*

While the land agenda has peaked at the global level, land tenure issues abound in the region. Urbanization and the rapid transformation of urban areas in the Asia-Pacific region has been the engine of economic growth and prosperity in most countries. This economic success has come with social costs related to equity of access to land and environmental costs. Poverty is concentrated in less favored areas; vulnerable groups have been affected and there are major challenges related to climate change, natural disasters, food security and environmental degradation. The study identified seven major land tenure challenges in the region:

Changing rural populations. Agriculture in the region is dominated by smallholders, with an ageing farmer population increasingly consisting of women. Colonial and national land reforms, and increasing land values have left landholdings concentrated in the hands of a few. A result has been a rapid decline in the average size of smallholder farms. Food and fuel prices, the impact of climate change, and the growing demand for agrofuels increase competition for land. Large-scale foreign farmland acquisitions and large infrastructure, mining or forestry projects provide opportunities, but there are concerns about their impacts on poor local people.

Women's access to land. Access to land for women varies under state laws and customary arrangements, and poor rural women can be disadvantaged. Deep-rooted cultural practices and legal barriers in many countries deny women land rights. Duality of legal systems and a dichotomy between the law and practice also impact on women's land and property rights. Women's ability to inherit property is restricted in many societies. Laws and customs that govern family and social relationships have a significant impact on whether women have the right to inherit. Women with strong property rights are less likely to become economically vulnerable as a result of migration, abandonment, divorce or death.

Rapid urbanization (and urban growth). Population growth combined with a lack of affordable land in safe areas typically manifests as unplanned and informal settlements appear within unsuitable or hazard-prone land. Local governments struggle to meet basic urban infrastructure and service needs. Forced evictions and land grabbing can lead to loss of shelter and disconnection from livelihoods, especially in countries and regions with recent or ongoing armed conflict. As Asian cities grow, the demand for land causes land speculation and market distortions, bringing unforeseen pressures on an already scarce resource.

Indigenous peoples' rights to land. Approximately two-thirds of the world's indigenous peoples (IPs) live in the region and land is central to their life, culture and religion. IPs are among the most socially and economically marginalized members of society, facing dispossession of their lands and natural resources. Encroachments onto marginal and forest areas, territories of IPs and common property resources, and grabbing of indigenous people's land have continued. A proportion of them are also part of the global urbanization trend but IPs have difficulty finding employment and housing.

Climate change and natural disasters. Asia-Pacific is among the most vulnerable to climate change, including more frequent natural disasters, glacial melt, sea-level rise, and drought. The poor and most marginalized with poor tenure security are more prone to long-term displacement brought by natural disasters. Land issues include people settling on hazard-prone areas, land grabbing and eviction after a disaster, and the management of migration and resettlement due to climate impacts. While the region offers huge potential for Reducing Emissions from Deforestation and Forest Degradation (UN REDD+) program implementation, interventions may have impacts conflicting with their existing property rights.

Challenges to Islamic tenure and principles. Islamic principles and tenures remain influential as concepts, even where colonial reforms created new tenure types and formal approaches to land administration. However, there is a plurality of tenures in predominantly Islamic countries with formal, customary and Islamic tenures which results in land issues. Potentials to support pro-poor and gender-responsive land administration interventions exist in using Islamic law principles. However, more research is needed on how these could be used as tools in practice.

Barriers and Limitations in Land Administration and Management

The last major challenge identified by the GLTN study is the *need to enhance land administration and management*. The legal and policy frameworks in most countries were largely developed during colonial periods and often only serve the elite. Duality exists between formal and informal systems and across sectors of government. Customary and other informal rights and norms are often not recognized and not recorded. In most countries reviewed, land tenure records are paper-based, out of date or inaccurate, and are vulnerable to destruction from disasters. Land-use planning in most countries is ineffective, highly political and subject to serious capacity and governance issues. Land valuation processes are weak , often determined by tax or paid revenue.

The key barriers to effective land administration and management include: (i) capacity limitations in public and private sectors requiring a long-term investment, (ii) limited high-level support and the reliance on local champions, and (iii) the large number of existing conflicts and backlog of land disputes which have a debilitating effect. ■
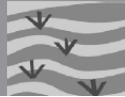
Overview of Land Administration and Management Projects in Rural and Urban Areas in Asia: Challenges, Opportunities and Recommendations[7]

By Tony Burns, *Land Equity International*

Critical Land Issues in Asia

In many countries in Asia there is a continued influence of laws, procedures and processes that were introduced under colonial administration. This is the case in Indonesia where practices introduced under the Dutch administration are part of the Basic Agrarian Law (BAL)—even though the BAL is based on *adat*.[8] Practices introduced during the British colonization in South Asia continue to shape land records systems in this region.

Land classification is often a key feature that influences land administration in Asian countries. Private rights are typically recognized for non-forest land only, and uncertainty around forest boundaries contributes to broader tenure insecurity. There are often many institutions involved with land. In the Philippines, there are at least five government institutions responsible for rights over approximately half of the country, consequently having different definitions of what constituted the "half." Unfortunately, there is also often a lack of clarity in roles at different levels of government.

Legal framework are often inconsistent. There is often limited technical capability to implement specified policy, laws, and procedures.

In recent years, there has been widespread issuance of large economic land concessions. Often, this has been done with little coordination and oversight, leading to serious environmental and social concerns.

Land Interventions

In considering land interventions, it is important to realize that there is a wide range of rationales for undertaking projects. These rationales range include: land reform; land administration reform; systematic registration; public land management; tax mapping and property tax collection; and natural resource management. In comparing different projects, it is important that these different rationales are considered. There has also been a different view in the development community of the scope of land intervention and this has changed over time.

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[7]Extracted from the presentation of Tony Burns of Land Equity International and from a paper prepared by Tony Burns and Fiona Harmsworth. For more details, contact <TBurns@landequity.com.au>
[8]*Adat*- customary law of indigenous peoples of Malaysia and Indonesia.

Based on his experience in the land sector, John McLaughlin[9] describes four waves of land projects, to wit: *first wave* to be the successful introduction of western institutions and structures in Japan, Taiwan and South Korea after the Second World War; *second wave* was co-implemented by the United States Agency for International Development (USAID) in the 1970s focusing on land reform which was implemented with varying degrees of success in South America, Vietnam, and the Philippines; *third wave* (implemented from the 1980-90s) focused on land titling and this was implemented in Thailand, Peru, Mexico and in Europe and Central Asia (ECA) countries as they moved from socialist to market economies; and, *fourth wave* is driven by globalization, and is built around a more flexible approach to cadastres and tenures embodying the principles of good governance, service delivery, and clear indicators.

Project Experience in Asia

There has been considerable land administration reform in Asia. Significant reform was implemented in Japan and Taiwan after World War II as part of major land reform programs. Singapore and Malaysia have developed their land administration systems in the latter half of the 20th Century, which is based on strong systems developed under the British colonial administration. China, with a change in economic policy in 1986, started to develop systems to record rights in rural and urban areas. A group of World Bank-supported projects in South-East Asia started with the Thailand Land Titling Project (designed in 1982 and implemented over 20 years from 1984). Projects started in Indonesia in 1994; Lao PDR in 1996; the Philippines in 2001; Cambodia in 2002; and Vietnam in 2008.

In South Asia, India has largely funded its own efforts to computerize land records in rural areas, improve deeds registration and improve land administration systems. The Ministry of Rural Development has funded various state programs that have been implemented since 1987. Other countries in South Asia have attempted to implement projects, sometimes with assistance from donors. Punjab in Pakistan has nearly completed the digitization of land records and linking land records and deed registration systems under the World Bank Land Records Management and Information Systems Program. Bangladesh is computerizing its land records with the help of the European Union, Asian Development Bank and other range of donors.

In Southeast Asia, USAID implemented a land project in Timor Leste that, in a post-conflict situation, compiled a 'claims register pending government action' on the policy and legal framework. Myanmar is developing a National Land Use Policy and looking at the legal framework to record rights in land.

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[9]Professor of Engineering and President Emeritus at the University of New Brunswick, Canada. McLaughlin introduced and developed the first land administration program at a North American university and the first program in land information management to be taught anywhere in the world.
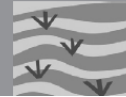
In Thailand, the Land Titling Project (LTP) was implemented by the Royal Thai Government (RTG) in 1984 under a 20-year plan to issue titles to all eligible land holders in rural areas. RTG had funding from the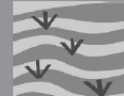 World Bank and the Australian Government for the first three phases, and funded phase four (and subsequent work) itself. The project was largely a rural project (this was where rights were not generally recorded), although significant work did occur to improve the land administration system and records in urban areas. In the 25 years from 1985–2009, about 12.4 million titles were produced with a systematic approach using ground surveys, photomaps and converting existing certificates of utilization. However, there have been issues. Perhaps the main issue was that the LTP did not include a policy component.

The Land Code 1954 was very strong, but the Department of Lands (DOL) could only issue titles for 47% of the country that was non-forest. Although 53% of the country was legally forest, Burns recalls various assessments of actual tree cover of only 18-25%, and estimates of as many as 12 million people living on land that was legally forest. The LTP did nothing to improve the tenure security for these people, which include many ethnic groups who suffer significant disadvantage.

World Bank projects in Indonesia, Lao PDR, the Philippines and Cambodia are all built on the experience in Thailand. Indonesia, Lao PDR, and Cambodia were able to design and implement significant systematic registration programs that produced certificates at unit costs of $11–$25/certificate. In Lao PDR, the work was concentrated in urban/peri-urban areas. In Indonesia and Cambodia, the work was predominantly in rural areas. In Lao PDR, 37% of the certificates were titled to women. However, it is only in Lao PDR were evidence of significant registration of subsequent dealings is present. In Indonesia, there was little improvement in service delivery, and in Cambodia, a proposal to establish a "one-window" was not adopted, and it was estimated that only 10–20% of subsequent dealings were being registered.

The project in the Philippines started as a Learning and Innovation Loan (LIL) project (the policy/legislative/institutional framework is very complex). The LIL was able to test systematic registration (SR) approaches, develop procedures to validate records and pilot One-Stop-Shops (OSSs). The second phase of the Land Administration and Management Project (LAMP II) did scale up administrative SR but the unit cost was high. Attempts at institutional reform were not successful and there was little improvement in legislation. The one major item was the amendment to the Free Patent Law to extend application to urban areas.

In India as in other countries in South Asia, the land administration system is built on the land records systems established under British colonial administration to collect revenue from agricultural land.

The land records system is rural based. India is a federal state and land is a state matter. With the independence of states, the land records systems fell into disrepair. In 1987, the Federal Ministry of Rural Development introduced two programs to help states computerize and update land records, and to strengthen revenue administration. These programs were replaced by the National Land Records Modernization Program that was introduced in 2008 with significant funding available.

Under these programs: (1) land records have been computerized in 21 states; (2) manual recordings was discontinued in 18 states; (3) land records became available on the web in 20 states; (4) registration of deeds system became computerized in 21 states; (5) e-stamping was introduced in nine states; and (6) the land records and deeds registration system were integrated in nine states.

These steps show real progress, but India has struggled in a number of areas such as developing a concept of "conclusive title" and steps to get there; a focus on ground survey and the accuracy of surveys; difficulty in resolving the best approach in urban areas; and high fees and charges.

Some general lessons that can be drawn from the project experience in Asia

The political and institutional will to implement reform is essential. In Indonesia and Cambodia there was a commitment to systematic registration, but little commitment to service delivery. Even in Thailand, the lack of progress in implementing information and communications technology (ICT) and improved valuation systems can be attributed to a lack of commitment by DOL.

Institutional arrangements and institutional mandates have to be clear. This is particularly important in defining the mandates and roles of the land agency and that of the agency responsible for forests.

The legislative framework needs to clearly define tenure rights, the evidence required to prove tenure under an administrative, rather than judicial process and the tenure rights must be readily enforced.

Systematic registration when undertaken in a participatory manner using low-cost technology has high community acceptance and is cost-effective.

The land administration system should focus on service delivery rather than implementation of government policy. The requirement in Thailand that registration must be implemented on the day of application provides a clear example how this can be achieved. This is only possible where processes are streamlined and costs are not a barrier to participation.

Changing Context for Interventions

In looking at the context for new land sector project– John McLaughlin's 4th wave –it is clear that there are a range of tensions. There is a tension between a focus on private rights and a focus on public land. There is a tension between a focus on urban and rural sectors, with the urban sector typically considering economic development, markets and employment, and the rural sector, while often concerned with agricultural production and markets – also concerned with aspects such as environmental sustainability, forest management and customary tenure. There is also a tension between a focus on the formal and informal sectors. In many cities in Asia, there are pockets of informal settlements that have been occupied for generations. In rural areas, the formal rights systems, which include economic land concessions, are bumping up against the rights of indigenous peoples and those traditionally reliant on access to forests, rivers and foreshores. There is also a tension between a focus on projects to formally recognize existing rights and projects that seek to redistribute land rights.

In recent years, there has been much controversy about large-scale agricultural investments by sovereign funds and international and domestic investors. Protocols have been developed for large-scale agricultural investment, including the principles set out in the Responsible Agro-Investment initiative.

Land indicators were discussed as the new framework of Social Development Goals was formulated. The World Bank and the International Finance Corporation have been comparing the ease of doing business throughout the world since 2004 and have had an indicator on registering property since 2005. Although the analysis is somewhat hypothetical– looking at a business seeking to register a single, undisputed property at the periphery of the major city– assessing the time, steps and cost of the registration and preparing a global ranking, this ranking does provide a guide of relative performance and does capture the interest of policy makers.

Another concept that guides the design of land projects is the concept of Fit-For-Purpose Land Administration. This concept was published by the International Federation of Surveyors (FIG)-World Bank at the World Bank Land Conference in 2014.

In many countries, the land administration system is often inherited from colonial administrators and is controlled by special interest groups such as lawyers and surveyors. The insistence on high standards has a serious impact on the cost of land administration services – both to government and the public, and is a factor in the lack of investment in land administration in many countries.

Challenges to Government

Land administration reform is more than systematic registration. There needs to be clear policy, good laws and strong well-financed and resourced institutions with a focus on service delivery.

The land sector is conservative and there are strong vested interests. Nationally and internationally, there is an increased focus on good governance supported by a range of generally accepted indicators. However, there is a broad group of stakeholders with often conflicting views of the problem and solutions.

Increasing international and national oversight of what is happening on the ground, and technology is making the need for land administration reform harder for governments to ignore. Increasingly, governments need to demonstrate results quickly, despite the fact that the participatory approaches necessary in the land sector take time.

Opportunities for Government

Technology is developing quickly to support the land sector. This technology includes: global navigation satellite systems; imagery from Lidar/UAV/HRSI systems that are user-friendly, enabling increasingly cheap, accurate base mapping; open source and relatively cheap off-the-shelf registration software; and cloud platforms for data storage.

There are global conventions such as the VVGT. There are new tools to understand and discuss issues such as Land Governance Assessment Framework and the Responsible Agro Investment (RAI) initiative. There is increasing literature on experience and best practice and tools to support implementation, as well as increased interest in funding and supporting land initiatives.

Recommendations for Government

- Recognize that land policy/legislation/systems should address the needs of all not just the well off.
- Understand the problem and key issues before setting out on a large-scale investment in reform.
- Plan for the long term, but prioritize activities to achieve clear results in the short term.
- Look for new approaches, technologies and institutional arrangements – challenge established practices and procedures and institutional roles and mandates.
- Consult widely and seek consensus on the key issues and strategies to address these issues– a platform for on-going policy dialogue.
- Formulate a land policy, particularly where there are many stakeholders, a lot of controversy and the legislative process is difficult.
- Systematic registration is a viable option, but it must be participatory, cost-effective (less $10/ parcel) and linked to a strong, community-accepted registration system.
- Land sector services should focus on service delivery with clear promises on quality, cost, and time– a service charter that is monitored and reported on.
- Develop a clear strategy to resolve disputes that is accessible and effective – with initial emphasis on alternative dispute resolution. ■
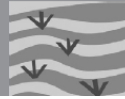
Land Administration and Management in Rural and Urban Areas: Issues, Challenges and Recommendations

Perspectives from CSOs[10]

By Jagat Basnet of *CSRC-Nepal*, Rowshan Jahan Moni of *ALRD-Bangladesh*, Iwan Nurdin of *KPA-Indonesia*, and Dave de Vera of *PAFID-Philippines*

Overview of Land Administration

For civil society organizations, the existing land administration and management in rural and urban areas in Asia can be succinctly described as **multiple**, **complex** and **dysfunctional**. CSOs from Bangladesh, Indonesia, Nepal and the Philippines identified the following issues involving land administration and management: overlapping and multiple institutional mandates, lack of coordination among related agencies, weak administration or poor implementation of laws and programs, inaccurate, unavailable and inaccessible information, limited local community participation, and lack of efficient means to resolve land disputes.

Issues

In the said countries, institutional mandates and regulatory framework involving land and resources are often multiple and complicated. In the Philippines for example, there are at least 19 different government agencies involved in land surveys, regulation, valuation

In Nepal, the lack of coordination among related agencies managing lands, forests, and waters gives way to encroachment by land mafias.

and titling. In Indonesia, there are 17 laws and more than 400 regulations on the management and control of land and resources. This multiplicity in authority and management instruments leads to further inefficient and ineffective governance of land as related agencies lack coordination. Instead of just having an independent overarching body that governs land administration and management, agencies with overlapping mandates accomplish less by contradicting each other's system, resolving less land issues than desired.

Overlapping mandates can also be a ground for corruption in the land administration process. Some laws facilitate big investment scheme rather than protect people's properties, enabling elite groups to hold agricultural lands

In Indonesia, for every minute, a family's 0.25 hectare of crop land is being converted to other use.

and forcing internal and external migration. In this scheme, lands are being converted as the

management transfers from farmers to corporations, leading to environmental degradation. Simply put, high income accumulating projects are favored over protecting and respecting people's properties.

Land administration has been centered on land revenue collection, particularly in Nepal. In line with this, the Philippines experience high transaction costs, and high tax rates on land ownership and transfers with unpredictable and uncontrollable registration process, while accomplishments remain up to par. In Indonesia, 121.74 million hectares (88% of 136.94 million hectares) of forest lands in 2013 are not yet mapped. In the Philippines, only 66% of land is registered while Vietnam and Thailand have 90% and 80% of their respective lands registered. Moreover, 75% of titled ancestral lands remain unregistered in the Philippines.

> **"Land administration cannot guarantee land ownership; it is only a means for transaction in land dealing." (CSRC-Nepal, 2015)**

Another concern for CSOs is the limited participation of local communities in land administration processes. Stakeholders are excluded from spatial mapping, land valuation and decision-making procedures. This exclusion is an injustice triggering conflicts as mapping, surveys and land valuation findings of government agencies may not reflect the views of the stakeholders, leading to decisions unfavorable to their welfare.

> **In the Philippines, it is illegal for local communities to conduct community mapping as mandated by the Geodetic Engineers Law.**

Flawed information management system is another issue identified by CSOs. In Bangladesh, the whole land administration process is considered as laborious and time intensive. Information management as perceived by CSOs from Bangladesh, Indonesia, Nepal and the Philippines is described as mostly inefficient, inaccurate, unreliable, unavailable or inaccessible, nontransparent, and inadequate. This is further exacerbated by agencies' use of outdated system and instruments in storing records and information; for example, using paper instead of digitizing important documents for faster transactions and disaster resiliency. In addition to this, other issues raised by CSOs include lack of information on actual landless and informal settlers, inaccurate and inaccessible maps and land records, and lack of transparency regarding how much land is owned privately, publicly or by the government. All these contribute to the development of conflicts because adequate and accurate information is necessary to resolve disputes and deliver agrarian justice.

> **In 2014, KPA recorded at least 472 conflicts due to land grabbing involving 2,860,977.07 hectares of land and 105,887 families.**
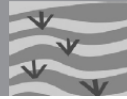
Finally, CSOs mentioned how issues on land administration and management also initiate or affect environmental degradation. Because of overlapping laws and mandates, lack of tenurial instruments, and inaccurate land records, forests and agrarian lands are easily converted by large corporations.

Recommendations

In addressing the issues identified by CSOs and strengthening land administration and management processes the following actions were proposed:

- effective implementation of laws and programs, ensuring pro-poor and people-centred land administration and management;

- review of overlapping mandates and clarify conflict-generating policies;

- establish land use and natural resource management committees;

- establish a land court system that will resolve land conflicts and disputes;

- ensure stakeholder participation in the formulation, establishment and implementation of land and natural resource policies;

- promote coordination and transparency among related agencies;

- optimization of information management system through digitization and information technology; and,

- mapping of land use pattern, reflecting natural resources, human-created assets, and revenue maps.

"About 63.66% of land in Indonesia in 2015 is considered forest areas. According to the National Land Agency, overlapping forest areas cover 12,166,040 hectares (excluding lands of indigenous peoples). The 33,000 villages located in these overlapping areas have no right to acquire titles for their land, authorizing the government to take away their land by licensing corporate concessions. Of Indonesia's forest areas, 21.49 million hectares are under logging concessions, 9.3 million hectares were given to 262 companies under forest wood plantation concessions and only 631,628 hectares are allocated for people living in the forests.

In conclusion, the CSO panelists prioritize the strengthening of land administration and management to address issues on overlapping and inefficient implementation of mandates, access and quality of information on land records and titling, and aggravating land disputes. ∎
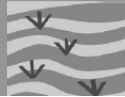
Perspectives from Governments[11]

By Raja Ram Chhatkuli of *Nepal*, Oswar Muadzin Mungkasa of *BAPENNAS, Indonesia* and Indu Weerasoori of *Sri Lanka*

Issues

Some of the land administration and management issues identified by representatives from the government of Indonesia, Nepal and Sri Lanka are similar to those issues highlighted by CSOs. Government agencies also acknowledge issues on the lack of accurate and reliable data on land, poor archiving of records, lack of coordination among land related agencies with overlapping duties and responsibilities, land conflicts, landlessness, and limited participation of stakeholders.

Post-disaster and post-conflict issues were highlighted in Nepal. In April 2015, a massive earthquake measuring 7.8 magnitude followed by more than 400 aftershocks struck Nepal. At least 31 districts were severely hit with more than 800,000 houses destroyed. About 9,000 people died while several thousands were left injured. Due to landslides, ruptures and destabilization, hundreds of settlements are in need of relocation. An estimated 2.8 million people are still in need of humanitarian assistance. Land tenure systems were disrupted and properties were destroyed in urban and rural areas leaving people unable to access their land for production and housing. While reconstruction of boundary cannot be done locally due to loss of memory or knowledgeable persons, reconstruction using cadastral maps based on general boundary is challenging in terms of accuracy. People who lost properties located in informal settlements became even more vulnerable due to the unavailability of titles. Relocation or resettlement efforts found to be necessary became a challenge in terms of finding suitable land and livelihood for the displaced.

Nepal is also being challenged by its history of feudalistic land ownership system. Despite 50 years of the government-led land reform program, a large number of peasants are still landless, tenants are still deprived of their rights to land, and women are still deprived of equal rights relative to their male siblings.

Issues related to security of tenure were highlighted in Sri Lanka. Constraints in security of tenure were brought by resettlement schemes in the North and Eastern provinces of the country brought by civil unrest, natural disasters, and displacement of communities due to infrastructure development. In addition to these difficulties, Sri Lanka also acknowledges the issues on lack of coordination among institutions with overlapping duties and responsibilities, language barriers on policies brought by

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[11]Extracted and consolidated from the papers and presentations of Raja Ram Chhatkuli (Nepal), Oswar Muadzin Mungkasa (Indonesia) and Indu Weerasoori (Sri Lanka). For more details, contact <r.chhatkuli@unhabitat.org.np>, <oswar@bappenas.go.id>, and <indu@unhabitat.lk>

colonization, absence of comprehensive monitoring and evaluation system to follow up policy decisions, and limited local participation in policy formulation.

In Indonesia, some of the land administration and management issues and challenges involve land disputes, inequality in land ownership, delays in public investments due to disputes in the land acquisition projects, and lengthy and expensive land administration services. Up until 2014, Indonesia has about 2,209 unresolved cases of disputes with some more cases emerging.

Recommendations

To address the issues and challenges mentioned by government representatives from Indonesia, Nepal, and Sri Lanka, the following goals were emphasized to strengthen their country's land administration and management:

- develop an accurate and complete land registration system;

- effectively implement agrarian reform programs to prevent land ownership concentration to few individuals;

- improve institutional structure and capacity of agencies involved with land administration and management to hasten spatial and cadastral mapping necessary in resolving land disputes;

- provide support services to ease entry into the land market;

- formulate or implement land use policies, and steer away from feudal land ownership practices;

- implement political commitments applying suitable land tools such as the Continuum of Land Rights, Gender Evaluation Criteria, Social Terrain Domain Model, and Participatory Land Use Planning; and,

- design and ensure local community participation in land administration and management processes. ■

Rural and Urban Linkage: Imperatives and Possibilities for Collaboration

To identify issues on land administration and management common in both rural and urban areas, and explore possible areas of collaboration to address such issues, the participants were divided into three workshop groups. Below are the highlights of the discussions:

On Rural and Urban Linkages:

- *Urban-Rural distinction.* There are issues on the identification or criteria for determining urban, rural and peri-urban areas.

- *The vulnerable are marginalized, especially the women.* The poor and vulnerable have little access to tenure security, especially women who are often excluded from decision-making processes in land affairs and economic transactions. Both rural and urban lands are controlled by investors or vested non-transparent interests.

- *Land information systems are inadequate.* Oftentimes, different government agencies with different mandates on land administration and management lack coordination resulting to duplication of incorrect and inadequate land records, wasting resources on generating unreliable instruments. In addition to this, land records are often inaccessible, incomplete, and difficult to understand, hindering resolution of land conflicts and disputes.

- *Lack of implementation, strategy and political will in land use policies.* Often, policies are created but not implemented. Lack of coordination can also be observed in land use planning. City flooding brought by upland deforestation and increasing informal settlements are evidences that land use should be approached holistically as both rural and urban areas are vulnerable to climate change and disasters.

- *Land conversion and fragmentation.* Plots are becoming too small for sustaining livelihood and generating incomes in rural areas. Urban areas are expanding, but they are not owned by people migrating there.

- *Land Grabbing.* This phenomenon is not exclusive to rural areas. Informal settlements in urban areas often result from land grabbing in rural areas, driven by corporations and supported by the government. These areas also experience population displacement, as lands are "grabbed" under the premise of an environmental initiative, called "green grabbing." In this type of land grabbing, occupants are not recognized, converting rural landscapes into conservation sites, and urban areas to green spaces or for tourism uses.

- *Lack of enforcement of land ceilings.* Increasing accumulation of wealth often with land being acquired and held for speculative purposes rather than productive use, limited restrictions or ceilings on individual or family land holdings, and poor enforcement of ceilings specified by policy or legislation increasingly results in tenure insecurity and fear of displacement. There are too many loopholes in land ceilings for military, state and elites. Loopholes may arise in the form of land that is designated for "public purpose".

- *Little or no opportunity in public lands and non-recognition of customary land rights.* Occupants of public purpose lands have significantly diminished opportunities with respect to land. Once land is converted to public purpose land, customary tenure is no longer recognized. Inhabitants are often denied basic services, have no protection from eviction, and have limited opportunities to gain formal recognition of their rights in the future.

- *Migration from rural to urban areas.* Majority of the rural population, especially the youth, ventures to sacrifice tenure for better economic opportunities expected to be in the urban areas. The movement of the youth to urban areas to seek for better employment opportunities because of unavailability of secure lands, threats of industrial expansion and difficulty to acquire lands through inheritance customs leaving productive lands to be worked by the very old or very young.

- *Informal contracts are rife in both rural and urban areas.* Tenants rarely have formal contracts in place that protect their rights.

On Areas of Collaboration:

- *Providing support to marginalized groups* such as the women, elderly, indigenous peoples and the poor, ensuring that they are involved in land affairs and economic transactions. CSOs need to promote pro-poor land administration systems. CSOs must play as watchdogs in terms of ensuring that people have, support and basic services, access to accurate land records and sufficient knowledge about their rights. Moreover, CSOs must also coordinate with state actors to inform them about the land administration and management issues raised.

- *Advocate for the implementation of land use and spatial planning.*
- *Identify mechanisms and strategies to ensure accountable and transparent economic concessions.*
- *Develop a set of effective alternative land dispute mechanism to mediate land conflicts.*
- *Develop a mapping or land use planning toolkit.*
- *Conduct studies on the value or critical role of land holdings in household livelihoods across rural, urban and peri-urban areas.*
- *Conduct studies on the factors that result to rural to urban migration.*
- *Conduct studies on peri-urban areas, where they are and why they are characterized as such.* ■

Programs and Tools in Enhancing Land Administration and Management Projects

A presentation of potential tools and approaches provided the participants options to consider in enhancing the land administration process as well as bridging the rural-urban divide.

Fit-For-Purpose Land Administration Tools and Approaches[12]
By Danilo Antonio, *Global Land Tool Network*

Security of tenure is not equivalent to titles. It is not about maps, cadastres, the administrative system nor it is an instrument. Security of tenure is a relationship within a community that is anchored on mutual respect of each other's land claims, to which the government's role is to ensure that kind of respect is recognized.

Globally, conventional land systems fail to deliver tenure security at scale. Current solutions are constrained by limited coverage; complexity of land rights, claims and records; systematic inequalities; rapid urbanization; large scale land investments; and food security pressures on agricultural land.

Completing land information is critical and because of reliance to old solutions and tendency to trivialize non-conventional thinking and tools, records tend to be left incomplete and useless. Land held by poor people are often complex and conflict ridden. Appropriate and innovative land policies and legal framework is present, but we lack essential tools for implementation, leaving us again paralyzed in securing tenure. In addition to these challenges is the highly political nature of land, making those in position disengaged to avoid conflicts. The pressure and demand to change current system and scale up the efficiency of land administration services is increasing. The key obstruction in land administration services is the use of "traditional, high accuracy, expensive land surveying techniques to record land rights" (pg.9).[13] The term 'fit-for-purpose' is not new, what is new is relating it to building sustainable land administration systems. It is an approach that means for land administration systems to have the following elements:

- Flexible in spatial data capture approaches to provide for varying use and occupation;
- Inclusive in scope to cover all tenure and all kinds of land;
- Participatory in approach to data capture and use to ensure community support;
- Affordable for the government to establish and operate, and for the society to use;
- Reliable in terms of information that is authoritative and up-to-date ;
- Attainable to establish the system within a short timeframe and within available resources; and,
- Upgradeable with regard to incremental improvement over time in response to social and legal needs and emerging economic opportunities.

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[12]Extracted from the paper presented by Danilo Antonio. For more details, contact <Danilo.Antonio@unhabitat.org>
[13]Bell, K., Enemark, S., Lemmen, C., and McLaren, R. (2014). *Fit-For-Purpose Land Administration*. Denmark: The World Bank and the International Federation of Surveyors. Accessed from https://www.fig.net/resources/publications/figpub/pub60/Figpub60.pdf
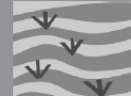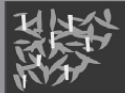
Fit-for-purpose land administration indicates an approach to building land administration systems in less developed countries that is flexible and focused on serving the purpose of the systems rather than focusing on top-end technical solutions and high accuracy surveys. Its key characteristics being flexible and upgradeable, enables land administration systems to focus on what is essential for a society for a time being.

This approach directly supports the "Continuum of Continuums" concept, recognizing that a continuum of tenure exists, that spatial units can include photo cadaster rather than a parcel boundary, recognizing a continuum of accuracy, and a continuum of data acquisition method. The basic components of the fit-for-purpose concept are threefold: i) a spatial framework is built by using affordable technologies that is able to show how land is occupied; ii) using a participatory approach, this spatial framework will then serve as a guide in identifying and recording various legal and social tenure rights associated with occupancy and use of land; and iii) adopting a legal framework that accommodates the flexibility for implementing a fit for purpose approach.[14]

Effective capacity building is fundamental for land administration systems to succeed. Communities must understand that relying on highly accurate land information gathering methods is not the only solution to secure tenure. Instead societies must shift to methods that are flexible and upgradeable. ■

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[14]For more details, refer to http://www.gltn.net/index.php/resources/publications/partner-publications/412-fig-fit-for-purpose-land-administration

Gender Evaluation Criteria[15]
By Maria Fides Bagasao, *Huairou Commission*

Land tenure programs are designed and implemented in the context of social and cultural traditions, arising from deeply rooted power structures. Women are still the largest marginalized sector when it comes to access to land under formal, informal and customary systems. Gender dimensions are frequently not captured by routine assessments and data collection involving land issues. The absence of specific gender criteria in the process is either because gender analysis is not prioritized or those involved lack the tool to reflect this perspective.

Likewise, women are excluded in decision-making processes as having a preconceived notion that they lack the capacity to participate. Land tools to be effective, must not only improve the poor but must also work towards gender equality.

The Gender Evaluation Criteria (GEC) is a set of 22 questions[16] on range of relevant factors reflecting the gender responsiveness of policies and practices within the land sector.[17] GEC was developed through multi-stakeholder consultations as a flexible framework to test the gender responsiveness of land tools and can be adapted to different activities. The aim is to improve access to land tenure and security for both men and women. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action are global policy and international standards which serve as basis for the GEC. The goal number 5 of the Post 2015 Sustainable Development Goals pertaining to women empowerment and gender equality contributes to promotion and implementation of the GEC.
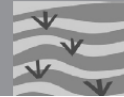
WHAT CAN BE EVALUATED?

The criteria can be applied to:

- evaluate a specific law or policy, or a group of laws and policies such as a municipal master plan;
- evaluate institutions, such as land department, land reform commission, customary land secretariats, land management mechanism, or land dispute resolution structures;
- guide in drafting or advocating for a new land law or policy;
- develop monitoring tool to ensure gender dimensions in the implementation of land policies, laws, programs, projects; and,
- develop check list of things to think about before a land program or project (example: land regularization) is started.

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[15]Extracted from the paper presented by Maria Fides F. Bagasao. For more details, contact <fides_bagasao@yahoo.com>
[16]The 22 questions for the gender criteria table were compiled by Diane Dumashie, Asa Jonsson, Slivia Mantilla, Siraj Sait, Birte Scholz, Jude Wallace based on an e-forum in 2008. Two workshops organized by GLTN in 2007-2008 held in Lukenya and Tanzania which included FIG, Huairou commission, University of East London provided the initial basis for the development of the GEC. For more information, visit: http://huairou.org/sites/default/files/GEC%20matrix.pdf
[17]GLTN is facilitated by a Secretariat based in UN Habitat, Nairobi. Both the GLTN and UN Habitat support the Secretariat operations. The key partners of GLTN are Huairou Commission, University of East London, and International Federation of Surveyors (FIG). From a handful of partners in its launch in 2006, the 5th GLTN Partners Meeting held in Hague, Netherlands in November 2013 was attended by 120 participants from 45 GLTN partners.

Sample of Gender Evaluation Criteria

Criteria	Example of Evaluation Questions	Indicator
Equal participation by men and women and gender responsive governance	Is the decision making process transparent, inclusive for both men and women?	An agreed critical mass (x%) of decision makers are women
Capacity development, organization and empowerment of women and men to use, access and benefit from the tool	Is the information clear to, and does it empower both men and women to utilize the tool, and to know their rights related to the tool?	Information is available in different forms such as written, radio, etc., and in local languages for different stakeholders
Legal and institutional considerations in regard to women and men's access to land	Does the tool provide gender responsive dispute resolution?	Land administration and management systems have built dispute resolution mechanism that are available to both men and women

The GEC is designed as a flexible tool that can be adapted and customized to address local context and used in a participatory and inclusive manner by all stakeholders, including grassroots organizations to capture the dimensions of gender inequality.[18]   The results will guide the action required to ensure that both men and women will benefit from the initiative. The evidence that is collected in a transparent, participatory manner, serve as an essential basis for advocacy for action that will lead to the improvement of the conditions of poor and marginalized communities where women constitute half of the population. ■

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[18]Lumanti, a Nepal based NGO (Huairou Commission member) also utilized the GEC and can serve as resource for the region. GLTN in coordination with International Land Coalition–Asia and ANGOC conducted a regional training workshop on Gender Evaluation Criteria in Bogor, Indonesia in 2014.

ILC: 10 Commitments on People-Centered Land Governance[19]
By Erpan Faryadi, *ILC-Asia*

Through the 10 commitments for People-Centered Land Governance, the International Land Coalition (ILC) seeks to promote policy change at the country level in relation to land.[20] Notably, this set of commitment differentiates the new strategy (2016-2021) from the previous one as it serves as a guide for ILC's works at all levels of actions to achieve land governance with and for the people. This is also a benchmark working towards the realization of the VGGT and other internationally agreed instruments.

Commitment 1: Secure Tenure Rights

Respect, protect, and strengthen the land rights of women and men living in poverty

Existing initiatives: Influencing the national land agenda through ILC National Engagement Strategies (NES) in Bangladesh, Cambodia, India, Indonesia, Nepal and the Philippines and through other initiatives in Mongolia, Kyrgyzstan, Kazakhtan, Thailand and Pakistan.

Commitment 2: Strong Small-Scale Farming

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, whilst supporting smallholders as investors and producers, such as through cooperative and partnership business models.

Existing initiatives: Small scale women farmer's cooperative in Bangladesh; in the Philippines, ILC members are engaged in the extension of the issuance of notice of coverage and working to ensure the provision of government budget for the implementation of the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER). ILC members in India are participating in the land reform process by documenting data and information on land ownership for dialogue with national state governments and village *panchayats*.[21]

Commitment 3: Diverse Tenure Systems

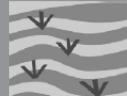*Recognize and protect the diverse tenure and production systems, including the communal and customary tenure systems*

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[19]Extracted from the paper presented by Erpan Faryadi. For more details, contact <e.faryadi@landcoalition.info>
[20]For more information on ILC's 10 People-Centered Land Governance Commitments please visit: http://www.landcoalition.org/
[21]*Panchayat- a village council*

Existing initiatives: Legalizing/recognizing of pasture land use tenure systems in Mongolia as well as in Central Asia countries. In Cambodia, ILC members are empowering twenty-one target communities to get community forestry, fishery and land-use recognized by local authorities as well as the Ministry of Agriculture, Forestry and Fisheries (MAFF). In the Philippines, ILC members are working to ensure that a new administrative order is issued to speed up delineation of municipal waters to grant fishing rights.

Commitment 4: Equal Land Rights for Women

Ensure gender justice in relation to land

Existing initiatives: Indigenous peoples' and women's struggle for land rights in Indonesia and Bangladesh; Gender Evaluation Criteria (GEC) training workshops in Indonesia. Shadow Reports on Convention on the Elimination of all forms of Discrimination Against Women(CEDAW) and Economic, Social and Cultural Rights (ESCR) focusing on women's land rights as parts of the National Engagement Strategies (NES) for Cambodia, India, and Nepal.

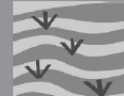## Commitment 5: Secure Territorial Rights for Indigenous Peoples

Respect and protect the inherent land and territorial rights of indigenous peoples, as set out in International Labor Organization Convention 169 and the UN Declaration on the Rights of Indigenous Peoples

Existing initiatives: Strengthening solidarity, collaboration and advocacy through network building on extractive industries and energy in Thailand. In Indonesia, ILC members are working through the NES platform to advocate for the recommendations given on the "protection and recognition of rights and access to land of marginalized peoples (including indigenous peoples)" and to ensure its inclusion in the revised government draft of the Land Bill.

Commitment 6: Locally-managed Ecosystems

Enable the role of local land users in territorial and ecosystems management

Existing initiatives: Development of map through participatory mapping service in Indonesia. Conduct of training course on Community Forestry Management Plan (CFMP) for sub-national authorities and benefiaries in Cambodia. In India, ILC members are documenting village level data through participatory meetings for the identification of landless, homeless, land holdings that are not regularized.

Commitment 7: Inclusive Decision-making

Ensure that processes of decision-making over land are inclusive

Existing initiatives: ILC members in Nepal are working on land rights campaign to mobilize landless and tenant farmers, including smallholders, and to ensure that land reform commitments are included in the Constitution. Members in the Philippines are working to strengthen the networks of fisherfolks to be recognized as political actors.

Commitment 8: Transparent and Accessible Information

Ensure transparency and accountability, through unhindered and timely public access to all information

Existing initiatives: In the Philippines, the NES platform is using and informing the National Land Spatial Database developed by members, which includes data on zoning, conflicting/overlapping tenurial claims and land grabbing.

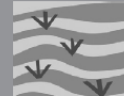## Commitment 9: Effective Actions against Land Grabbing

Prevent and remedy land grabbing, respecting traditional land use rights and local livelihoods

Existing initiatives: Government's compliance on laws related to Social Land Concessions and lands granted to displaced and poor families in Cambodia. In Indonesia, members are consolidating civil society campaigns to push for safeguards in the Masterplan for the Acceleration and Expansion of Indonesia's Economic Development (MP3EI) – land allocated for large scale investments using natural resources.

Commitment 10: Protected Land Rights Defenders

Respect and protect the civil and political rights of human rights defenders working on land issues

Existing initiatives: Legal support for a community of landless people in Bangladesh. Members in the Philippines are working to assist land rights defenders in emergency situations through the set-up of a Quick Response Fund. ■

Synthesis and Ways Forward

Issues and Challenges

Surveying all the presentations during the workshop, the main issues and challenges in land administration and management projects revolved on **institutional mandates**, **land information** and **disputes**. Often, there are numerous institutions with overlapping mandates on the administration and management of land. This plurality leads to inefficiency in land governance as related agencies lack coordination, contradicting each other's system, resolving less and producing more land issues. Related to this issue, numerous tenurial instruments and the lack of or non-implementation of land use policies hinder effective land administration and management. Another challenge is non-recognition of tenure and other informal contracts on land.

Land information tends to be unavailable and inaccurate. More often they are difficult to understand and people lack awareness of its regulation procedures. In addition, land conflicts remain unresolved due to the lack of information needed to arrive at a decision involving disputes. In some cases, communities are in conflict with large scale investors or other enterprises whose activities involve land grabbing and green grabbing.

The participants agreed to work on three areas: policy, tooling and information networking.

Policy

The center point of land administration and management systems should always be the people. It should not focus solely on the accuracy of methods, technologies or policies; rather, it should center on peoples' relationship to the land, their context and their community. It should be participatory, purposive, partnership-based and pro-poor; what is valuable to a community's perspective should be considered. Systems should also recognize the plurality of tenurial forms, from formal to informal.

International processes and instruments, such as the Sustainable Development Goals (SDGs), the VGGT, the Fit-for-purpose land administration and management approach and Committee on World Food Security's Responsible Investments for Agriculture and Food Systems, and other contracts/ pledges that government developed can be used as guides for land administration and management systems. Consistency and coherence of national policies with international norms and standards remain a challenge for policy-makers.

CSOs must continue to assist communities in ensuring that governments adhere to participatory processes and transparency.

Tooling

To effectively address the challenges on land administration and management, key intervention on tooling as part of a continuing capacity building practice of both CSOs and governments for better land governance. While a number of tools have been developed (e.g., participatory land use planning, spatial mapping, capacity building, inclusive decision making, participatory conflict management and alternative dispute mechanisms), there is a need to contextualize them into different country characteristics. Local people should be able understand these tools into their local language. The end goal is to empower communities as knowledge is demonstrated and applied.

Information Networking

As organizations advocating for land, the forum's participants have a wealth of experience and knowledge, which would be useful to share with other countries and organizations to provide or acquire more perspectives on land administration and management interventions. Regular sharing of laws and mechanisms/processes on land administration among countries can go a long way. Government agencies from different countries can also start sharing challenges and successful methods and experiences.

Specific suggestion of an exchange program between rural-urban women to support the agenda on rural and urban land administration and management in selected countries can be arranged.

Mapping of capacities and needs requirements on using participatory and indigenous knowledge with modern technologies is still an area that needs to be developed. The social media should be optimized as a platform for information and communication hub. Online tutorials to share tools are possibilities for regional action.

Next Steps

Effective land administration and management system is key to achieving secure tenure for all. Land administration projects, if effective and participatory, can facilitate land reform and agrarian justice through laws and policies.

ANGOC and GLTN shall continue to facilitate and foster multi-stakeholder dialogues to understand and address the land challenges raised in the forum. Coming from various platforms, campaigns and processes, the challenge for this regional platform is on bringing and expanding synergy among CSOs, government, academe and private sectors.

In terms of sharing tools and knowledge products (e.g., studies, policy briefs, regional journals), both ANGOC and GLTN shall include the participants in their respective mailing lists. ■

Founded in 1979, ANGOC is a regional association of 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. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs) and international financial institutions (IFIs).

ANGOC is the convener of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAHM-Asia). ANGOC is also a member of the International Land Coalition (ILC), Global Land Tool Network (GLTN) and the Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium.

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The Global Land Tool Network (GLTN) is an alliance of global regional and national partners contributing to poverty alleviation through land reform, improved land management and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools. Know more about GLTN at http://www.gltn.net.

GLTN may be reached at:

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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, 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.