



LOK NITI

JOURNAL OF THE ASIAN NGO COALITION

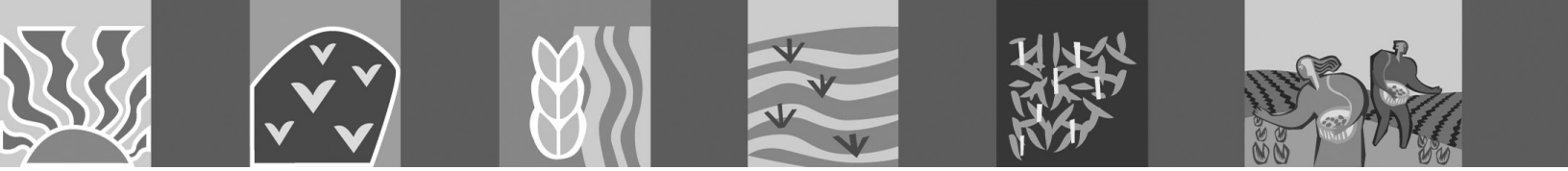
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SUSTAINABLE DEVELOPMENT GOALS





What is Lok Niti?

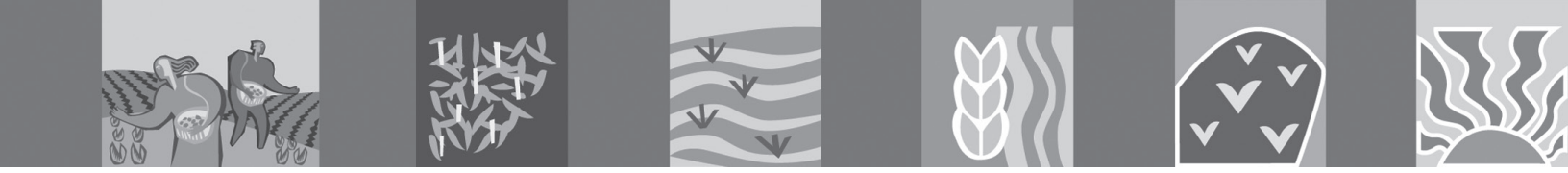
Lok Niti and Raj Niti are terms coined from the Sanskrit by Mahatma Gandhi. Lok Niti signifies people's politics—the people in command and direct governance by the sovereign people, as opposed to Raj Niti—the politics of the nation state or indirect rule by a centralized government leadership based on current “democratic” forms of party and representative political institutions.

This concept of Lok Niti was the political basis of Gandhi's socio-economic “Construction Programme”, which is now known in India as Sarvodaya.

An increasing number of us who are associated with the Asian NGO Coalition (ANGOC) feel that we have begun to find our bearings in the tangled terrain of “development” through commitment to the “gentle anarchism” of Mahatma Gandhi—a body of principles for both personal and social transformation through work in support of decentralized, village community oriented, rural development, guided by the ideals of satyagraha and non-violence and harmonization with both nature and tradition.

Lok Niti is the journal of the Asian NGO Coalition.

— Chandra de Fonseka
former Lok Niti editor-in-chief



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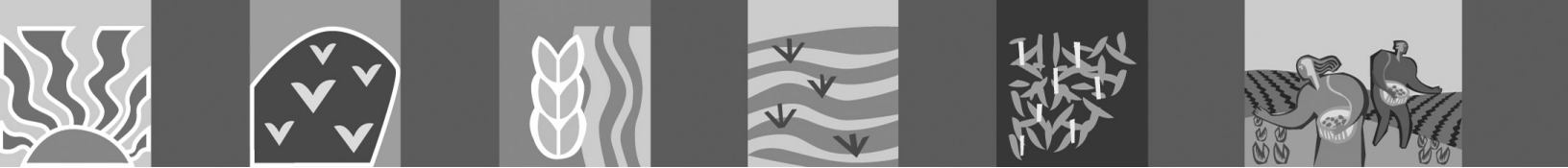
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Photos courtesy of the UN (SDGs) and STAR-Kampuchea (group workshop photo).



EDITORIAL

Secure land tenure lies at the core of people's land rights. Without land tenure security, communities may be easily displaced and forcibly evicted. Land conflicts or land disputes highlight the challenges and threats communities face in order to maintain access to and full control over their lands.

Land has always been a source of conflict. Not only is the number of land conflicts rising, but also the degree of conflict – employing violence in many cases – is intensifying. Such land conflicts may result from overlapping land laws and policies, which cannot be resolved overnight. There is also the serious question of incentives. Land grabbing is almost always done to gain more profit for governments and for companies alike.

Thus, a number of governments actively encourage agricultural investments. Even for small landowners, the incentive to sell or lease the land leads to the loss of land and livelihoods for poor farmers and rural workers. Displacements are a necessary development cost, and communities are the collateral damage.

The scales of conflict vary from country to country, but the groups involved are usually the same. Farmers and indigenous peoples, and in some cases, fishers, are often at the short end of the stick. The private sector and State-owned enterprises comprise another important group

of actors, as these are involved in agricultural investments and land concessions that trigger conflicts. The local government is also implicated in land conflicts due to overlapping permits, and in many instances, a bias for companies that rake in revenues.

A range of interventions are needed to turn the tide. Conceptually, an excellent place to start is the recognition that the right to land is a human right. This does not only mean safeguarding human rights – the right to life, economic, social, cultural, civil and political rights. In a broader context, this also includes the right to food and the right to adequate shelter, which are inextricably connected to land. What this means is that communities working on the land have a right to that land.

If governments were to acknowledge their full responsibility to protect their people's rights, then lands would not be lost so easily and wantonly to the rich and powerful, but instead will be maintained and taken care of by the people who truly have the better claim. Towards this end, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA) with the support of the International Land Coalition (ILC), have commissioned two sub-regional approach papers (one for Southeast and another for South Asia) on linking land as human rights.



Coincidentally, 2017 marks the golden year for the Association of Southeast Asian Nations (ASEAN) since its founding in 1967. As the region gears to be ONE COMMUNITY, with the end goal of an ASEAN Economic Integration towards a single market and production base with free flow of goods, services, investments, capital and skilled labor, the fight for land use intensifies. With these developments, how will ASEAN respond to the challenge of enhancing food security while at the same time preventing displacement of people and communities and protecting the environment?

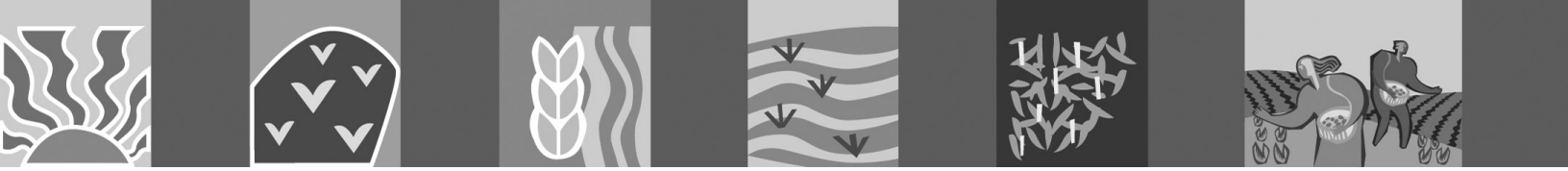
It is in this context that the regional workshop “Land as Human Rights: An Imperative towards the Realization of the Sustainable Development Goals” was organized by ANGOC, LWA, ILC-Asia and STAR Kampuchea in partnership with Forum Syd, HEKS/EPER-Cambodia and the United Nations Cambodia Office of the High Commissioner for Human Rights (UNCOHCHR) from 24-25 November 2016 in Phnom Penh, Cambodia. The initiative:

- provided a status of the implementation of SDG goals 1, 2 and 16 in Asia;
- presented and discussed the land governance challenges in Asia;
- presented and discussed the two sub-regional approach papers on linking land as human rights; and,
- formulated policy recommendations to regional bodies and national institutions in pursuing responsible land governance and recognizing land as human rights towards contributing to the achievement of SDGs.

Around 65 participants from CSOs (from Bangladesh, India, Indonesia, Lao PDR, Nepal, Philippines and Vietnam), national human rights institutions and regional institutions, as well as representatives from 25 CSOs and communities,

government agencies, media and international organizations based in Cambodia attended the two-day workshop.

This publication is the first of two Lok Niti editions dedicated to the two-day regional workshop, given the wealth of materials generated during the preparation phase and during the workshop itself. ■



Land as a Human Right:

An Imperative Towards the Realization of the Sustainable Development Goals

A Regional Workshop Summary Report

Dismissed as a waning sector in the last two decades of the 20th century, land and agriculture are back in the global development agenda. The Post-2015 Agenda is accompanied by the Sustainable Development Goals (SDGs). It is supported by the report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, where it identifies that “secure rights to land, property and other assets” as a building block in reducing poverty.

Aimed to realize the human rights of all and to achieve gender equality and the empowerment of all, the SDGs outlined 17 goals and 169 targets related to economic, social and environmental aspects. While all the goals are important in the Asian region, three related goals are critical and need to be addressed at the shortest possible time: Goal 1 (end poverty in all forms), Goal 2 (zero hunger) and Goal 16 (peace, justice and

strong institutions). And in these goals, access to land and agrarian reform is essential to the achievement given the Asian context where majority of the poor are landless, near-landless and smallholder farmers. As such, access to land brings livelihood, reduces social tensions and conflicts over resources, achieves sustainable management of lands, and improves overall peace for greater political and economic stability. Land is NOT just an economic commodity but a necessary instrument of equity for the poor.

However, land has always been a source of conflict. Not only is the number of land conflicts rising, but also the degree of conflict – employing violence in many cases – is intensifying. Such land conflicts may result from overlapping land laws and policies, the resolving of them do not take place overnight. There is also the serious question of incentives. Land grabbing is almost

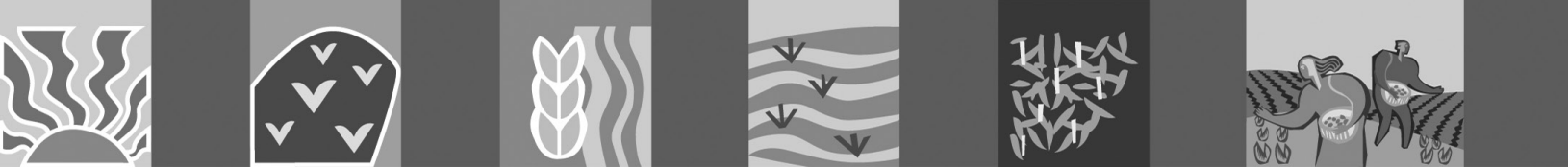


always done to gain more profit for governments and for companies alike – profits. Thus, a number of governments actively encourage agricultural investments. Even for small landowners, the incentive to sell or lease the land to a more financially rewarding entity leads to the loss of land and livelihoods for poor farmers and rural workers. Displacements are a necessary development cost, and communities are the collateral damage.

It is in this context that the Asian NGO Coalition (ANGOC), Land Watch Asia (LWA), International Land Coalition (ILC-Asia) and STAR Kampuchea

in partnership with Forum Syd, HEKS/EPER-Cambodia and UN Cambodia Office of the High Commissioner on Human Rights (UNCOHCHR) organized the regional workshop “**Land as Human Rights: An Imperative towards the Realization of the Sustainable Development Goals**” which:

- provided a status of the implementation of SDG goals 1, 2 and 16 in Asia;
- presented and discussed land governance challenges in Asia;
- presented and discussed the two sub-regional approach papers on linking land as human rights; and,



- formulated an action agenda to reflect the recommendations in pursuing responsible land governance and recognizing land as human rights towards contributing to the achievement of SDGs.

Around 65 representatives from CSOs from Bangladesh, Cambodia, India, Indonesia, Lao PDR, Nepal, Philippines and Vietnam), including Cambodian government officials, national human rights institutions and regional institutions participated in the workshop.

Workshop Highlights

SDG Implementation in the Asia region

- MDGs were good at planning but less good at linking planning to budgeting and making sure the results of the investments matched plan priorities
- MDGs covered a limited agenda of separate targets; SDGs present an integrated agenda showing linkages between the different goals and targets

- MDGs focused on aggregate achievements like cutting poverty by half; SDGs have to be achieved for all starting with those left most behind
- SDGs see governance not only as a key enabler of all the development goals, but also focus on the governance of the new agenda itself and ensuring that it will be implemented through a multi-stakeholder partnership
- need for collaboration among GO, CSO and the private sector as a crucial component in SDG implementation
- lack of reliable data and hence, the important role of CSOs in collecting data
- a number of the SDGs relate to land rights, which justifies land rights as human rights
- recently concluded Habitat III reinforces the importance of land in the new urban agenda

Major recommendations

- evidence to show that land is a key enabler and accelerator for sustainable development as a whole, including quantifying the investment needed to reform and protect land rights, but also quantifying the potential benefits and development impacts across the agenda
- advocating to government on the data frameworks that will be needed to identify those at risk of being left behind in relation to land and to ensure that those are incorporated in the new agenda so that the disparities between different groups attract and progress in reaching the furthest behind is measured
- engage with governments on the multi-stakeholder partnerships for implementing and monitoring the new SDGs, specifically to make concrete proposals on the role civil society should play



Land governance challenges in Asia

- high poverty incidences in the region despite high economic growth; majority are in rural areas
- with the rush for land, land is treated purely as an economic asset; results to increasing consumption & consumerism, and land speculation
- lack of transparency, accountability & popular empowerment that lead to “elite capture”
- national legal systems that centralise control over lands, with no legal recognition of land rights of local users
- protection given to investors that sidelines the rural poor
- undervaluing the contribution of smallholder, family farming

Major recommendations

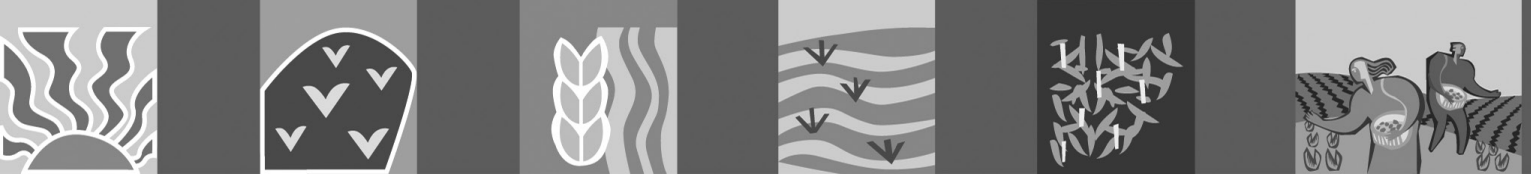
- acknowledge & respect the resource rights of rural people in large-scale land transactions
- legally recognize the land rights of the rural poor, including over the commons
- put smallholder production at the center of strategies for agricultural development
- make international human rights law work for the rural poor
- make decision-making on land inclusive, transparent & accountable
- ensure environmental sustainability in land & water-based acquisitions and investments

Women and Land Rights in Asia

- women’s access to land is important not just for livelihood or economic empowerment, but is strongly correlated with rights-based outcomes such as freedom from violence, decisional autonomy, and sexual and reproductive health

“.. evidence to show that land is a key enabler and accelerator for sustainable development as a whole, including quantifying the investment needed to reform and protect land rights, but also quantifying the potential benefits and development impacts across the agenda.”

- 70% of farm work is done by women but receive lower salary
- most women are landless and women’s land rights are often undocumented
- *In Bangladesh:* accelerated rural outmigration has led to feminization of agriculture; women do not have access to support services; Islamic law and customary law disadvantageous to women
- *In Cambodia:* lack of knowledge on land and property rights; prone to widespread abuse by creditors; women at the forefront of land conflict negotiation and protest
- *In Nepal:* 73% of women are engaged in agriculture but, in the absence of certificates are not recognized as farmers; less than 20% of women have formal property ownership; patriarchal nature of Nepalese society is incorporated in legal instruments, therefore women are always at a legal disadvantage
- *In the Philippines:* relatively advanced in terms of policies on women and land rights; for agrarian reform beneficiaries; land titles issued to women are only half of those issued to men; women in agriculture earn less than men



Major recommendations

- need for paradigm shift, challenge the culture of patriarchy
- promotion of gender-sensitive laws and programs
- monitoring of women's land rights and more stringent data-gathering methods

Mainstreaming Land Rights as Human Rights

- Globally accepted concepts of human rights (civil, political, economic, social and cultural) enshrined in the declaration and covenant of the United Nations General Assembly have always been the concern of millions of landless and land-poor people
- Much remains to be done for ensuring social equity and justice in the world where people controlling the vast swathe of land and its natural resources by foul means within the national boundaries are the ones controlling the national governments and international economic organizations
- In South Asia:
 - customs and practices often come in the way of realizing genuine land rights
 - SAARC has not recognized the interrelatedness of poverty alleviation, agricultural production, food security and land rights/access to land
 - Bangladesh: more than half of the population of the country is landless poor (around 68%); a recent study on property disputes estimated that one in every five households in the country suffers from land disputes; Khas land grabbing all over the country by the powerful for commercialization, urbanization & industrialization and for infrastructure development
- India: digging the graveyard (100,000 villages lost since 1921); increasing outmigration (90M people now live in slums); development projects, extractive industries, reforestation projects lead to displacement
- Nepal: inequalities regarding land access as one of the underlying causes of the decade-long armed conflict between the Government of Nepal and the Communist Party of Nepal-Maoist (CPN-Maoist); most common land-related conflicts in the country are inheritance conflicts among family members, boundary conflicts between neighbours, conflict between landless people and authorities, and conflict between landowners and tenants; a family without land in a peasant society is deeply handicapped since most of the government services are connected to land ownership certificates
- In Southeast Asia:
 - ASEAN's policy on non-interference and country-independence approach hinders the implementation of land as human rights
 - Cambodia: Economic Land Concessions on the rise, resulting to displacement of farmers; lack of property rights; property patterns are root causes of poor land management; fragmented land regulation/administration
 - Indonesia: rapid and rampant "depeasantization"; one-fourth hectare lost every minute; escalating violence, land conflicts
 - Philippines: strong resistance from former landlords and corporations claiming ownership of farmer and IP lands; threat of ejection for farmers who participate in agrarian programs; land



grabbing by mining and agro-industrial firms; harassment and violence of land rights defenders

Major recommendations:

■ South Asia

- CSOs to engage the Technical Committee on Agriculture and Rural Development (TCARD) of the SAARC on land-related issues
- lobby for the creation of permanent inter-governmental human rights mechanisms such as the Regional Committee on the Issues of Land Rights and Special Rapporteur on Agrarian Issues and Land Rights of Indigenous Peoples
- land rights issues can also be brought in the People's SAARC (South Asian People's Summit, People's Assembly), South Asia Forum and Working Group on South Asia Human Rights Mechanism
- governments, CSOs and academic institutions of the SAARC region should link their respective programs on land rights as part of the implementation plans of the SDGs

■ Southeast Asia

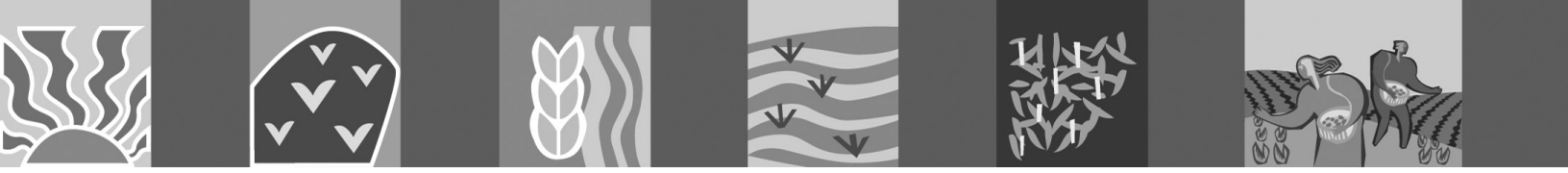
- increase advocacy and lobbying for the establishment of National Human Rights Institutions (NHRIs) in ASEAN country-members that have no NHRI yet
- bring land issue into SEANF and AICHR mechanisms
- SEANF should be pushed to develop mechanisms for joint investigation and monitoring security of land tenure, land grabbing and land conflict cases with transnational/trans-borders dimension

- ASEAN government should be approached in order to improve/change the ASEAN Declaration on Human Rights (to add some points on mechanisms to monitor Member States' obligation to promote and protect human rights of ASEAN people)
- In countries where there are NHRIs: (a) lobby for the establishment of special rapporteur or unit within the NHRI to hold special procedures on land issue; (b) conduct national inquiry on IPs' rights and other land related problems; and (c) take a lead on the process to formulate National Action Plan on Business and HR.

Action Plan

Four workshop groups (i.e., Cambodia, Lao PDR-Vietnam, Indonesia-Philippines and South Asia) were organized to reflect on how the recommendations are to be translated in ongoing work, or pursued by the participants, both at country and regional level. Three major areas of collaboration have been identified: policy, capacity building and networking.

Towards this end, the participants shall pursue the **goal** of "*empowering communities to protect and defend their rights to land*" through the implementation of the action plan below detailed in the following pages. ■

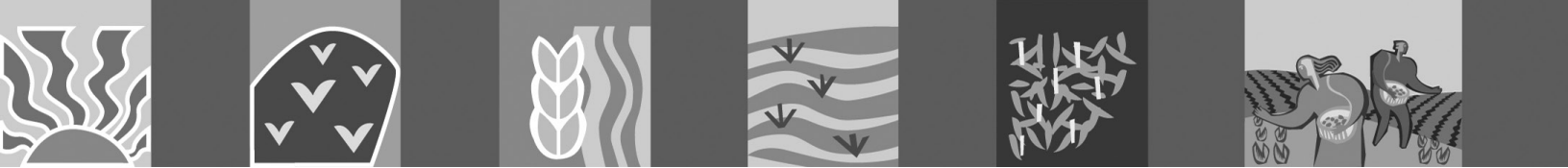


ADVOCACY			
<i>Land rights organizations and communities as part of the regional dialogues and processes on the imperatives of land rights as a human right and an essential strategy to achieve the SDGs in Asia</i>			
KEY RESULT AREA	KEY ACTIVITIES	WHO	WHEN
National Human Rights Institutions (NHRIs) recognize land rights as a human right	Engage NHRIs through series of dialogues at national and regional levels	ANGOC, AR Now!, CARRD, KPA, Komnas HAM, CHR	Based on existing projects
Land rights as part of the deliberation at Asian level	Lobby SEANF to conduct joint investigation on land conflicts with regional dimension	ANGOC, AR Now!, CARRD, KPA, Komnas HAM, CHR	Ongoing
	Lobby SEANF to establish regional inquiry on IPs	ANGOC, KPA, Komnas HAM, CHR	Ongoing
	Lobby AICHR (through SEANF) to set-up in its mechanism to review land issues	ANGOC, KPA, Komnas HAM, CHR	Ongoing
Strengthened dialogues among governments, CSOs, communities, NHRIs at regional and national levels	Participate in regional dialogues of ASEAN, AICHR, SAARC	ANGOC, LWA, AR Now!, CARRD, KPA, SK, NGO Forum, ADIC, WMC, HRTE, CIPO, SCW, MVI, HEKS, Forum Syd, ALRD, CDA, CSRC, EP	Ongoing
	Actively engage formal and informal policy processes at national level	ANGOC, AR Now!, CARRD, KPA, SK, NGO Forum, ADIC, WMC, HRTE, CIPO, SCW, MVI, HEKS, Forum Syd, ALRD, CDA, CSRC, EP	Ongoing
	Conduct scoping studies in South Asia	ALRD, CDA, CSRC, EP	To be determined
	Recognition of customary tenure in the new forestry law in Vietnam and land law in Laos	LIWG, Foreland/MRLG	Ongoing



KEY RESULT AREA	KEY ACTIVITIES	WHO	WHEN
Increased awareness and engagement in the formulation of national action plan of UN Guiding Principles on Business and Human Rights (UNGP BHR)	Conduct orientation workshops on UNGP BHR	ANGOC, AR Now!, CARRD, KPA, SK, NGO Forum, ADIC, WMC, HRTF, CIPO, SCW, MVI, HEKS, Forum Syd, Komnas HAM, CHR	Ongoing
	Participate in the formulation processes of national action plans of UNGP BHR	ANGOC, AR Now!, CARRD, KPA, SK, NGO Forum, ADIC, WMC, HRTF, CIPO, SCW, MVI, HEKS, Forum Syd, Komnas HAM, CHR	To be explored with Komnas HAM, CHR
	Regional dialogue on UNGP BHR	ANGOC, LWA, AR Now!, CARRD, KPA, SK, NGO Forum, ADIC, WMC, HRTF, CIPO, SCW, MVI, HEKS, Forum Syd, ALRD, CDA, CSRC, EP	To be determined

CAPACITY BUILDING		<i>Enhanced capacities of CSOs and communities on policy advocacy and dialogue through training and tool development</i>	
KEY RESULT AREA	KEY ACTIVITIES	WHO	WHEN
Standardized and accurate data related to land rights as part of evidence-based advocacy	Continue land monitoring initiative of Land Watch Asia	ANGOC, LWA	Ongoing
	Request GLTN to support the development of land tools	ANGOC, GLTN	Ongoing
Increased capacity through in-country and sub-regional dialogue and exchange	Develop network dialogue	Foreland, LIWG, LCG, NGOF, SK	July and August 2017
	Exchange Lao-Vietnam MONRE's cooperation	MRLG	Just started



NETWORKING <i>Popularize land rights as human rights advocacy through regional knowledge sharing and exchange</i>			
KEY RESULT AREA	KEY ACTIVITIES	WHO	WHEN
Increased solidarity among CSOs and communities at regional level	Participate in regional workshops	ANGOC, LWA, AR Now!, CARRD, KPA, SK, NGO Forum, ADIC, WMC, HRTF, CIPO, SCW, MVI, HEKS, Forum Syd, ALRD, CDA, CSRC, EP	To be determined
	Organize land rights fora in Peoples SAARC, SAPA		
	Cross country regional exchange visits	ALRD, CDA, CSRC, EP	
Increased awareness on land rights in the broader society	Engaging media	All	Ongoing



Integrating the 2030 Sustainable Development Goals (SDGs) Agenda in Asia: One Year On

Nicholas Booth, UNDP Bangkok Regional Hub

We are at an early point in implementing the new agenda. The focus of this presentation will be how we can best influence the new agenda.

The starting point for the new agenda is the lessons learned from the MDGs and how they have been addressed in the 2030 agenda:

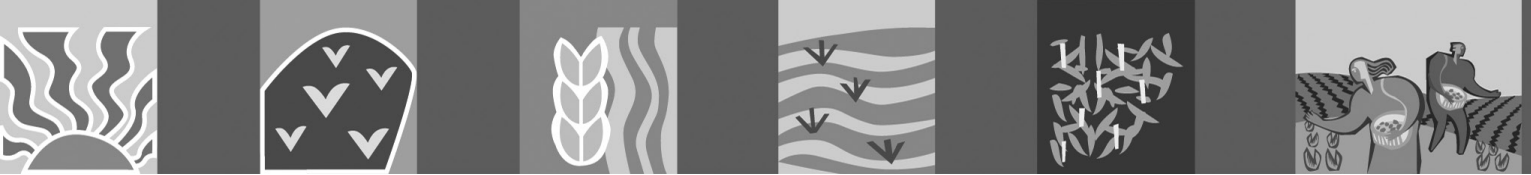
- MDGs were good at planning but less good at linking planning to budgeting and making sure the results of the investments matched plan priorities
- MDGs covered a limited agenda of separate targets while SDGs present an integrated agenda showing linkages between the different goals and targets
- MDGs focused on aggregate achievements like cutting poverty by half while SDGs have

to be achieved for all starting with those left most behind

- Governance was missing from the MDGs; SDGs see governance not only as a key enabler of all the development goals, but also focus on the governance of the new agenda itself and ensuring that it will be implemented through a multi-stakeholder partnership

The first task in building the 2030 agenda in each country is aligning existing development plans with the new strategy. Bringing national development plans in line with the new strategy involves four different processes.

The first of them is the easiest – aligning national development plans to capture the full integrated set of development goals.



Equally important is the question of ambition. National development plans now need to achieve the goals from the perspective of leaving no one behind, so the new SDG agenda requires a new level of ambition. There has been less focus on this so far.

Third, the focus on integration also requires us to think about synergies and also trade-offs between sectors and goals, with a focus on the key enablers - the key investments which will realize progress not just in a specific goal but across many different goals and targets.

Finally, comes the question of implementation ensuring the planning is linked to budgeting and financing for development; carrying out a stocktaking of the needs – financial human and institutional – that will need to be met if the agenda is to be delivered.

Now let us look at some of the country examples on what countries are doing to plan the 2030 agenda.

Malaysia has made good progress in mapping the SDG on the 2030 agenda against the 11th Malaysia plan. SDG goals are mapped against different strategic thrusts of the 11th Malaysia and some goals play a role in more than one of the Strategic Thrusts.

Malaysia is also going through the targets and the global indicators and mapping these against targets, strategies and indicators in the 11th Malaysia plan.

Malaysia is also creating a roadmap covering the 15 years of the 2030 agenda which covers three five-year plans and deciding what will be the focus of each of the three phases within the 15-

year period. They are also identifying the different areas of focus ranging from establishing data frameworks, capacity building needs, strategic communications and funding.

In Indonesia we can see a similar example where the 17 goals are being put under different pillars.

Some countries are also making progress on realizing the multi-stakeholder partnership dimension of the new agenda.

Indonesia for example has already articulated the different roles the government, academia, civil society and the private sector will each play in delivering on the agenda.

In the future we will also need to pay more attention to the question of prioritizing and identifying the key accelerators for development - the key issues which can make the most progress across different goals and targets. This will be a key entry point for civil society efficacy going forward.

To do this we need to understand the interrelationship between the different goals and targets.

Better data will be crucial for the new agenda.

Malaysia is an example of a country which is doing a stocktaking of its data sources to see whether it's well-positioned to report against the more than 230 global indicators that were provisionally agreed-upon earlier this year. This analysis shows that Malaysia is only well-positioned to report on 38% of those indicators, while data systems will need to be further developed to be able to report on the rest.



This exercise needs to be undertaken in relation to each goal individually as well. This slide illustrates the difference between different goals. In the area of education Malaysia is well-positioned with available data systems delivering against 73% of the targets, whereas in relations to water only 18% of the targets can be reported against using available data.

What does this mean for land in the SDGs? Land is mentioned three times in the SDGs most importantly in target 1.4 along with basic services, access to finance, technology and economic resources, and one of the two global indicators focuses on land tenure.

The importance of land to eliminating hunger is reflected in target 2.3, although the indicators under that target do not track land.

Women's access and rights to land is also an important issue as demonstrated by target 5.a and this is also reflected in one of the two global indicators.

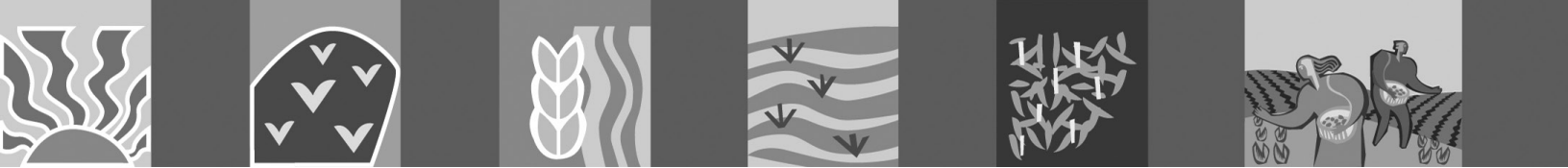
Finally, I would like to invite you to reflect on the key entry points for CSOs advocating on land rights in the new agenda.

Three suggestions on areas to focus on include:

- (i) Evidence to show that land is a key enabler and accelerator for sustainable development as a whole, including quantifying the investment needed to reform and protect land rights for all in the countries, but also quantifying the potential benefits and development impacts across the agenda;
- (ii) Advocating to government on the data frameworks that will be needed to identify those at risk of being left behind in relation to land and to ensure that those are

incorporated in the new agenda so that the disparities between different groups attract and progress in reaching the furthest behind is measured; and,

- (iii) Engage with governments on the multi-stakeholder partnerships for implementing and monitoring the new SDGs, specifically to make concrete proposals on the role civil society should play. ■



Land in Sustainable Development Goals and New Urban Agenda and Updates on the Global Land Indicators Initiative

Danilo Antonio, Global Land Tool Network (GLTN)

For the first time, land is explicitly recognized in the global Sustainable Development Agenda 2030 as a resource, factor of production and a commodity for which poverty and inequality can be fought in rural and urban areas. There is no doubt that secure tenure rights to land and property is strongly linked to peace and security; social cohesion, conservation of natural resources and mitigation of the negative impact of climate change. Effective national, regional and global land monitoring is central to ensuring that changes in land governance result in improved conditions and sustainable development opportunities for all especially for women, indigenous and territorial communities, and those living in extreme poverty in rural and urban areas.

Agenda 2030 makes it possible for countries to contribute to global scale land governance

monitoring of the proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure; capturing ownership of agricultural land and security of tenure in urban areas including housing rights. The land tenure security indicator was proposed by Global Land Indicator Initiative (GLII) Partners, as facilitated by the UN-Habitat's Global Land Tool Network, and included in SDGs. This indicator captures the complexity in monitoring tenure rights to land by recognizing the varying bundle of rights and entitlements for documented and perceived land tenure rights, recognizing rights for men and women, and gives a legal recognition for all tenure types. Further, an indicator for gender equality in land is included under SDG 5 to foster achievement of gender equality and empowerment of women



and girls; and Goal 11 encompasses indicators on secure housing rights in urban areas, also linked and promoted in the New Urban Agenda adopted by UN Member States in October, 2016. A summary of land targets and indicators in the SDGs are as shown below:

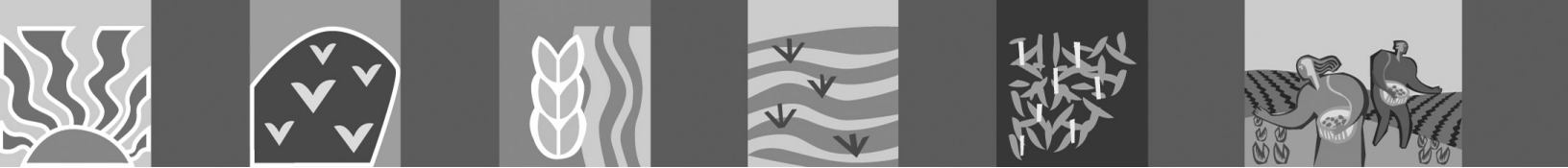
Goal 1: End poverty in all its forms everywhere

Target 1.4. By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

Indicator 1.4.2. Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.

Goal 5: Achieve gender equality and empower all women and girls

Target 5.a. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.



Indicator 5.a.1. (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) Share of women among owners or rights bearers of agricultural land, type of tenure Indicator

Indicator 5.a.2. Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control.

Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable

Target 11.1. By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

Indicator: 11.1.1. Proportion of urban population living in slums, informal settlements or inadequate housing

Target 11.3. By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human

settlement planning and management in all countries.

Indicator 11.3.1. Ratio of land consumption rate to population growth rate

Target 11.7. By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities.

Indicator 11.7.1. Average share of the built-up area of cities that is open space for public use for all, by sex, age and persons with disabilities

Inclusion of land in the SDGs means increased opportunities for progressive monitoring of tenure security as an outcome of application of regional and global frameworks including the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forest and Fisheries (VGGT, 2012) and the New Urban Agenda.

Therefore, it is important for countries and regions to adopt a coherent strategy on a single monitoring and evaluation framework, accommodating both regional and global development agendas including Agenda 2030 and New Urban Agenda. A common reporting architecture is paramount to enable production of a single periodic performance report for the effective and coordinated implementation; linking country and region to land governance monitoring and reporting processes at global level.

The adoption of Agenda 2030 and its SDGs in September 2015 has increased attention of the global land community on the need for



harmonized approaches and statistical capacity development for countries to generate land data, monitor and report on land indicators under in SDGs 1, 5 and 11; and in the recently adopted 20 years New Urban Agenda. It is evident that Agenda 2030 presents greater opportunity to complement and support data generation and reporting on the New Urban Agenda and the VGGTs, but also presents tremendous challenges in coordination and production of official statistics mainly in new statistical areas like land.

Importance of citizen generated land data by CSOs and other agencies are increasingly gaining recognition. Data gaps therefore, exist in a number of sectors including land.

In many developing countries land data are still manually operated and inaccurately recorded while efforts to put together efficient land information systems have been hampered by among other factors lack of adequate resources, limited uptake of modern data technologies and lack of political goodwill to steer the process. Where data is available, in most cases it is limited to small range of tenure rights with the prevailing of administrative data, not disaggregated by gender and with limited geographical coverage in rural and urban areas.

There is lack of national, regional and globally harmonized methodologies and tools for land data collection and reporting including data on perception of tenure security rights. The need to establish a comprehensive land data system to inform policy and to track progress on land governance and tenure security remains a challenge and has seen various regions call for data revolution to drive social, economic and structural transformation and to make it easier to track countries' progress towards meeting national, regional and globally agreed development

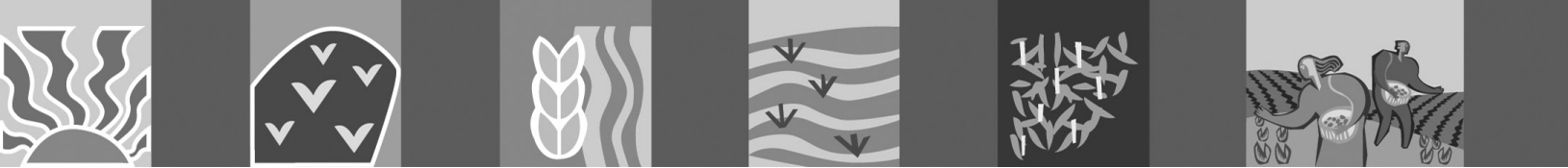
agenda, with a view to leave no one behind. The opportunity to strengthen countries and regional capacity in land governance monitoring lies in the development of robust national statistical systems. Agenda 2030 acknowledges that National Statistical Offices have long been the backbone of data production and management, producing official statistics and supporting data activities to create accurate and timely data for decision- making.

The CSOs, other regional and global data agencies have also taken up the initiative to generate land data including global perception surveys under pilot by PRIndex among others. It is therefore, a combination of global and national reporting on land data and statistics, together with participatory and stakeholder dialogue that will help catalyse action at various levels that link country to regional and global efforts to strengthen land governance monitoring and improve tenure security for all.

Land Governance Monitoring and Global Initiatives

UN member States have committed to the implementation of the goals within a timeframe of 15 years, endorsing the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its Resolution 70/1.

In its Decision 47/101, which addressed the report of the Inter- agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDGs), the UN Statistical Commission as a practical starting point agreed with the proposed global indicator framework for the goals and targets of the 2030 Agenda for Sustainable Development. Agenda 2030 emphasizes that it has been accepted by all countries and is applicable to all, taking into account different national realities,



capacities and levels of development and respecting national policies and priorities.

In August 2014, the Secretary-General established the Independent Expert Advisory Group on a Data Revolution for Sustainable Development to provide advice on the ways to close the data gaps and strengthen national statistical capacities. In its report, the Advisory Group emphasized that data is a crucial pillar for the implementation of the post-2015 development agenda, as it is the basis for evidence-based decision-making and accountability.

Land in the New Urban Agenda

UN-Habitat and the Global Land Tool Network are very proud to celebrate the long awaited adoption of the New Urban Agenda at the recently concluded October 2016 Habitat III Conference that brought together 30,000 participants, including 10,000 international participants from 167 countries to Quito, Ecuador. The New Urban Agenda gives critical guidance for implementation

and great partnership opportunities for effective and sustainable land governance interventions for the next 20 years.

The role of land is very well captured in the New Urban Agenda (NUA), with its social, ecological and economic functions well-articulated in the adopted document.

The NUA calls for securing land and property rights for all, with great emphasis on improving access to land and natural resources by women, youth and vulnerable groups. The document recognizes the plurality of tenure types and advocates for the development of approaches that are fit-for-purpose, age, gender and environment responsive that acknowledge the continuum of land and property rights framework. It also seeks to prevent arbitrary forced evictions, promote affordable serviced land, promote access to public property and land, and recognize the importance of responsive land policies.

In several instances, the Agenda calls for the sustainable use and management of land and natural resources. For environmental sustainability, the NUA promotes sustainable land use by committing to actions that will prevent unnecessary land use changes and the loss of productive land as well as fragile and important ecosystems. The document also calls for stronger rural- urban linkages that promote the balance between the social, economic and ecological functions of land.

In terms of financial sustainability and shared economic prosperity, the document commits to sound and transparent systems of financial transfers from national government to sub-national and local governments. It calls for sharing the benefits of the increase in land and property values generated as a result of urban development



projects and investments and it advocates for the adoption of land-based revenue and financing tools and the effective functioning of land and property markets that result in sustainable land use and consumption while promoting the well-being of the poor, women and vulnerable groups.

The NUA also recognizes the need for strong, inclusive management frameworks, accountable institutions and more responsive and fit-for-purpose land administration and management solutions if the above commitments are to be effective and sustainable.

During the Special Session on Urban Land in Quito, as organized by UN-Habitat and OHCHR, some potential gaps were identified. For example, it has been recognized that the means of implementation is not clear or inadequate in terms of funding arrangements, leadership in terms of implementation, specific roles and responsibilities, the lack of mention of “grassroots” while the spirit of civic engagement and bottom-up approach is clear and the essential elements in terms of monitoring and evaluation.

There might be also a problem in terms of the term “arbitrary forced evictions”. It was also emphasized to strengthen the rural-urban linkages and the connection between the SDGs and NUA. As a way forward, it has been reiterated the need for partnerships at all levels, the need for more innovative and affordable solutions and the need for a holistic and bottom-up approach for implementation process.

The Global Land Indicator Initiative and Updates

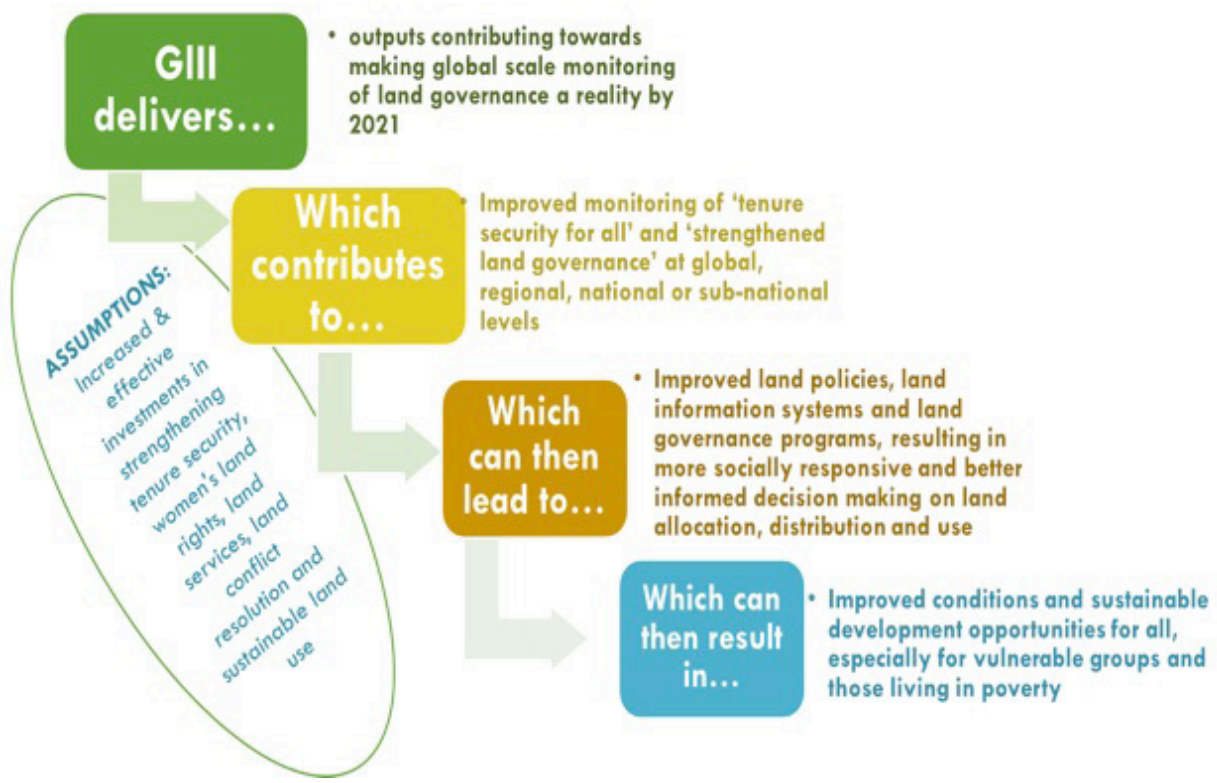
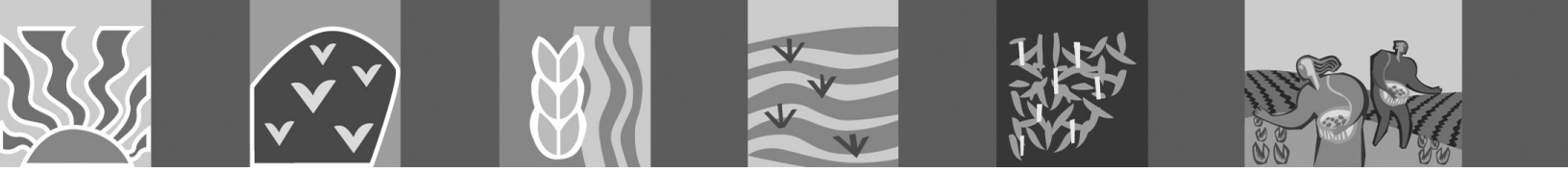
The need to strengthen global land governance monitoring and impact measurement inspired a strategic partnership between UN Habitat, World Bank and Millennium Challenge Cooperation; the

agencies that established the Global Land Indicator Initiative (GLII) in 2012. GLII is a collaborative and inclusive process for the development of the global land indicators.

This platform has now grown to include over 50 institutions around the world ranging from UN Agencies, Inter-governmental Organizations, and International Nongovernmental organizations, Multilateral Agencies, Statistical Agencies, Farmer Organizations and the Academia. The Land Policy Initiative, UNECA, UN Sustainable Development Solution Network and the Global Donor Working Group on Land are strategic partners and supporters of this initiative.

Since its inception, GLII has realized several achievements including:

- High level advocacy and influencing that saw the inclusion of a tenure security indicator in SDGs 1 with support from GLWGL, UN SDSN, UNDP; CSOs including Oxfam and Landesa among other partners;
- Developed and validated a set of 15 global land indicators that go beyond the provisions of land in the SDGs – underscoring land tenure security, land and conflict, land administration services, sustainable land use management;
- Developed and piloted nationally applicable and globally comparable methodology and tools for data collection on tenure security, with more pilots underway in Africa; and,
- Developed a training curriculum for producers and users of methodology for data collection and reporting on land indicators. The above are technical documents currently being used as reference to inform the development of metadata for land indicator on tenure security; capacity assessment and strategies development to strengthen national statistical



agencies capacity for data generation and reporting.

UN Habitat and the World Bank are co-custodian for indicator 1.4.2. FAO is custodian agency for indicator 5.a.1 and 5.a.2; while UN Habitat is the custodian agency for indicators under Goal 11. As custodian agencies, they are responsible for providing technical leadership in the development of metadata and methodology for these indicators and facilitating country capacity development for data collection and reporting. Metadata for these indicators are still under development and progress can be viewed at www.iaeg-sdgs.

The Role of the National Statistical Offices and Capacity in Land Monitoring Adoption Agenda 2030 has created new data demand for most statistical agencies at the country level. National Statistical Offices are, therefore, challenged to absorb the new data demands which have

been placed upon them if they are to monitor and account for progress against sustainable development goals. The requirement for reporting on global land indicators in the SDGs is an opportunity to strengthen country-level data generation systems. The reporting process could generate incentives to start addressing issues in the land sector with respect to service delivery by linking global reporting on land with country-level open data policy and country demand for accountability and transparency.

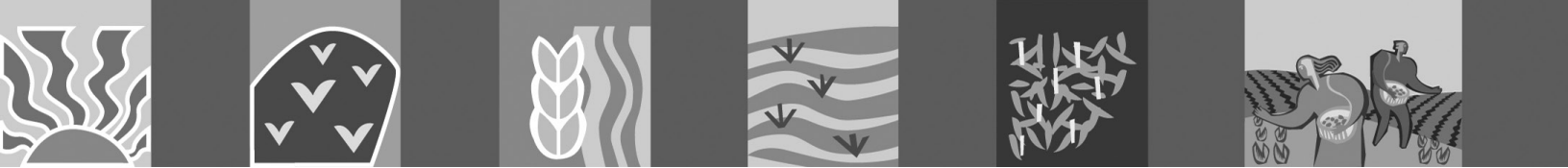
Land governance can further be strengthened by information and monitoring driven approach for change, as land institutions are a mechanism to make reliable and regularly updated land and property information public on a routine basis. This would also improve the availability of administrative data, spatial data and survey data required for land governance monitoring.



GLII Way Forward

As global land community fast track the implementation of the SDGs and NUA, there is greater hope, aspiration and preparedness than never before to achieve global scale land governance monitoring. This aspirations is further inspired to ensure over 1.5 billion people believed to be living on land under indigenous, territorial and customary land governance system with no official documentation have their perceived tenure rights legally recognized. There is more commitment at national, regional and global fronts to secure women's land rights, believed to often have weaker land rights compared to their male counterparts.

The land community is keen to seize the opportunity presented by the SDGs and the NUA to security tenure rights for all; and facilitate transparency and accountability in land governance policies and systems. GLII partners are keen to take the discourse much higher, to ensure full implementation of the 15 global land indicators; taking complex relationship and linkages between land, conflict, access to administration services, and land use management. Strategic partnership of governments and land actors including CSOs, private sector and multilateral agencies is critical to achieve success. ■



Land Governance and the Challenge of Inclusive Development in Asia

Written by Antonio B. Quizon (ANGOC) and presented by Roel R. Ravanera (SEARSOLIN)

Asia is home to some 60 percent of the world's 7.5 billion people, yet occupies only 24 percent of the earth's land surface. It is the most densely populated continent in the world, four times greater than Europe. The challenge is to feed a burgeoning population given the high population pressures on land and limited resources. Asia has 34 percent of the world's arable land and only 15 percent of its forests.

Despite its immensities, Asia is perhaps better characterized through its remarkable diversity and resiliency. It has 75% of the world's farming households, 80% of whom are small-scale farmers and producers that depend largely on household labor and cultivate less than two hectares of crop land. However, majority of farmers are resource poor and lack security of tenure over productive land. (Quizon, 2011)

In most Asian countries, small farmers contribute significantly to total agricultural output. In India, smallholders contribute over 50% of the country's total farm output although they cultivate only 44% of the land. In many Asian countries, smallholders are the main producers of staples such as rice, corn, root crops and pulses, highlighting their important contributions to food security. (Thapa and Gaiha, 2011) In Indonesia, smallholders also dominate in certain tree crops such as rubber, coffee, coconut/copra, durian, cinnamon, rattan and resins through small farms and small agroforestry. (Contreras-Hermosilla and Fay, 2005)

Small farms also serve conservators as they also tend to grow a wider variety of crops and cultivars; these, in turn, serve to increase the resiliency of small farms against pests, diseases, droughts and



other stresses. They are characterized by higher use of labor and family-owned inputs; they have generally higher cropping intensity and are more diversified than large farms, with more productive per unit area than large farms. (Thapa and Gaiha, 2011) This has provided a compelling argument in favor of land reform, as land redistribution would increase productivity, efficiency and equity.

Past Land Reform Programs in Asia

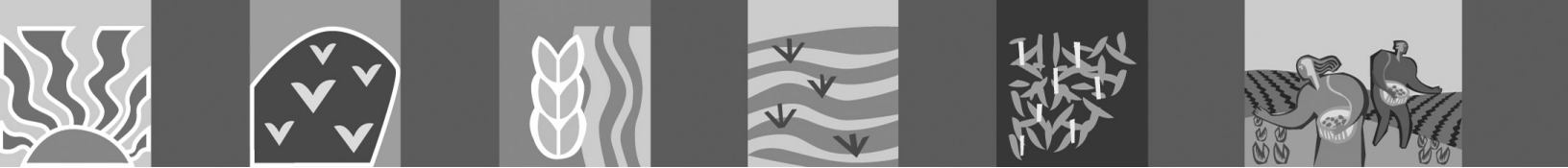
Historically, many countries of Asia were colonized by Western powers, each evolving different property systems and agrarian structures. Starting in the 16th century, colonial powers invaded Asia with a basic interest in trade which later evolved into territorial colonization, as local kingdoms and communities were increasingly incorporated into the world economy. Vast lands were brought under the Crowns or declared as “public domains” through processes that disenfranchised entire communities and local peoples. Landholdings were then carved out from these public domain areas then brought under state-controlled cultivation, or else were sold or leased out as state concessions to private entities. Colonial administrations also had another interest in land – as sources of revenue, which were collected through land sales, land rents,

taxes and concession fees – in order to support further colonial expansion and administration. (Quizon, 2011)

Many nation states in Asia emerged in the 1950s to the 1970s in the aftermath of World War II. Following their independence, these emergent nation-states sought to consolidate the powers of the central state, and to establish internal political stability. Nation-states thus became the “heir” of colonial legacies, including past land laws & central control over vast lands under the so-called “public domain”. (Quizon, 2011)

Faced with internal social unrest and agrarian revolts, many Asian countries instituted agrarian reforms. Land reforms played an important part in state-building characterized by inward-looking economic policies. Land reforms sought to address rural poverty, social exclusion and economic stagnation.

Land reforms in Asia from 1945 to the 1980s however brought highly-uneven results across countries. Land reforms brought about complete agrarian transformation in China, Vietnam, Taiwan, South Korea and Japan through a highly egalitarian distribution of land and the development of rural institutions. Although



these countries took on contrasting (capitalist vs socialist) paths towards reform, they eventually converged on the strengthening of small family-run farms of less than three hectares. In most countries (i.e., Philippines, Thailand, India, Sri Lanka and Bangladesh), land reforms contributed to increased tenure security and social inclusion for sections of the rural poor, yet there was little transformation of agrarian structures as large landholdings remained untouched. In other countries (i.e., Pakistan, Indonesia) land reforms had little or no impact at all, as these reforms were stopped in their tracks by military regimes, and their gains later reversed by anti-reform policies. The Cambodian case stands on its own as a country in turmoil that underwent four property regimes within a single generation, spanning about 40 years. (Quizon, 2011)

And although many land reforms were not fully implemented, there are past laws on land ceilings that until today remain legal and valid. (See Annex on Land Ceilings on Agrarian Land)

New Increasing Pressures on Land

Many Asian countries have experienced increasing pressures on land, brought about by population growth and increasing consumption

and consumerism. Yet, over the past decade or so, there has been an unprecedented large-scale acquisition of lands, as wealthy food-importing countries and private investors have begun acquiring farmlands overseas for the large-scale production of food, biofuel, livestock & other products.

In 2010, a World Bank report found the demand for land to be “enormous” and identified large-scale farmland deals covering 56 million hectares worldwide in less than a year. Yet the actual figures seem much larger than earlier estimates. A 2012 publication by the International Land Coalition reported that some 203 million hectares have been acquired in the period 2000-2010. Of these, 71 million hectares were reportedly cross-checked and verified. But because there are no central databases or detailed statistics, and many of the transactions are shrouded in secrecy, it has been difficult to gauge exactly how big the problem is.

One attempt to monitor transnational land transactions has been the ongoing Land Matrix initiative (see landmatrix.org). As of 2016, the Land Matrix has documented 1,004 transnational land acquisitions covering 26.7 million hectares, of which 4.9 million hectares are in Asia. as shown in Table 1.

Table 1. Global Status of Land Acquisitions

Region	Number of concluded land deals	Total size of concluded land deals (million hectares)
Africa	422	10.0
Eastern Europe	96	5.1
Asia	305	4.9
Latin America	146	4.5
Oceania	35	2.2
Total	1,004	26.7

Source: Land Matrix, 2016



Most of the lands are acquired for agricultural uses as outlined in Table 2.

Drivers. What factors drive this new global rush for land acquisition?

The first driver has been rising world food prices that started in the 1990s and peaked in 2006-2008, causing a global food crisis. In 2008, the top food-exporting nations withdrew their food exports from the world market to protect their

world energy consumption, rising conflicts in the Middle East, and China’s rapid industrial growth. Biofuels production grew from 1M hectares in 2001 to 25 million hectares in 2008. (FAO, 2008); the industry was expected to more than double between 2007 and 2017. The common crops used for biofuel are palm oil, sugarcane, maize, soy and jatropha. This affects agricultural production as it shifts land use from production of food to large-scale biofuel crops.

Table 2. Agricultural Intentions of Global Land Acquisitions

Purposes	Asia	Global
Agro-fuels	16%	21%
Food crops	21%	38%
Livestock	1%	8%
Non-food agricultural commodities	29%	9%
Agriculture (unspecified)	33%	23%

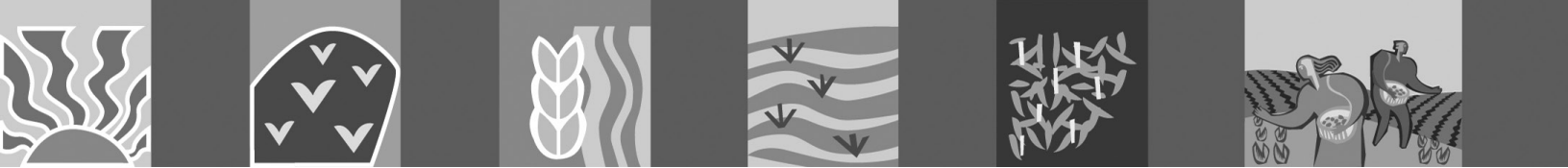
Source: Land Matrix, 2016

own consumers and to prevent unrest at home, thus exacerbating the food insecurity of food-importing nations. In response, wealthy import-dependent countries (such as Japan and Middle East countries) decided to acquire farmlands overseas to directly produce their own food needs, and to avoid the risks associated with dependence on world markets for their food supply. This drive to acquire land overseas continued even after global food prices had moderated. (Quizon, 2012) Wealthy food-importers are no longer fully depending on global trade.

The second driver comes from the growth of the biofuel industry, which became competitive due to the sudden rise in global oil prices and Western governments’ support for renewable fuels. Contributing to rising oil prices are increasing

Finally, large scale land acquisitions is also driven by mining, logging, real estate tourism, and the creation of special economic zones and enclaves. An estimated 22 percent of all transnational land acquisitions are driven by extractive industries, livestock and tourism.

Meanwhile, host governments have welcomed the new land investments as a means to offset declining public investments in agriculture. With dwindling ODA and national budget deficits, many cash-strapped governments have to increasingly rely on the private sector or foreign direct investments (FDIs). In many Asian countries, agriculture’s share in public spending has been declining, similar to the reduction of ODA for agriculture. (Ravanera, 2010). And to lure foreign investments, governments offer tax holidays,



Mulbog indigenous people in Balabac, Palawan, Philippines doing land use domain coding identifying the sacred zones of their ancestral domain.
Photo by Dave de Vera of the Philippine Association for Intercultural Development (PAFID), Philippines

repatriation of profits, subsidies and exemptions, state company investments, and other incentives. Moreover, many new deals contain promises of financial investment, infrastructure, access to research and technology, and employment, yet there remains little evidence of these being fulfilled.

Impacts. The new land acquisitions has been labeled as the “new colonialism”. This new wave differs from usual foreign investments: it seeks resources (land, water) rather than commodities and markets; it seeks production for repatriation rather than for commercial export; and it involves actual production rather than joint ventures or contract farming with local farmers. Also, the investments are much larger in scale, and are spearheaded by more government-led investment than in the past. Also, while foreign investors are typically large, wealthy transnational firms or rich governments, host countries are poor or embroiled in political conflict – thus raising questions about the terms and impacts of such

acquisitions. (Quizon, 2012) As stated by the World Bank in its 2010 report: “investors are targeting countries with weak laws, buying arable land on the cheap, and failing to deliver promises on jobs and investments...”

Moreover, many of the deals are carried out outside of public knowledge and scrutiny. With little prior information or consultation, local communities are caught unaware until the moment when they are evicted or land clearing operations begin. And as the new

land deals are not transparent, this also creates opportunities for corruption.

There have been large-scale displacements of small farmers and settlers from their lands, even when government officials claim that so called “public”, “surplus” or “unused” lands such as forests and pastures are leased to foreign ventures. In the provinces of Koh Kong and Kampong Speu in Cambodia, more than 500 farmers and indigenous families were evicted from their lands in May 2006 when 23,000 hectares were awarded by the government for a sugarcane plantation under a joint venture among a Thai company, a Taiwanese company and a Cambodian official. In Banggai Regency, Central Sulawesi, Indonesia, the lands of local indigenous peoples and farmers were encroached upon in August 2009 with the use of army and police forces to make way for a 17,500-hectare palm oil plantation under a Malaysian company. (ANGOC and Land Watch Asia, 2014)



There have been numerous written accounts of small landowners being pressured and intimidated into involuntarily leasing their lands. The intense competition for land can lead to conflict and abuses of human rights by the forces that seek to gain entry into private and public lands. Social conflicts also arise within and among communities especially when companies make payments and bribes to some local leaders and representatives.¹

Moreover, the new land deals tend to reverse the gains of agrarian reforms, as they involve the large-scale re-consolidation of landholdings. Also there have been attempts to curb existing land laws. In Pakistan, in an attempt to lure investors, officials tried to amend the 1977 Land Reforms Act that fixed a land ceiling of 100 acres (40 hectares) for individual ownership. This attempt was later aborted for fear of a public outcry and political backlash.

Despite the rhetoric that only marginal or unused forest lands are being leased out to foreign corporations, the reality is that land deals often involve the most fertile lands (with water or rainfall, and public access). Also, contrary to official claims, the common notion of “empty forests” is no longer valid.

In Indonesia and the Philippines, as much as 30 percent of the total populations live in classified forestlands, often without legal tenure. And when lands are leased out, the land deals result in the creation of “production enclaves” that supplant or operate in isolation from indigenous, smallholder

systems. Land converted from smallholder production to plantation agriculture will not likely revert to its original users, and traditional farming skills may be lost within a single generation.

Moreover, there are environmental and social implications as forests are converted to monoculture plantations. These include water shortages resulting from forest clearance, the building of canal networks, water runoffs and evaporation, and the closing of small streams. In palm oil plantations, there are reported cases of water pollution associated with mills, and chemical residues from heavy pesticide and fertilizer use.

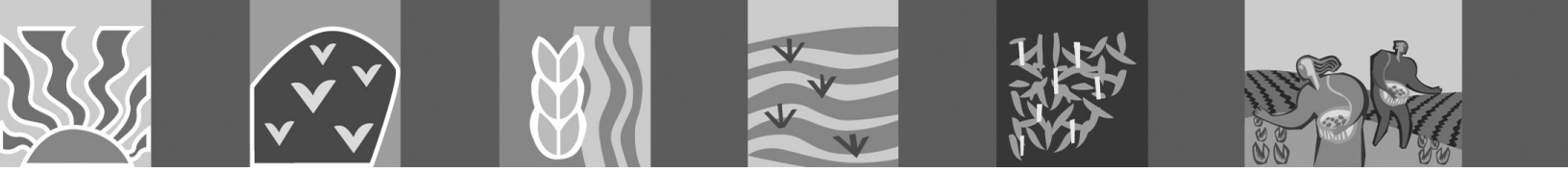
There are also questions raised about one-sided contracts, such as when long-term lease agreements exempt investors from any liability in case the venture prematurely fold-up. Some of the companies are said to have very poor social policies, with flagrant disregard for communal forest rights or the rule of law.

The new land acquisitions feature weak governance and a failure to recognise, protect, or properly compensate local communities’ land rights. As declared by the 2014 Asian Land Rights Tribunal Panel:

“Transgressions involve corporations and other business enterprises in which powerful local and foreign interests have intertwined in such a manner that the activities complained against need to be exposed, denounced and corrected as violations of human rights. Otherwise, disregarding human rights could very well become the new normal in welcoming investments indiscriminately in developing countries.”

“... (there is) the urgent need to adopt social safeguards in the face of modern

¹ These documented cases include: “The Blood Sugar Case in Koh Kong, Cambodia,” and “Land Grab Case vs. Indigenous Peoples in Benggai, Central Sulawesi, Indonesia for Palm Oil Plantation” In ANGOC, LWA, OXFAM East Grow Campaign, UP College of Law, and PILG. (2014). Asian people’s land rights tribunal: Land rights as human rights. 16-17 January 2016, Quezon City, Philippines. [Proceedings]. Quezon City: Authors.



Status of Land Investments

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Source: Land Matrix, 2016

economic integration mechanisms that are advanced in many nooks and corners of the globe. Land rights of smallholder producers, especially, should have adequate protections amidst the growing land investments in the region.”

Facing up to Land Issues in a Changing Regional Context

It should be noted that the task of protecting the land rights of smallholder producers should now take place in the context of a changing Asian regional environment.

First is rapid economic growth in the region. Asia posted a remarkable growth in GDP in recent decades, with a real GDP growth of 4.8 percent in 1991-2000, and 6.1 percent in 2001-2010. (Tani, 2016)

Second is the growing trend towards economic regional integration primarily through SAARC (South Asia) and ASEAN (Southeast Asia), and also APEC (Pacific rim countries). This poses a greater need to focus on social protection of workers

and small producers in the face of growing investments and capital transfers.

Third is the overall decline in the poverty levels. The overall poverty rate in developing countries fell from about 71 percent in 1981 to 15 percent in 2011, and malnourishment from 91 percent in 1981 to 40 percent in 2011 (FAO RDR 2016). The rapid decline in the proportion of the hungry was estimated to have fallen by more than 0.5 percent annually (FAO, IFAD and WFP, 2015).

Fourth is that although overall poverty has declined, Asia still accounts for 55 percent of global poverty, with 560 million people living below the USD 1.25/day poverty line in 2011. Over three-fourths (76%) of those in poverty live in the rural areas. (IFAD, 2016)

Fifth is the context of growing land competition and resource conflicts. In Indonesia, the KPA land coalition recorded 369 agrarian conflicts for 2013 alone, covering an area of some 1.28 million hectares, and involving 139,874 households. Almost half (48.78%) or 180 of these conflicts originated from plantations, while 31 (8.4%) were from forestry. It estimated that on a daily average, more than one conflict takes place in Indonesia, affecting 383 households (1,532 people) with about 3,512 hectares of conflict areas. (KPA, 2014) In Cambodia (between 2000 and 2013), the government has granted Economic Land Concessions (ELCs) to numerous enterprises covering an aggregate area of more than three million hectares, or some 16.6 percent of the country’s total land area. (CCHR, 2013a) There have been at least 223 land conflicts since 2007, and this is just a fraction of the total since many conflicts go un-reported. It is estimated that at least 5 percent of the country’s total land area is conflict-affected. (CCHR, 2013b)



These factors highlight the fact that land remains (and will continue to be) central to addressing poverty, hunger and conflict in much of rural Asia.

Assessment and Recommendations

Under the new emerging competition for land, it is the rural poor and smallholders that tend to lose out. Thus, the new phenomenon of large-scale land acquisitions highlights several issues in governance:

- Weak democratic governance: the lack of transparency, accountability & popular empowerment that leads to “elite capture” of land and resources;
- Land governance that fails the rural poor: national legal systems that centralize control over lands, and do not provide legal recognition of land rights of local users;
- Economic governance that fails the rural poor: protection and incentives are given to investors in ways and systems that sideline the legitimate interests and rights of the rural poor; and,
- The sidelining of smallholder production: a mind-set by government officials and planners that undervalues the contribution of smallholders and small family farmers (Anseeuw, Wily, Cotula and Taylor, 2012).

In order to halt the continuing disenfranchisement of smallholders and rural producers, six policy considerations have been proposed:

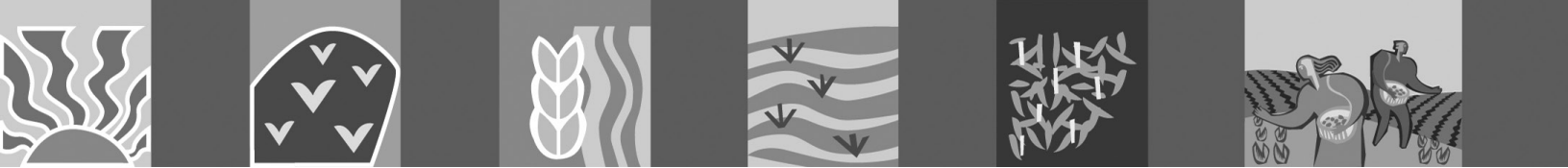
1. Acknowledge & respect the resource rights of rural people in large-scale land transactions;
2. Legally recognize the land rights of the rural poor, including their rights over the commons;
3. Put smallholder production at the center of strategies and policies for agricultural development;

4. Make international human rights law work for the rural poor. The guiding principles of the United Nations and international agreements that bind peoples and nations should also be applied to cases where international investments corporations are involved.
5. Make decision-making on land inclusive, transparent & accountable; and,
6. Ensure environmental sustainability in land & water-based acquisitions and investments

Also, while it is the primarily role of the state to ensure the welfare of all, the state is also tasked with the primary duty to ensure that whenever rights and corresponding obligations are breached, effective and appropriate remedies should be made available to aggrieved parties.

Finally, for civil society groups and human rights workers, there are three strategic action areas to pursue:

- Influencing policy frameworks towards a more people-centered land governance where land rights of vulnerable and minority groups are enhanced and protected, and where administrative processes are fair, transparent and supported by reliable data.
- Stopping the dislocation of farmers, displacement of indigenous peoples and discrimination of women brought about by the growing land investments and other developmental aggression.
- Mobilizing farmers, indigenous communities and landless workers together with CSOs and development partners towards protection of land rights and promotion of smallholder agriculture. ■



Annex: Table 3. Land ceilings on agrarian lands

Country	Current rules on land ceilings
Bangladesh	The Land Reform Ordinance of 1984 limits per family land ownership to 8.5 hectares ¹
Cambodia	For lands awarded for the productive use or benefit of the poor, the Sub Decree on Social Land Concessions (SLC) of 2003 stipulates a land ceiling of two hectares which may be increased up to 5 hectares based on the characteristics and potential of the land or the type of crop, and labor ² . On the other hand, the Sub-Decree on Economic Land Concessions (ELC) of 2005 stipulates a land ceiling of 10,000 hectares for investments and job-creation purposes. However, the government continues to grant ELCs beyond the maximum allowable size. ³
Indonesia	The Basic Agrarian Law of 1960 regulates private land ownership; it imposes a land ceiling of 5-15 hectares for irrigated land, and 6-20 hectares for upland. ⁴
Nepal	The Land Act of 1964 imposes ceilings on agricultural land at 6.7 ha in the Terai, 3.5 ha in the foothills and mountains, and 1.27 ha in Kathmandu Valley. ⁵
Pakistan	The Land Reforms Act of 1977 established a ceiling of 100 acres of irrigated land and 200 acres of unirrigated land. However, the Supreme Court in 1979 declared key provisions of the 1972 Land Reforms Regulations and the 1977 Act as unconstitutional and as being against Islamic injunctions. ⁶
Philippines	The Comprehensive Agrarian Reform Law of 1988 imposes a land ownership ceiling of 5 hectares for agricultural lands. Meanwhile, agrarian reform beneficiaries are awarded up to a maximum of 3 hectares under the same law.
India	Tamil Nadu: Anyone can purchase land up to 60 acres (24.26 hectares) ⁷
	Karnataka: Only an “agriculturist” can purchase agricultural lands. An agriculturist is defined as one who personally engages in the occupation of tilling the soil and derives his livelihood from that occupation.
	Kerala: anyone can purchase land at maximum ceiling limits: 3.04 ha for an adult unmarried person 6.07 ha for a family five or less 8.09 ha for a family of more than five 6.07 ha for any other person other than a joint family
	Madhya Pradesh and Rajasthan: no restrictions in these States
	Himachal Pradesh: “Agriculturists” can purchase agricultural land up to 32 acres (12.95 hectares).

Source: Table prepared by the Asian NGO Coalition (ANGOC) as a part of the ongoing Land Watch Asia (LWA) campaign.

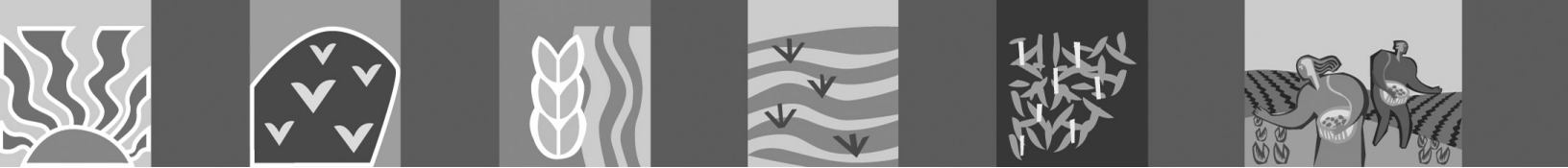


Footnotes of Table 3

- ¹ CARE Rural Livelihoods Programme (2003). Land policy and administration in Bangladesh: A Literature review. Accessed from http://www.carebangladesh.org/publication/Publication_7013284.pdf.
- ² The Royal Government of Cambodia. Social Land Concessions. No. 19 ANK/BK/March 19, 2003.
- ³ STAR Kampuchea (2011). "Overcoming a Failure of Law and Political Will". in ANGOC and Land Watch Asia (2012), Securing the Right to Land: An Overview on Access to Land in Asia. Quezon City: ANGOC. (Second Edition)
- ⁴ GRAIN. (2015). Asia's agrarian reform in reverse: Laws taking land out of small farmers' hands. Barcelona: GRAIN.
- ⁵ Community Self-Reliance Centre (CSRC). (2014). CSO land reform monitoring indicators, Nepal. Land Watch Asia. [Unpublished].
- ⁶ DAWN. (2010). Land reforms in Pakistan. In DAWN. Accessed from <http://www.dawn.com/news/570487/land-reforms-in-pakistan-by-afan-khan>.
- ⁷ Sundar, G. S. (2016). Land laws across India. In The Hindu. Accessed from <http://www.thehindu.com/features/homes-and-gardens/land-laws-across-india/article8713981.ece>.

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Women's Land Rights in Asia

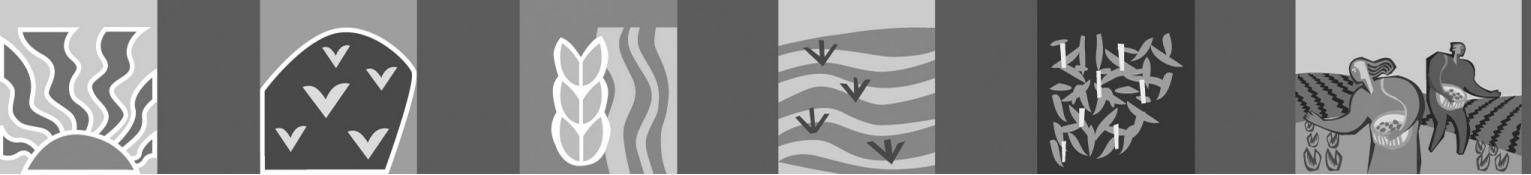
Written by Catherine Liamzon, Anika Arevalo, and Marianne Jane Naungayan (ANGOC) and presented by Marianne Jane Naungayan

In Asia, land issues affect women in ways that call for serious deliberation and action. Suffice it to say, the legitimate concerns of females transcend generations and geographical borders. Attaining a stable livelihood, meeting basic resource needs and having adequate housing are just some of the issues that affect women. There is, however, a pressing need to heed the woes of rural women in particular. The poor are swelling in numbers and the condition of poor rural women lies on the fringes of the global economic agenda.

Agriculture is the main driver of economic growth in many developing Asian countries, where women's contribution is equal to or exceeds that of men (FAO, 2011). However, despite their critical role in agriculture, most women remain landless. Rural women are neither recognized nor duly compensated for their labor, which includes field preparation, planting, weeding, working

in backyard gardens, harvesting, taking care of livestock – to say nothing of the work they do at home to support and feed their families.

As an FAO report (2011) points out, many constraints women face in agriculture hampers their productivity, a primary reason behind the sector's underperformance in many Asian countries. Given the same support like inputs, women are just as productive as men. Sans adequate land rights, however, women cannot invest in land improvement, and as a corollary, they cannot access other support services. Women have less access to agricultural support services than men (Mbo'o-Tchouawou & Colverson, 2014), and this adversely affects their agricultural productivity (Meinzen-Dick, et. al., 2011). This sorry state has even forced some women landowners to give up their land (Moni & Sumaiya, 2013).



There is increasing evidence revealing the ripple effects a woman creates when she learns how to best manage a piece of land that she can call her own. Strengthening women's land rights is a key strategy for combating hunger and alleviating poverty (Quisumbing, 2013). Furthermore, land ownership can serve as a source of capital, financial security, food, water, shelter, and resources – capital that enables women to earn incomes and allocate resources fairly within the household (Wickeri & Kalhan, 2009). Securing a woman's right to land that she cultivates or resides in not only allows her to provide food and shelter for herself and the people under her care—it is one of the most crucial foundations for propelling and sustaining rural development initiatives that are beneficial for all.

However, gender-biased legislation and programs, discriminatory customary practices and anti-female sentiments undermine women's status as agents and beneficiaries of their own cause.

Challenges

Limited land ownership

Throughout Asia, women's land rights are limited and women's land ownership varies. It is safe to claim that women are less likely to own land than men, the scarcity of nationally representative data on women's land ownership and property rights notwithstanding (Kieran, et al. 2015). Women across the region indeed own considerably less land than men, in terms of both quantity and quality, but the gender gap in Southeast Asia is smaller than in South Asia.

In Bangladesh, women own 10.10% of land, but the percentage of landowners who are women is 22.61% in 2012 (Kieran, et. al., 2015). Indian rural

women own 14% of land in 2011 (Swaminathan, et. al., 2011). Only 9.7% of Nepali women own land solely in 2011 (Ministry of Health and Population, Nepal, et.al., 2012). The percentage is even lower in Pakistan: only 2% of all women own land in 2013 (National Institute of Population Studies, Pakistan and ICF International, 2013).

In contrast, in Cambodia, sole land ownership is at 15% in 2010 (Kieran, et. al., 2015), and in Indonesia, 12.5% in 2012 (Statistics Indonesia, et. al. 2013). However, only 6.5% of Filipino women own land solely in 2013 (Philippine Statistics Authority and ICF International, 2014). Despite having land titles and certificates, women wield little power over the land they supposedly own. As an example, latest census data show a significant mismatch between the number of women holding tenure instruments with those employed in the agriculture sector (PhilDHRRA, 2013). This is one of countless instances across the region indicating that women's land ownership is merely nominal. Women are often used as fronts to override tax laws or land ceilings, as shown by experiences in Cambodia and the Philippines of rich and powerful men hiding amassed wealth under the names of female relatives. Although indicators on women's land rights may hint that women in Southeast Asia fare better than those in South Asia, caution must be exercised given limited data.

Women who do own land usually belong to wealthy families. In Nepal, for example, the 10% of landowners who are women come from the middle and upper classes (CSRC, 2013) while women landowners in Bangladesh, representing the upper-class cannot even pinpoint their land (Moni and Sumaiya, 2013). This ownership, however, seldom equates with actual control over the land.



Table 4. Women’s contribution to agriculture and land ownership

Country	Women’s contribution to agriculture, % of the total (FAO, 2011)	Women’s land ownership	
		Land owned by women	Percentage of women who own land
Bangladesh	51.0	10.1% (2012) ¹	22.61% (2012) ²
Cambodia	51.2	15% (2016) ³ – solely	
India	32.2	14% (2011) ⁴	
Indonesia	39.3	12.5% (2012) ⁵	
Nepal	48.1		9.7% (2011) ⁶
Pakistan	29.6		2% (2013) ⁷
Philippines	24.0		6.5% (2013) ⁸
<i>From the powerpoint of Marianne Jane Naungayan during the regional workshop “Land as Human Rights: An Imperative towards the Realization of the Sustainable Development Goals”, held in Phnom Penh, Cambodia on 24-25 November 2016</i>		Sources: 1 Kieran, et. al., 2015 2 Kieran, et. al., 2015 3 Kieran, et. al. 2015 4 Swaminthan, et. al., 2011 5 Statistics Indonesia, et. al., 2013 6 Ministry of Health and Population, Nepal, et. al., 2012 7 National Institute of Population Studies, Pakistan and ICF International, 2013 8 Philippine Statistics Authority and ICF International, 2014	

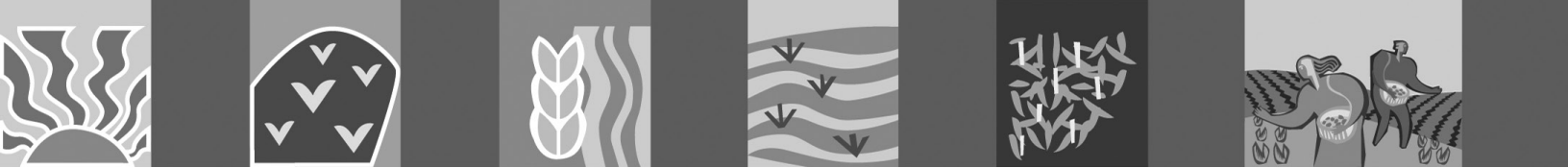
A Culture of Patriarchy

The principle that women are equals is neither ingrained nor prominent in prevailing mindsets. Arguably the single greatest hurdle to women’s rights – not just land rights – is a culture of *patriarchy*, which is firmly entrenched in many Asian countries, particularly in South Asia. Patriarchy can be seen in a society’s customs, values, and traditions, which insist that men lead over women (World Bank et al., 2009). A patriarchal society is one where men exercise power and control over decisions, including decisions on land (Rao, 2011). In contrast, women’s rights are limited and ultimately dependent on men. This social system leads to women’s tolerance of violence, poverty, and limited access to health and education, which will adversely affect their production in the long run (Moni and Sumaiya, 2013). With women’s limited awareness of their rights, they are more vulnerable in contractual affairs including land claims (FAO, 2015).

Patriarchy manifests as gender discrimination and lies at the core of women’s oppression and limited rights. Sons are favored over daughters in South Asia, where majority of women who work rely on agriculture (Rao, 2011). Daughters are seen as liabilities for whom dowries must be paid to their husbands’ families (RDI, 2009). In Nepal in particular, sons are considered as their parents’ future caretakers.

Inheritance practices

Religion may be found at the root of discrimination against women. Women’s rights are weakened when religions dictate that women are inferior to men. In effect, they receive less than what their husbands, fathers, and brothers do. Women who claim their inheritance are often harassed by their families, prompting many to remain silent instead (Barkat & HDRC, 2014).



Inheritance laws embody the glaring biases against women. In South Asia, the subject of inheritance is guided by religious personal law or customary law, that is, Hindus follow the Daibhag, and Muslims, Sharia law.

Muslim women have limited inheritance rights, being entitled to half of what their male counterparts receive. However, this lacks serious implementation. For example, in Bangladesh and Pakistan religion imposes *tanazqul* – the practice of putting a premium on a male family member’s land inheritance rights by compelling a woman to give up hers. Muslim women in Bangladesh receive only 43.2% their hereditary property (Barkat & HDRC, 2014).

On the other hand, Hindu women in Bangladesh are exceedingly marginalized, and do not enjoy inheritance rights to property. In fact, they can only benefit from the land through their husbands; unmarried women must let the males in her family take care of them. Meanwhile, India’s Hindu Succession (Amendment) Act, 2005 provides for equal land rights for women, but again, enforcement is weak.

Legal land rights: Joint titling

When a married couple buys a piece of land, the title should be in the name of both husband and wife. Joint titling of land is provided for by law in some countries. As such, Cambodia’s 2001 Land Law creates an environment conducive to joint land ownership, estimated at 36% in 2010 (Kieran, et. al., 2015). The Philippines’ revised Family Code also recognizes joint ownership: not only for married couples but also for domestic partnerships, protecting many unmarried couples in the country’s rural areas (Pedragosa, 2010). Similarly, 26.2% own land jointly in Indonesia in 2012 (Statistics Indonesia, et. al., 2013).

It is unsurprising that joint ownership in South Asia is uncommon: 2% in India; 0.4% in Nepal; and 1.8% in Pakistan. In Bangladesh, 2.19% of land is jointly owned (2011). Farmer women in Nepal are acquiring Joint Land Ownership Certificates, paying minimal fees to transfer ownership in their names together with their husbands’ (CSRC, 2013).

Some land distribution policies also uphold joint land ownership between spouses, such as the Khas Land Management and Distribution Policy of Bangladesh that guarantees joint ownership, (ALRD, 2013), as well as Administrative Order 1-11 of the Philippine’s Department of Agrarian Reform (DAR), which elaborates on titling, decision-making, and even land transactions between spouses (PhilDHRRA, 2013). According to data from DAR, 9.2% of agrarian reform beneficiaries own land jointly (DAR, 2011; DAR, 2012).

Joint ownership implies consent of both husband and wife. Despite such provisions and programs, women often still need their husbands’ permission just to include their names in the titles. In the majority of cases, the husband’s name is



entered in the record of rights. In Indonesia and the Philippines, many land titles still bear only the names of the men – who are officially the heads of households. In decisions on property sale or management, women have little say, but this is sometimes by preference, not necessarily meaning that women have no decision-making power.

However, excluding the woman's name on the title makes women vulnerable to being denied their rights. In the case of divorce, abandonment, or separation, they may be left with nothing. Separated and divorced Bangladeshi women for example cannot claim their husbands' land, nor can widows and single people apply for *khas* land (Moni and Sumaiya, 2013).

The “feminization” of agriculture

Women's roles in agriculture are shifting in different directions. On one hand, in South Asia, globalization has resulted in rural men migrating to urban areas or Gulf countries in search of better jobs, leaving the women to till the fields in their stead, usually as smallholder farmers (ILO, 2005; ANGOC, 2011; Lastarria-Cornhiel, 2006) – a phenomenon referred to as feminization of agriculture. This trend is changing women's ways of life, notably increasing burdens. Women have to do more work on the farms, in addition to the sheer household work they already must do. Unfortunately, for many women left behind to stand in for the men, the only compensation are lower wages for the tasks left by men – or in some cases, nothing (Kelkar, 2009).

On the other hand, studies suggest that the number of women employed in Southeast Asia in agriculture is dwindling, as more and more women find employment off-farm (Rao, 2011). At least this greater mobility may lead to

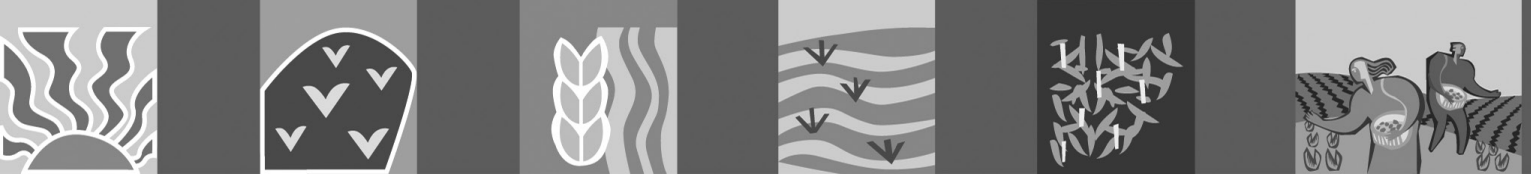
the transformation of traditional gender roles (UN-DESA, 2008), which hopefully can lead to women's empowerment. When women actually benefit from opportunities to earn income, they likewise earn a place in the home as decision-makers (Moni and Sumaiya, 2013). As economic power enlarges, so does political power.

The feminization of agricultural labor has not translated to women's empowerment (Lastarria-Cornhiel, 2006), but what it does is highlight the salience of women's land rights “Land to the tiller” is not rhetoric, it remains more relevant than ever – as it is only fair and just that women should own and control the lands that they cultivate.

The lack of gender-sensitive approaches in land-related programs and policies

Policies and programs may be “gender-sensitive”, “gender-blind”, or “gender-biased”. Countries should seek to move in the direction of gender-sensitive policies promoting access to rural land and tenure security for rural women. Gender-sensitive policies consider that outcomes are systematically different for men and women (Meinzen-Dick et al., 2011).

In contrast, gender-blind policies are those that fail to consider these differences. Throughout Asia, policies and programs are often gender-blind, assuming women are the same as men when women's roles, needs, and experiences are in fact different. In Cambodia, the Protected Areas Law remains silent on gender and women's equal rights, which should be harmonized with the Land Law of 2001 and Forestry Law to effectively protect the land rights of poor and indigenous peoples where majority are women (Daley, et. al. 2013). But accounting only for the needs of male farmers while oblivious to female farmers' needs indicates that policies, extension programs,



and plans are “built on a partial view of reality” (FAO, 1998). Programs may disregard gender indicators, including sex-disaggregated data, in their monitoring and evaluation frameworks. Consequently, it is difficult to measure progress against goals of mainstreaming gender.

Moreover, in spite of increasing attention on women, we still lack sufficient knowledge on women, especially their land rights. Available studies on women tend towards “traditional” women’s issues, skirting the politically sensitive matter of land rights (STAR Kampuchea, 2013). How are women affected by land policies and programs? How many of them have titles? How many have access to agrarian justice? How do female-headed households differ from male-headed ones? These are just a few unanswered questions.

Gender-blindness renders women invisible. This invisibility results in the continued neglect of women’s specific needs and the lack of recognition of their rights. For women to move away from the fringes of development as the single biggest marginalized sector, deliberate efforts must be made to specifically include women in research and programs.

Finally, gender-biased policies, rooted in the perception that women are dependents of men, with lesser capabilities (Agarwal, 2003), discriminate against women. These gender biases are manifested in religious and customary laws prevailing in many South Asian countries.

CEDAW shines light on gender-biased discriminatory practices, and binds signatory states to implement its action agenda against such practices, although this is weakly enforced (Rao, 2011). It asserts that discrimination and violence against women are not only physical.

It calls upon signatory states to ensure that women can participate in and benefit from rural development, ensuring their right to access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in agrarian reform and land resettlement schemes. Beyond the obvious signs of physical violence, depriving women of property rights represents less apparent but nonetheless insidious form of violence and abuse.

While pro-women laws and policies may have been codified and formulated, implementation is an entirely separate matter that behooves critical reflection. Indeed, without willful execution of such efforts on the part of governments, and equally important, citizens themselves, the campaign on land rights for women remains constrained. Necessary, culturally-responsive yet fair land legislation and policies may not see the light of day if decision-makers turn a deaf ear to disclosures of women that reveal injustices involving land access and control.

Indigenous women’s customary land rights

Indigenous women face multiple discrimination. Simply by being women, they are already at a disadvantage. This disadvantage is being exacerbated by being indigenous or *adivasi*. The struggle to realize self-determination for IPs must be taken in parallel with the struggle for indigenous women’s self-determination (Roy, 2010). Indeed, indigenous women bear the double bias of being women and being indigenous in patriarchal societies with a dominant ethnic group. Customary laws with relation to land run the entire gamut, with some that are pro-women and others that are biased against women. Both matrilineal and patrilineal systems, women are still severely underrepresented in traditional governance (Ibid).



Aside from patriarchal systems, the Asian Indigenous Peoples Pact (AIPP) summarizes common challenges confronting indigenous women: the continuing loss of lands, territories and resources due to conservation areas, land grabbing, forced evictions, and the criminalization of traditional livelihood practices; the non-implementation of policy and legal provisions on indigenous people’s and indigenous women’s rights; and political repression, militarization, persecution, and extra-judicial killings of indigenous women land rights activists.

Sadly, “big development” is encroaching on indigenous peoples’ customary lands throughout the region, threatening their cultures as well. These lands occupy forests and mineral-rich lands coveted by commercial and governmental interests. Large-scale projects like hydropower dams in Nepal and mining operations in the Philippines result in forced evictions. In Cambodia, about 2.66 million ha of indigenous peoples’ land have been granted to or reserved for private companies. Laws purporting to protect indigenous peoples’ rights often conflict with other laws that come in the guise of “national development”.

The AIPP briefing paper (2015) illustrates the displacement of tribal groups in India, which leads to indigenous the decline in women’s economic and social status – women losing a natural source of livelihood makes her more economically dependent on men. Other negative impacts include greater workloads, domestic violence, and poorer health (AIPP, 2015). This is not dissimilar from experiences in Indonesia with rampant land grabbing, where women find

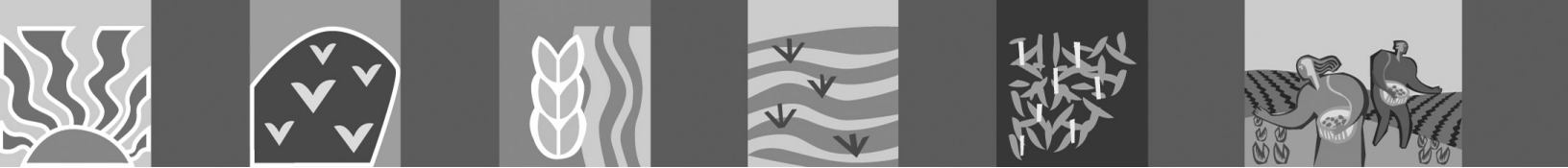
Table 5. Joint titling in South and Southeast Asia

Country	% Joint titled lands
Cambodia	35% (2010) ¹
Indonesia	26.2% (2012) ²
India	2% ³
Nepal	0.4% ⁴
Pakistan	1.8% ⁵
Bangladesh	2.19% (2011) ⁶
<i>From the powerpoint of Marianne Jane Naungayan during the regional workshop “Land as Human Rights: An Imperative towards the Realization of the Sustainable Development Goals”, held in Phnom Penh, Cambodia on 24-25 November 2016</i>	
Sources: 1 STAR Kampuchea, 2013 2 Yayasan Bina Desa, 2013 3 AVARD, 2014 4 CSRC, 2013 5 SCOPE, 2013 6 ALRD, 2014	

themselves divested of their customary ways of life and livelihood (Yayasan Bina Desa, 2013). Moreover, commercial land acquisitions in the Philippines, Bangladesh, Lao PDR, Indonesia, Nepal, and northeast India, to name a few, have resulted in migration, sexual harassment and exploitation, and a rise in female-headed households, and growing poverty (AIWN & FPP, 2011).

Indigenous women can and have taken the lead in defending their land rights. The Subanen (an indigenous tribe in Misamis Occidental, Philippines) women have strengthened their positions in the customary governance system, actively participating as decision-makers concerning the governing of mining in their community, although their leadership remains unrecognized (Pasimio, 2013).

Finally, violence, ranging from harassment to brutal murder, is inflicted against indigenous women land rights activists. Too many indigenous women have been slain fighting for what is their ancestral land from time immemorial, all in the name of greed.



Working towards securing women's land rights

Throughout the region, CSOs, including members and partners of the Land Watch Asia campaign, organize a range of activities to further the cause of women's land rights.

Awareness programs/campaigns and capacity development

CSOs launch programs and campaigns that reach women and heighten their awareness of their land rights. Armed with the knowledge of the rights they are legally entitled to, women can, and have claimed lands that are rightfully theirs. For instance, the Association for Land Reform and Development (ALRD) of Bangladesh organizes training courses and seminars on women's land rights. During these courses, participants learn about land laws, ordinances, agrarian reform, inheritance laws, and movements in relation to women's rights (ALRD, 2014).

The Community Self-Reliance Centre (CSRC), an NGO in Nepal working on the issues of land rights for landless people including women, launched a women's land rights campaign at the community level to educate "ordinary" women and men and state actors to understand the legal and constitutional dimensions of women's land rights. During the "Second National Conference on Women Farmers" in 2013, rural women leaders shared their experiences on how their lives had changed upon being made aware of their land rights. Accounts of some participants are quoted as follows (CSRC, 2013):

"I was married at an early age and had to face domestic violence. After I got organized in Village Level Land Rights Forum (VLRG), I became aware of women's rights and learned to claim our rights. Now I have succeeded

in acquiring the share of property from my husband as well."

- Walawati Rajbansi, Jhapa

"I was the first in the district to prepare a joint land ownership certificate. Through the conference, I have acquired other legal information required for expanding the campaign, which I will implement further to strengthen the campaign."

- Subhadra Bajgain, Lalitpur

Policy dialogue and lobbying for pro-women laws, policies, and programs.

CSOs elevate rural women's concerns to the policy level by holding policy dialogues with key decision-makers and stakeholders, especially women community members. Policy dialogues are a vehicle for bringing issues to the fore and discussing these openly among stakeholders whose perspectives tend to be different.

Pro-women laws and policies have been successfully passed as a fruit of CSOs' intensive lobbying, such as the 2009 Philippine Magna Carta of Women, a comprehensive women's human rights law (PhilDHRRRA, 2013). CSRC Nepal has organized multi-stakeholder policy discussions with leaders, to help enshrine equal land rights of women in the country's new Constitution.

Rallies and mobilizations

Mass mobilizations and demonstrations are a popular activity of CSOs. They demonstrate the power of people coming together in the name of a cause. They help the voiceless find a way to express their dissatisfaction with the status quo, and thus articulate their demands and call for change in a non-violent manner. This in turn creates pressure on leaders to enact or implement



policies. In a 16-day campaign on violence against women of the Rastriya Mahila Adhikar Manch (MAM) of Nepal, a 2-day empowerment rally was held for the implementation of the joint land registration certificate system. The Chief District Officer showed commitment by sending the demand letter to no other than the Prime Minister (CSRC, 2013).

Research and knowledge sharing

Evidence-based research informs and strengthens land rights advocacy, as well as establishes CSOs' credibility. Research enables CSOs to share new knowledge and put forward recommendations to achieve goals, as well as monitoring developments, improvements, successes, and even program failures. Monitoring the Cambodian government's compliance with specific CEDAW articles on women's access to and ownership of land and other resources, STAR Kampuchea (SK) prepared a shadow report submitted to the CEDAW committee (STAR Kampuchea, 2013).

Publications or "knowledge products" allow advocates on women's land rights to share knowledge. CSOs publish research reports, as well as proceedings of workshops and policy dialogues, which provide useful information on the state of women's land rights and current debates surrounding these. For example, LILAK released "Mining and Violence against Rural and Indigenous Women in the Philippines", which documents the struggles of women given the government's corporate-led mining policy, as well as indigenous women's role in leading this initiative (Pasimio, 2013).

Ensuring policy implementation

Aside from carrying out watchdog functions, CSOs also engage in service delivery, especially

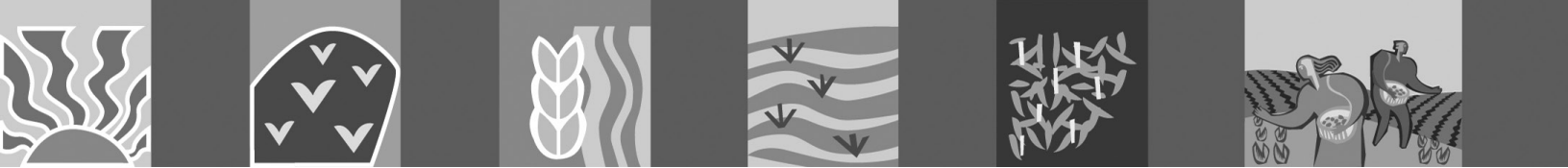
where governments fail. They actually facilitate the implementation of land laws and policies. In Pakistan, OXFAM-GB mobilized Sindh province's rural women for the land redistribution initiative, helping them fill out applications and completing the requirements during the registration process (SCOPE, 2013). CSRC facilitates the joint land ownership initiative in Nepal, resulting in a rise in the number of women owning land, with 484 families acquiring joint land ownership covering an area of 118.8 ha (CSRC, 2013).





How to achieve gender justice for land rights

The struggle to overcome gender discrimination towards gender justice, particularly in land and agriculture, can be overcome in manifold ways, big and small. We can stop the vicious cycle of poverty, discrimination and neglect of women across generations – this is the agenda central to the Land Watch Asia campaign. In order for discourse on women's land rights to thrive, the repertoire needed to adequately articulate and respond to the legitimate concerns of women needs to be provided. Gender and knowledge gaps have to be bridged, and the sharing of experiences in the cause on women, promoted. It is vital that the female point-of-view becomes the foundation of this radical repertoire.

Challenging the culture of patriarchy

The gender gap in terms of equitable access and ownership to land can be reversed by changing mindsets. It begins with every man and every woman recognizing the intrinsic and immeasurable value of a woman, including all her roles in all spheres of life. This is the key to ultimately reversing the gender gap. It also means critically examining assumptions and expectations about gender roles – and asserting rights and entitlements of women, as provided



-  **Food and nutrition security** rests upon women's access to land and other productive resources
-  **70 percent** of farm work is done by women
-  **620 000 +++** CLOA holders are women
-  **PHP 208.30** Women earns lower than men's average daily wage as agricultural worker

Source: "Women and their land rights", an issue brief by the Center for Agrarian Reform and Rural Development (CARRD)

for international conventions, national laws, and human rights declarations. When concrete efforts are made to ensure that women's legal land rights are implemented, patriarchal structures are threatened.

Bridging the gap: enhancing women's participation

Gender gaps go unnoticed, especially in terms of adequate representation of women in decision-making bodies. A higher proportion of women should be included in government – not limited to legislative bodies, but extending to all branches of government – to ensure women's needs are addressed. Programs that specifically cater to women should thus also be developed as concrete and affirmative action.

Women's participation in politics has been guaranteed by many international conventions; however, in reality, this has always been difficult to realize (UNDP & NDI, 2011). As per the data

of International Women's Democracy Centre in 2008, women's political representation in Asia accounts for 17.4% – a figure lower than the quota systems instituted by most countries in Asia (e.g. Indonesia: 30%; Philippines: 20%; India: 33%). Women's political participation remains one of the keys to ensuring gender-equality issues are addressed in the society (Ibid); hence, realizing women representation in decision-making bodies protecting their rights and opportunities (Rai, 2014).

At the field level, the gender gaps persist. FAO reports that only 15% of women are extension agents – even if the percentage of women farmers is much higher (GFRAS, 2012). This exposes a vicious cycle wherein women are not empowered as leaders owing to the belief that their rightful place is in the home. With limited options to develop their capacities, women stand little chance to become leaders.



Gender-sensitive and pro-women laws

There is a dearth of pro-women discourse in existing legal and policy frameworks and an absence of a reliable repertoire that fundamentally consists of women's issues and approaches to address them in advocacy activities. Governments and citizens alike bear the onus of advocating for laws that not only recognize but also promote women's rights, especially in land.

Empowering women

Meinzen-Dick et al. (2011) define female empowerment as "increases in opportunities for women in contexts—ranging from access to or ownership of valuable assets to increases in mobility and personal decision-making—in which gender norms had previously limited or prevented their participation". Land Watch Asia believes it is primarily through empowering women and developing their capacities that rural women can learn to push for—and even lead in the direction of—sound reforms, not only in terms of land laws and policies concerning women, but including the wider spectrum of women's rights. Women must learn more about land laws and policies, as well as the wider spectrum of rights, and their concomitant entitlements for women. All matters taken together, land rights for women will flourish if only solid community organizing at the grassroots is done, and good practices are shared and replicated.

Monitoring women's land rights

We need to draw more attention not only to the plight of women, but also to whether progress is made towards strengthening women's land rights, specifically using gender-sensitive indicators. Indicators on land rights, including land ownership, vary across countries, summarized by

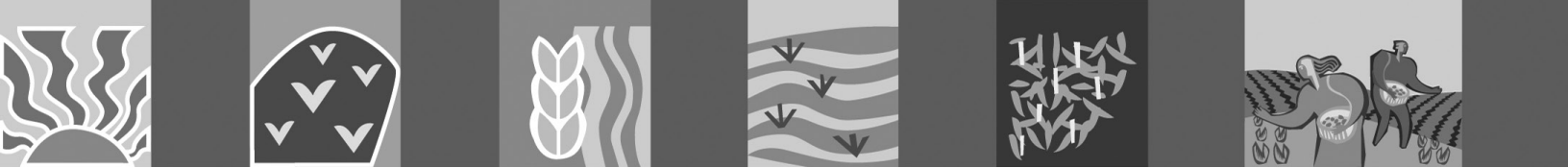
Kieran et al. (2015), they are as follows:

- incidence of land ownership among women and men;
- distribution of landowners by sex;
- distribution of plot ownership by sex;
- mean size of plots owned solely by men and women, and jointly; and,
- distribution of land area owned solely by women and men, and jointly.

They maintain that using multiple measures of land ownership are important, as each indicator presents a different dimension and degree of gender inequality.

In addition to gender-specific indicators, data disaggregated by sex should constitute a critical dimension of any land monitoring framework. The Land Watch Asia campaign's Land Reform Monitoring Initiative, for example, includes sex-disaggregated data for indicators on land disputes, evictions, land ownership, and landlessness. Data collected by governments, development agencies, and CSOs too often tend to ignore gender differences.

One must be careful, however, that selected indicators for monitoring women's land rights are indeed relevant and useful. Data for quantitative indicators may be easier to gather, but alone they will not tell a very good story. It is tempting to simply count the number of women with land titles, but again, how do we know that they effectively control their land? It is equally tempting to merely count the number of women attending a land project's meeting, but this will be nothing of the quality of participation. Also, while gender-sensitive data is a key objective, so should data sensitive to rural-urban disparities (UN Women Watch, 2012). Qualitative, in-depth women's studies serve to illustrate men and women's actual experiences, challenges, and



successes in securing land rights, highlighting differential impacts. Thoughtful indicators generate better data that ultimately holds the key to understanding realities on the ground.

In terms of tools, the Gender Evaluation Criteria (GEC) produced by the Global Land Tool Network (GLTN) partners is a set of 22 questions based on six criteria, to assess the responsiveness of large-scale land tools to both men's and women's needs. Governance, capacity-building, and socio-cultural considerations, are among the criteria.

Finally, beyond data collection, the results of any monitoring and evaluation exercise need to be effectively shared. Reporting success stories of what women can achieve when they come together can help replicate good practices (Chitrakar, 2010).

Gender mainstreaming

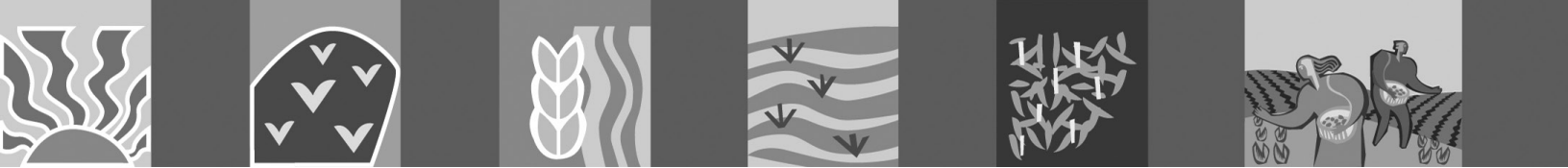
Gender mainstreaming is a target only reached when women are finally always included and thoughtfully considered – rather than merely mentioned for compliance's sake – in policies, programs, and plans. Gender mainstreaming entails that women step out of their confined spaces, whether physical, economic, cultural, or social, and into broader spaces which they can genuinely and fully participate in, as well as influence. When the focus on women finally becomes “normal”, the options for women's empowerment, and the wealth of possibilities, are without limit. As reports upon reports suggest, a world with empowered women, especially in agriculture, is one that is food secure, healthier, and happier. ■

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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 convenor 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), the Global Land Tool Network (GLTN), Global Forum on Agricultural Research (GFAR), and the Indigenous Peoples’ and Community Conserved Territories (ICCA) Consortium.

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ILC is a global alliance of intergovernmental, governmental, and civil society organizations working together with the rural poor to increase their secure access to natural resources, especially land.



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 seven (7) countries—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.



STAR Kampuchea is a Cambodian non-profit and non-partisan organization. It was established in

August 1997 and is dedicated to building democracy by strengthening civil society. The organization’s mission is to promote and strengthen Cambodian civil society actors by initiating action, by cooperating with and supporting them, and by providing means for a common voice for those groups so that they may advocate for democracy.



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