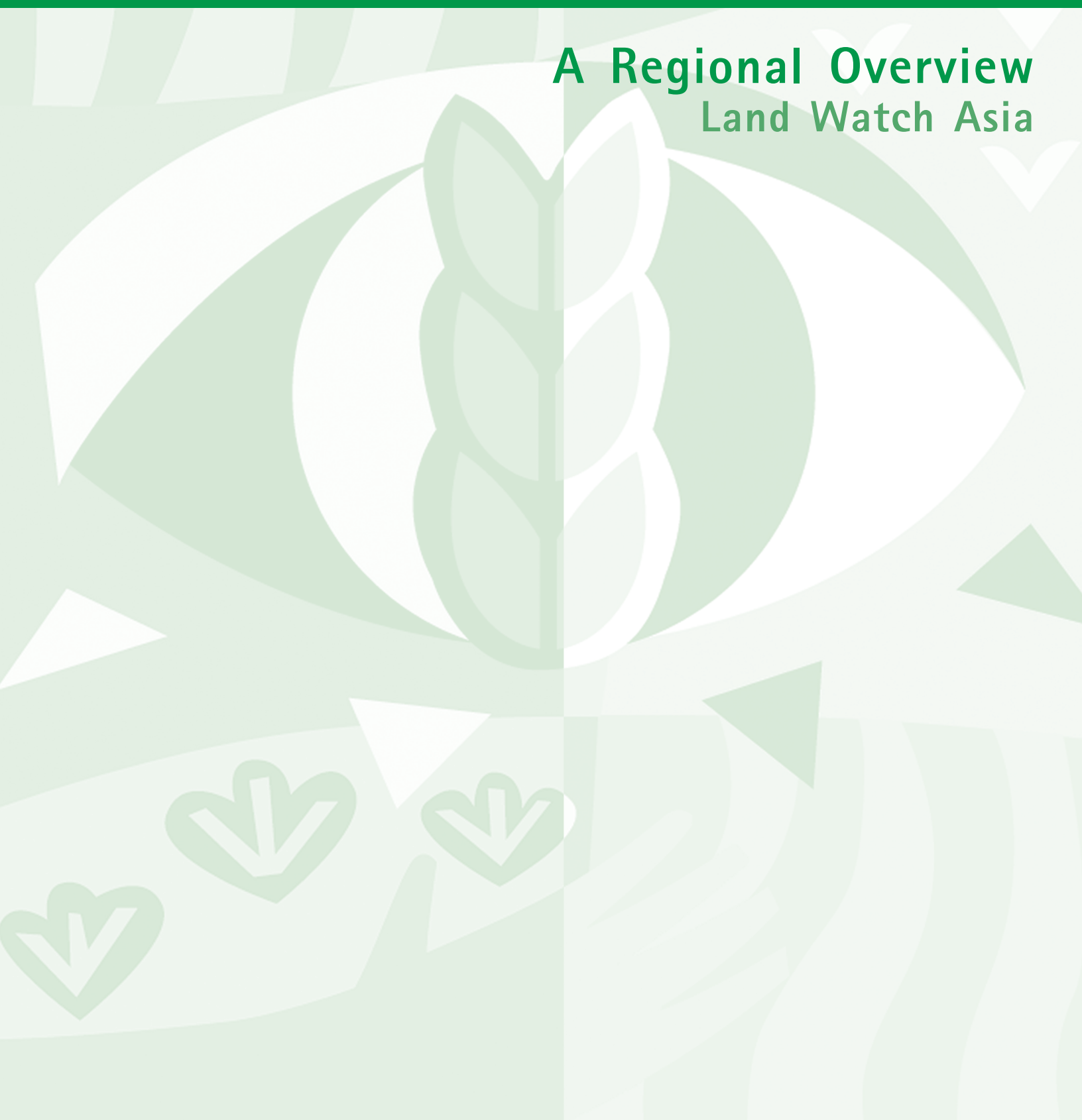


# The Prolonged Struggle for Land Rights in Asia

A Regional Overview  
Land Watch Asia





## Acronyms

<b>ADB</b>	Asian Development Bank	<b>NLRCCG</b>	National Land Rights Concern Group
<b>ADHOC</b>	Cambodian Human Rights and Development Association	<b>NLRF</b>	National Land Rights Forum
<b>ALRD</b>	Association for Land Reform and Development	<b>NPC</b>	National Planning Commission
<b>AR</b>	Agrarian Reform	<b>ODA</b>	Overseas Development Assistance
<b>ARB</b>	Agrarian Reform Beneficiary	<b>PO</b>	People's Organization
<b>AVARD</b>	Association of Voluntary Agencies for Rural Development	<b>PP</b>	Government Regulation or Peraturan Pemerintah
<b>BFAR—DA</b>	Bureau of Fisheries and Aquatic Resources—Department of Agriculture	<b>RA</b>	Republic Act
<b>CADC</b>	Certificate of Ancestral Domain Claim	<b>RPPK</b>	Revitalization of Agriculture, Fisheries and Forestry
<b>CADT</b>	Certificate of Ancestral Domain Title	<b>SEZ</b>	Special Economic Zone
<b>CARL</b>	Comprehensive Agrarian Reform Law	<b>SLC</b>	Social Land Concession
<b>CARP</b>	Comprehensive Agrarian Reform Program	<b>TAP MPR</b>	People's Consultative Assembly Decree
<b>CSO</b>	Civil Society Organization	<b>TWG</b>	Technical Working Group
<b>CSRC</b>	Community Self-Reliance Centre	<b>UDHA</b>	Urban Development Housing Act
<b>DDC</b>	District Development Committee	<b>UUPA</b>	Basic Agrarian Law of 1960 (BAL) or Undang-Undang Pokok Agraria
<b>DENR</b>	Department of Environment and National Resources	<b>UUPBH</b>	Law No. 2 of 1960 on Sharecrop Agreement
<b>DLRO</b>	District Land Reform Office	<b>VANI</b>	Voluntary Association Network of India
<b>EBSATA</b>	East Bengal State Acquisition and Tenancy Act of 1950	<b>VDC</b>	Village Development Committees
<b>ELC</b>	Economic Land Concession	<b>VPA</b>	Vested Property Act
<b>EPA</b>	Enemy Property Act (now the Vested Property Act)		
<b>DAR</b>	Department of Agrarian Reform		
<b>ICC</b>	Indigenous Cultural Communities		
<b>IFI</b>	International Financial Institution		
<b>IGO</b>	Intergovernmental Organization		
<b>IP</b>	Indigenous Peoples		
<b>IPRA</b>	Indigenous Peoples Rights Act of 1997		
<b>ISF</b>	Integrated Social Forestry		
<b>LAND</b>	Land and Agrarian Network for Development		
<b>LAP</b>	Land Administration Project		
<b>LDT</b>	Land Development Taxes		
<b>LGU</b>	Local Government Unit		
<b>LICADHO</b>	Cambodian League for the Promotion and Defense of Human Rights		
<b>LWA</b>	Land Watch Asia		
<b>MPR</b>	People's Consultative Assembly		
<b>NALDR</b>	National Authority of Land Dispute Resolution		
<b>NAP</b>	National Agriculture Policy		
<b>NCIP</b>	National Commission on Indigenous Peoples		
<b>NCLL</b>	National Campaign for Land and Livelihood		
<b>NGO</b>	Non-Government Organization		



# Regional Overview of Access to Land<sup>1</sup>

## A Sketch of Landlessness in Six Countries

The Asian region is home to 75 percent of the world's farming households, and about 80 percent of these are small-scale farmers and producers. Even with figures that vary from country to country, the general trend indicates that most of these rural poor do not have their own land or have too little of it to be able to eke out a decent living. The poorest of the poor have practically no land, while those who have more are only slightly better off. In terms of sub-groups, those who bear the brunt of poverty the most are the landless, marginal farmers and tenants, *adivasis* or indigenous peoples, minority castes and inter-

nally displaced persons. Rural women and female-headed households are particularly prone to acute poverty.

Generally, the patterns of inequality across countries include a small fraction of landowners owning vast amounts of land. The overall land ownership patterns remain "small and highly skewed", with high levels of inequality found in the Philippines, Indonesia and Cambodia. Large landholdings have decreased in Bangladesh and India, but this has been offset by growth in the number of marginal holdings. In Nepal, more than two-thirds of peasants own less than a hectare of land, while in India a little less than half of the population owns less than 0.2 hectares of land. The number of landless or near landless persons is growing in all six countries.

**Table 1. Landlessness in Six Asian Countries**

	Features of Landlessness
Bangladesh	<ul style="list-style-type: none"> <li>• In 1960, 10% of households owned 37% of the country's largest parcels of land (3 hectares and above). In 1996, 36 years later, the percentage of owners of large landholdings had dwindled to 2.1%. However, the percentage of landless households (or those owning 0–0.19 hectare) rose from 19% in 1960 to 56% in 1996.</li> <li>• Households own an average of 0.3 hectare of land.</li> <li>• Scarce land resource is subjected to increasing pressures by a growing population.</li> <li>• Around 57.1% and 70.6% of households living below the lower and higher poverty lines respectively are absolutely landless. In contrast, 4.1% and 8.1% of households living below the lower and higher poverty lines respectively owned more than 3 hectares.</li> <li>• Indigenous Peoples' customary rights to land are not recognized by government, hence they are continually evicted.</li> <li>• The law of inheritance is guided by personal law based on the religion of the concerned individual. As per Muslim law, women have limited rights, while as per Hindu law, they generally receive nothing. Distribution of <i>khas</i> land allows joint ownership of land between husband and wife.</li> </ul>
Cambodia	<ul style="list-style-type: none"> <li>• Poverty is primarily a rural phenomenon. In 2004, 91% of the poor lived in rural areas.</li> <li>• Landlessness is increasing. Over 20% of rural people are landless.</li> <li>• Some 40% of households whose heads are engaged in agriculture are poor.</li> <li>• The rate of landlessness among female-headed households is 21.2%.</li> <li>• In 1999, 5% of landowners held close to 60% of all privately held land. By 2003, their share had risen to 70%. This means that the top 5% of landowners are increasing their control of private lands by 2% per year.</li> <li>• Farming households own an average of 1.5 hectares of land. However, 40% of households own less than 0.5 hectare.</li> </ul>

Table 1. *con't.*

	Features of Landlessness
Cambodia	<ul style="list-style-type: none"> <li>• Only 20% of landowners hold secure title to their land.</li> <li>• Certain groups are especially vulnerable to landlessness and poverty: female-headed households, rural families, people living in or next to concession areas, residents of informal settlements in urban areas, and indigenous peoples.</li> <li>• Between 1991 and 2004, there have been 1,551 land disputes covering over 380,000 hectares and more than 160,000 farming families. As of 2006, two-thirds of these cases remain unsolved.</li> </ul>
India	<ul style="list-style-type: none"> <li>• In 1971–72, large and medium-size holdings belonged to the top 10% of landowners and covered 54% of the total land area. By 2003, the proportion of owners of large and medium-size holdings had declined to 4%, and their combined area had been reduced to 35% of all land.</li> <li>• The proportion of marginal holdings has increased from 63% in 1971–72 to 80% in 2003. Over the last 10 years, the proportion of marginal holdings has increased in all the states.</li> <li>• About 43% of the population is still absolutely or nearly landless, owning less than 0.2 hectare.</li> <li>• An estimated 87% of landholders among Scheduled Castes and 65% of landholders among Scheduled Tribes in the country are classified as small and marginal farmers. Around 54% of the Scheduled Castes and 36% of the Scheduled Tribes are primarily agricultural workers.</li> <li>• According to the Ninth Plan, 77% of Scheduled Castes and 90% of Scheduled Tribes are absolutely landless, though this is inconsistent with data from the 1992 National Sample Survey that states that 13.34% and 11.5% of SCs and STs respectively are absolutely landless.</li> </ul>
Indonesia	<ul style="list-style-type: none"> <li>• In 1993, about 30% of all farming households were landless. Another 34% of 10.8 million farming households owned less than a hectare of land. By 2003, this number had increased to 13.7 million, or an increase of 2.6% a year. In 1993, over half (52.7%) of the country's farming households were considered poor. By 2003, the proportion was 56.5%.</li> <li>• The number of families that make their living from agricultural activities increased from 20.8 million in 1993 to 25.4 million in 2003, or an increase of 2.2% a year.</li> <li>• Of the 25.4 million farming families recorded in 2003, 54.4% lived in Java, and the rest (45.6%) in outer Java. Poverty among Javanese farming families rose from 69.8% to 74.9% during the period 1993–2003. In outer Java, the number of poor farming families increased from 30.6% to 33.9% during the same period, representing an increase of 3.3% a year.</li> </ul>
Nepal	<ul style="list-style-type: none"> <li>• Out of a total of 4.2 million households, 1.3 million households or 25% of the population are landless.</li> <li>• In rural areas, almost 29% of households, or over 5.5 million rural-based Nepalese do not own any farmland.</li> <li>• Marginalized groups include freed bonded laborers (about 26,000 families), landless peasants, squatter settlers, indigenous peoples, <i>Haliya</i> (300,000 persons), <i>Haruwa/Charuwa</i>, <i>Dalit</i>, <i>Badi/Badini</i> (4,442 persons), indigenous and minority groups, <i>Mushakar</i>, and internally displaced people.</li> <li>• Over 70% of peasants own less than a hectare of arable land.</li> <li>• Only 8.1% of landholders are female, though this proportion is gradually increasing.</li> <li>• Some 217,000 families do not have enough land on which to build a house. These are considered the agricultural landless.</li> <li>• Landlessness is higher in the Terai districts compared to the hilly areas.</li> </ul>

Table 1. *con't.*

Philippines	Features of Landlessness
	<ul style="list-style-type: none"> <li>• The Philippine agrarian structure is made up of small peasant farms and large plantations.</li> <li>• Over 31 million poor Filipinos are found in the rural areas. Poverty incidence remains highest among farming and fishing families. Within agriculture, it is farm workers in sugarcane, small farmers in coconut, rice and corn, fishermen and forester households who are among the poorest of the poor and who account for 70% of the country's subsistence households.</li> <li>• Between 1.3 and 1.5 million hectares of farmlands remain undistributed to farmers. Potentially 1 million farmers are deprived of the chance to benefit from agrarian reform.</li> <li>• It is estimated that 5–7 million hectares will be covered by the Indigenous Peoples Rights Act (IPRA) under ancestral domain claims or titles. Slightly more than half a million hectares have been awarded to indigenous peoples as ancestral domains.</li> <li>• Community-managed forests only cover 22% of total forest cover.</li> <li>• Barely half of coastal towns have effectively delineated municipal waters for small fisherfolk.</li> <li>• Almost 85% of fisherfolk are threatened by eviction.</li> </ul>

## Legislative and Policy Initiatives for the Promotion of Land Rights

In all six countries, laws have been passed, and policies formulated, in regard to reforming land ownership and agrarian structures. Such reform initiatives can be grouped into two "generations" of reforms: the first, which go back to the 1950s; and the second, which started in the 1990s.

### "First Generation" Reforms

One of the most common "first generation" reforms was the establishment of ceilings for landholdings. Between 1950 and 1984, Bangladesh vacillated about the maximum size of landholdings that families could legally possess, raising it to 50 hectares, at its highest, and eventually lowering it to eight hectares. Nevertheless, the government failed to recover "surplus" land, estimated at one million hectares, because of lack of political will. Similarly, India's states individually imposed landholding ceilings between 1955 and 1985, with mixed success. About a million hectares of "surplus" land was recovered by the government in 1970, half of which reverted to the states, while the remaining half was distributed to the landless. However, between 1972 and 1985, and despite the lowering of the ceiling, the size of the "surplus" land recovered by the government had increased by just 10 percent over the 1970 figure.

A second type of reform was the abolition of, or the efforts to eliminate, the practice of absentee landownership. The 1950 law passed by the Indian state of Uttar Pradesh abolishing the *zamindari*, or absentee landlord system, was one of the first laws of this kind. Bangladesh sought to put an end to absentee landownership by prohibiting the sub-letting of land. Indonesia proscribed the practice because it resulted in the exploitation of tenants, usury, and unjust sharecropping arrangements.

But perhaps the most important type of reforms in this group had to do with changes in the relationship between landlord and tenant, and in some cases, the abolition of tenancy. Nepal's six types of tenurial arrangements, which date back to 1946 and persisted well into the 1970s, are infamous for their exploitative nature, as exemplified by such practices as bonded labor—usually exacted to pay off debts, arbitrary eviction of tenants, and collection of unreasonably high land taxes and rents. The Nepalese government sought to improve the lot of tenants, through the Land Reform Act of 1964, by abolishing dual ownership of land, or rented tenure arrangements, and by fixing the rent on agricultural land. Indonesia passed a law in 1960 to protect sharecroppers from exploitation by landowners, particularly by requiring that sharecropping agreements be put in writing and signed by the parties before the village head, and have a fixed duration, thus precluding arbitrary changes imposed by the landowner. Bangladesh made provisions to restore the rights



of tenants to lands that are rendered temporarily non-existent by submergence in water during seasonal floods. The Philippine Constitution unequivocally promotes the redistribution of lands to their actual tillers, based on the principle that property ownership and use should further the state's program of redistributing wealth.

### "Second Generation" Reforms

Cambodia is a late reformer. It instituted a private property rights regime only in 1989, pursuant to an amendment to its Constitution. Its Land Law of 2001 provides for the grant of private property rights, specifically through the awarding of Social Land Concessions (SLCs) and Economic Land Concessions (ELCs). The government has also formulated laws promoting community management of forest resources, laws against unlawful eviction and expropriation of land by the state, and laws providing for just compensation of displaced persons, but these have yet to come into effect.

Bangladesh's "second generation" reforms centered around resettling landless families on state land, including newly resurfaced lands (or lands that were formerly submerged in floodwaters), and the distribution of land titles in certain cases.

Indonesia's People's Consultative Assembly (MPR) issued a decree in 2001 that mandated the Agrarian Reform Ministry to correct the errors in the implementation of agrarian reform under the 1960 agrarian reform law. Notwithstanding the good intentions of this law, the government's active promotion of mining, extractive forestry activities, and the expansion of plantations is expected to negate whatever gains may be had as a result of the 2001 MPR decree.

India's Constitution originally provided for the right to acquire, hold and dispose of property. However, under the 44<sup>th</sup> (1978) amendment of the constitution, this right was deleted from the list of fundamental rights. A new article was added to the constitution which provided that no person shall be deprived of one's property except by legal action. Thus, if legislature makes a law depriving a person of his property, there would be no obligation on the part of the State to pay anything as compensation.

The Indian government turned its attention to land administration programs, (e.g., computerization of land records) abandoning the agrarian reform effort. This resulted in a slew of land related conflicts and renewed advocacy for agrarian reform.

One example is the Janadesh campaign in 2007, which forced government's hand and led to the establishment of a National Land Reform Commission mandated to recommend measures to address the grievances of landless groups, such as tribal peoples and *dalits* (untouchables).

India's Eleventh Five-Year Plan (2007–2012) Approach paper has incorporated a land reform component. Specifically, the Plan recommends: (1) making land distribution more equitable and improving land tenure security; (2) providing support services to women farmers and issuing joint titles to husband and wife, to enable women to gain access to credit; (3) restricting the diversion of prime agricultural land for non-farm purposes; (4) legalizing tenancy to allow tenants to apply for credit from formal sources and to give them enough incentive to develop the land; and (5) facilitating the lease of cultivable land, whose owners reside in urban areas, so that the land would not lie fallow for too long.

At the same time, India instituted reforms seeking to strengthen the land rights of forest-dwelling communities, IPs, and women. India's Forest Rights Act of 2006 recognizes and gives forest rights, as well as rights to occupy forestland, to scheduled tribes and traditional forest dwellers, and provides the framework for recording forest rights. There are, however, several aspects of the law that leave room for doubt as to how effective it would be in rectifying what the Government of India has conceded to be "historical injustices" to the forest dwelling scheduled tribes and other traditional forest dwellers. In regard to indigenous peoples (IPs), in particular, India's Constitution requires the states to ensure the total prohibition of immovable property to any person other than a tribal group.

The Eighth Five-Year Plan (1992–1997) stipulates that one of the basic requirements for improving the status of women is to change inheritance laws so that women get an equal share of parental property, whether inherited or self-acquired. Unfortunately, there are no government directives to ensure that this is enforced. Moreover, while the subject of women and land is cited in the Eighth (1992–1997), Ninth (1997–2002), and Tenth (2002–2007) Five-Year Plans, women's rights to land still receive little attention.

Nepal's Interim Constitution of 2007 is committed to the pursuit of "scientific land reform programs," which entail the abolition of "capitalistic land ownership practices."

The Philippines has produced some of the most progressive reform legislation in recent years. Republic Act (R.A.) 6657, or the Comprehensive Agrarian Reform Law, is comprehensive in its coverage, while remaining mindful of the interests of IPs, and guaranteeing equal landownership rights to men and women. R.A. 8371, or the Indigenous People's Rights Act of 1997 (IPRA), recognizes, promotes, and protects the rights of IPs, including their right to ancestral domain and lands, self-governance, and the right to cultural integrity. The Philippines has also enacted a law governing its fishery resources, which emphasizes stewardship and protection, rather than production and exploitation. Its

forestry management strategy is based on the principle that as long as the people's needs are prioritized, forestry resources would be sustainably utilized.

The following is a selection of those laws and programs that have been introduced to improve the poor's access to land and tenurial security. They are by no means comprehensive; but they provide an overview of the legal and policy framework defining ownership, control and access to land in the respective countries. It must also be said that their implementation is another matter.

**Table 2. Legal and Policy Environment of Access to Land in Six Asian Countries**

Bangladesh	
East Bengal State Acquisition and Tenancy Act (EBSATA) of 1950	<ul style="list-style-type: none"> <li>• Aimed to make peasants direct tenants of the government, with rights to transfer, inherit and cultivate their land as they see fit</li> <li>• Prohibited the subletting of land with the aim of eliminating rent-seeking behavior and absentee landownership</li> <li>• The 1994 Amendment mandated that in the case of landholdings lost to erosion, the right, title and interest of the tenant or his/her successor in interest are retained during the period of loss through erosion, but not exceeding 30 years.</li> </ul>
Land Reform Policy of 1972	<ul style="list-style-type: none"> <li>• Gave government the mandate to acquire surplus land and to distribute it to landless peasants</li> <li>• Authorized the government to acquire flooded and accreted land and to treat these as <i>khas</i> land</li> <li>• Exempted landowners holding less than 3.33 hectares from paying land tax</li> </ul>
Land Reform Ordinance of 1984	<ul style="list-style-type: none"> <li>• Reduced the ceiling for landholdings from 13.3 hectares to 8 hectares</li> <li>• Prohibited the purchase or transfer of land in the name of another person in order to conceal identity of the true landowner</li> <li>• Fixed the minimum wage of agricultural laborers at the equivalent value of 3 kilograms of rice</li> <li>• Prohibited the eviction of peasants from their <i>paternal</i> homestead</li> <li>• Instituted a three-way sharing of farm produce: <math>\frac{1}{3}</math> to the landowner; <math>\frac{1}{3}</math> to the sharecropper; and the remaining third to be divided proportionately between the landowner and the sharecropper on the basis of expenses incurred by each one</li> </ul>
Khas Land Management and Distribution Policy	<ul style="list-style-type: none"> <li>• Granted joint ownership of <i>khas</i> land to husband and wife</li> </ul>
Vested Property Restoration Act of 2001	<ul style="list-style-type: none"> <li>• Abolished the Vested Property Act (VPA)—formerly the Enemy Property Act (EPA)—that dispossessed the Hindi population of their ancestral land during the war between Pakistan (of which Bangladesh used to be part) and India in 1965. After Bangladesh became independent from Pakistan in 1971, the EPA was retained and renamed as VPA, and resulted in the confiscation of some 800,000 hectares of Hindu property. Around 0.75 million Hindu households were reportedly victimized by this law.</li> </ul>

Table 2. *con't.*

Cambodia	
Cambodian Constitution (1993)	<ul style="list-style-type: none"> <li>• Provided that "all persons, individually or collectively, shall have the right to ownership. Legal private ownership shall be protected by Law. The right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law, and shall require fair and just compensation in advance."</li> </ul>
Land Law of 2001	<ul style="list-style-type: none"> <li>• Outlined concepts of land classification, including state public land, state private land, private land and collectively owned land</li> <li>• Guaranteed the inalienability of land, as recognized by the Constitution</li> <li>• Created a status of registerable ownership of land, which specifically puts women on an equal footing with men</li> <li>• Established the legal framework for a collective ownership arrangement, which is specifically designed for the protection of indigenous land and traditional ways of life</li> <li>• Provided for a land distribution policy to benefit the rural poor, specifically through the grant of Social Land Concessions (SLCs)</li> <li>• Provided for the establishment of land dispute resolution mechanisms</li> </ul>
Forest Law of 2002	<ul style="list-style-type: none"> <li>• Provided the framework for forest classification</li> <li>• Provided for the creation and management of community forests, such that communities are granted an area within the Permanent Forest Reserve to manage and derive benefit from</li> <li>• Guaranteed the entry rights of local communities into forest concessions</li> <li>• Prohibited logging of certain trees valuable to local communities as well as trees and areas of cultural or religious significance, such as spirit forests</li> <li>• Mandated the sustainable logging of natural and plantation forests</li> </ul>
India	
Indian Constitution	<ul style="list-style-type: none"> <li>• Basic tenets of the Constitution are equity and social justice</li> <li>• Provided that ownership and control of the material resources of the community should be distributed in such way that the common good is best served and that the economic system does not result in the concentration of wealth and the means of production to the common detriment</li> <li>• Stipulated that "states [must] direct policies to ensure that all citizens have the right to adequate means of livelihood and that all community resources be distributed so as to serve the common good."</li> <li>• Constitutional framers gave each state, rather than the Central Government, exclusive power to make laws with respect to land, including land reform laws</li> </ul>
State Land Reform Laws	<ul style="list-style-type: none"> <li>• Every state has enacted its own land reform laws on subjects and issues as follows: <ul style="list-style-type: none"> <li>&gt; Abolition of <i>Zamindari</i> system to eliminate intermediaries;</li> <li>&gt; Ceiling on land holdings to do away with uneven distribution of land and for redistribution of ceiling-surplus land among the landless;</li> <li>&gt; Tenancy reforms to ensure security of tenure for peasants, regularization of rent/revenue, and ownership;</li> <li>&gt; Regulation of share-cropping to safeguard the interest of the share-croppers;</li> </ul> </li> </ul>



Table 2. *con't.*

India	
State Land Reform Laws	<ul style="list-style-type: none"> <li>&gt; Protection against alienation of land belonging to weaker sections, such as Scheduled Castes (SC) and Scheduled Tribes (ST);</li> <li>&gt; Consolidation of fragmented land holdings;</li> <li>&gt; Provision of homesteads to the landless households;</li> <li>&gt; Providing government land to the landless on long-term lease, including tree-lease;</li> <li>&gt; Statutory minimum wages to agricultural labor.</li> </ul> <ul style="list-style-type: none"> <li>• The Ninth Schedule of the Constitution was introduced in the first amendment in 1951 as a means of immunizing certain laws—including the acquisition of private property and compensation payable for such acquisition—against judicial review. Such laws cannot be challenged in a court of law on the ground that they violated fundamental rights of citizens. This protective umbrella covers more than 250 laws passed by state legislatures with the aim of regulating the size of land holdings and abolishing various tenancy systems.</li> </ul>
Forest Rights Act of 2006	<ul style="list-style-type: none"> <li>• Recognized and gave forest rights, including rights to occupy forestland, to STs and traditional forest dwellers</li> <li>• Provided the framework for recording forest rights</li> </ul>
Policy on Women's Land Rights	<ul style="list-style-type: none"> <li>• Land reform laws have not adequately addressed the issue of unequal ownership of land between men and women. The Land Ceiling Act classified the family unit as comprising husband, wife and three minor children. While adult sons are considered separate units, unmarried adult daughters are left out. Even the Tenancy Act gave priority to males (from the father's side) in inheritance and to widows only in the absence of male heirs. However, now the Hindu Succession (Amendment) Act of 2005 has been enacted to remove gender discriminatory provisions in the Hindu Succession Act of 1956, and make the daughter a partner in her own right by birth in the same manner as the son.</li> </ul>
Indonesia	
Decree of the People's Consultative Assembly (MPR) No. IX/MPR/2001 on Agrarian Reform and Natural Resources Management, or TAP MPR No. IX/2001	<ul style="list-style-type: none"> <li>• Sought to correct errors of agrarian reform implementation (under the Basic Agrarian Law)</li> <li>• Mandates the Ministry of Agrarian Reform to: <ul style="list-style-type: none"> <li>&gt; Conduct a study of various laws and regulations related to agrarian matters in order to harmonize the policies of sectors</li> <li>&gt; Implement a land reform program based on the "land to the tiller" principle</li> <li>&gt; Conduct a land registration program through a comprehensive and systematic survey of the control, use, ownership and exploitation of the land</li> <li>&gt; Resolve all agrarian disputes, and forestall future conflicts by strictly implementing the law</li> <li>&gt; Strengthen the institution responsible for implementing agrarian reform</li> <li>&gt; Seek out funding for agrarian reform implementation</li> </ul> </li> </ul>
Basic Agrarian Law of 1960 (UUPA) or Law No. 5 of 1960	<ul style="list-style-type: none"> <li>• Devolved power to exercise State rights to control land to the province, regency, district and village levels. The same rights could be exercised by communities practicing customary law</li> <li>• Provided that the exercise of rights conferred by this law must serve the public interest</li> </ul>

Table 2. *con't.*

Indonesia	
Basic Agrarian Law of 1960 (UUPA) or Law No. 5 of 1960	<ul style="list-style-type: none"> <li>• Authorized the State to grant ownership/property rights to Indonesian citizens; prohibits/limits foreign ownership of the country's land and provides safeguards against foreign expropriation of the country's natural resources</li> <li>• Prohibited absentee land ownership in agricultural land, because of its tendency to promote exploitative practices, such as bonded labor, unpaid labor, usury and inequitable sharecropping</li> <li>• Set the minimum size for landholdings to ensure that the land owner has enough land to provide for his/her family</li> </ul>
Law No. 56 Prp/1960	<ul style="list-style-type: none"> <li>• Created different kinds of rights that may be awarded to persons, groups, or legal entities: Property Rights, Lease Rights, Right to Build, User Rights, Right to Rent, Right to Open the Land and to Collect Forest Products, and Water Use Rights</li> <li>• Set the ceiling for landholdings of families and legal entities to prevent monopoly ownership of land. Land in excess of the ceiling must be turned over to the State upon compensation.</li> </ul>
Government Regulation (PP) No. 224 of 1961	<ul style="list-style-type: none"> <li>• Set the criteria for land to be subject to land reform</li> <li>• Identified land reform beneficiaries</li> </ul>
Presidential Decision No. 30 of 1990	<ul style="list-style-type: none"> <li>• Prohibited the conversion of irrigated agricultural lands to non-agricultural use</li> </ul>
Law No. 2 of 1960 on Share-crop Agreement (UUPBH)	<ul style="list-style-type: none"> <li>• Sought to protect sharecroppers from exploitation by landowners</li> <li>• Provided that the share of the tiller and the landowner would be decided by the regent, according to type of crop and land density.</li> <li>• Specified a ceiling of 3 hectares for landholdings</li> <li>• Required that sharecrop agreements between landowner and tiller be put in writing before the head of the village, and witnessed by one representative from each of the contracting parties.</li> </ul>
Nepal	
Land Reform Act of 1964	<ul style="list-style-type: none"> <li>• Fixed a ceiling on the size of landholdings</li> <li>• Sought to protect the rights of tenants by including their names in the owner's land title</li> <li>• Fixed the rent on agricultural land and reduced interest on rural loans</li> <li>• Allowed tenants to apply for tenancy rights at the District Land Reform Office (DLRO) provided that they had tilled the land the previous year and could present proof of this fact, such as a grain payment receipt</li> <li>• Has been amended 6 times             <ul style="list-style-type: none"> <li>&gt; The Fourth Amendment (1996) provided that the land being cultivated by the tenant be divided equally between landlord and tenant to ensure that tenants would become landowners themselves, and that a credit facility would be made available to the tenant who wished to buy the landlord's half. It sought to abolish dual ownership of land.</li> <li>&gt; The Fifth Amendment (2001) attempted to reduce the ceiling on the size of the landholdings</li> </ul> </li> </ul>

Table 2. *con't.*

Nepal	
Interim Constitution of 2007	<ul style="list-style-type: none"> <li>Committed to “pursue [a] policy of scientific land reform programs by gradually ending capitalistic land ownership practices.”</li> <li>Mandated the State to pursue a policy of providing adequate land and livelihood to freed bonded laborers</li> </ul>
Three-Year Interim Plan 2007–2009	<ul style="list-style-type: none"> <li>Aimed to improve farmers' standard of living and contribute to the national economy through the implementation of scientific land reform</li> <li>Set the specific goal of ascertaining the land rights of landless slum dwellers, freed bonded laborers, and tenants, to ensure food security, address poverty, and make land more productive</li> <li>Outlined an implementation strategy that includes the formulation of appropriate laws and the setting up of mechanisms to distribute land to landless groups</li> <li>Sought to form a high-level Commission to resolve problems concerning landless groups</li> </ul>
Agriculture Perspective Plan (1996–2010)	<ul style="list-style-type: none"> <li>Main thrusts are enhancement of land productivity, commercialization of agriculture, diversification of products, and focusing on products in which Nepal has a comparative advantage</li> <li>Identified dual ownership of land and land fragmentation as major constraints to agricultural development and recommends taking actions toward terminating dual land ownership and initiating land consolidation.</li> </ul>
Philippines	
1987 Constitution	<ul style="list-style-type: none"> <li>Laid down the principles that serve as the overall framework for the issue of access to land: protection of property (but property can be taken away for public use with due process and just compensation); promotion of social justice and human rights; promotion of rural development and agrarian reform; and promotion of the rights of indigenous communities to their ancestral lands.</li> </ul>
Comprehensive Agrarian Reform Law (CARL) of 1988 or Republic Act (RA) 6657	<ul style="list-style-type: none"> <li>Expanded agrarian reform to all agricultural lands regardless of crop planted under the Comprehensive Agrarian Reform Program (CARP). It targeted the redistribution of 8.1 million hectares of agricultural land and integrated social forestry areas (ISF) to 3.9 million landless tenant farmers and farm workers over an initial 10-year period.</li> <li>Provided for different tenurial instruments based on land classification: tenurial security for forestry areas, and tenancy reforms and land redistribution for private and alienable lands. Land redistribution is to be complemented by the delivery of support services like extension, credit, infrastructure facilities and livelihood assistance.</li> <li>Imposed a five-hectare retention limit for the landowner and provides three hectares for each heir actually tilling the land.</li> </ul>
Indigenous Peoples' Rights Act (IPRA) or RA 8371	<ul style="list-style-type: none"> <li>Recognized, promoted and protected the rights of indigenous cultural communities/ indigenous peoples (ICCs/IPs); served as the basis for IP's land rights, which are recognized through the issuance of a Certificate of Ancestral Domain Claim (CADC) or a Certificate of Ancestral Domain Title (CADT).</li> </ul>

Table 2. *con't.*

Philippines	
Fisheries Code of 1998 or RA 8550	<ul style="list-style-type: none"> <li>• Sought to protect the rights of small fisherfolk over municipal waters and provides for the establishment of fisherfolk settlement areas</li> <li>• Emphasized stewardship and protection</li> </ul>
Urban Development and Housing Act (UDHA) of 1992 or RA 7279	<ul style="list-style-type: none"> <li>• Laid down the groundwork for a comprehensive and continuing urban development and housing program by prioritizing the provision of decent shelter to the poorest of the poor</li> <li>• Provided the framework for the development and use of urban lands</li> </ul>

## Minding the Gaps

Notwithstanding two generations of reform initiatives, agrarian relations in the six countries have changed very little. Bangladesh tried, and repeatedly failed, to impose a ceiling on land ownership and to redistribute *khas* (state-owned) lands and water bodies. Cambodia sought to end decades of monopoly ownership of land by the state by enacting the Land Law of 2002, but ended up creating a thriving land market that was quickly taken over by local elite groups. Nepal had tried, as early as the 1960s, to abolish unjust tenurial arrangements in the country, yet to this day, Nepal's tenant farmers continue to work under unconscionably exploitative conditions. India implemented various land ceiling laws starting in 1955, but made little headway: much of the "surplus" land reverted to the states, while the proportion that was redistributed did not go to their intended beneficiaries, the landless poor. Indonesia has abandoned its early attempts at agrarian reform (in 1962–1967) and even its land administration program is rendered inutile by corruption in the land registration system and by political leaders that are not only indifferent but outrightly hostile to anything that smacks of agrarian reform. The Philippines' Comprehensive Agrarian Reform Law (CARL) held out the promise of genuine agrarian reform, when it was enacted in 1986, but has progressively lost steam and, since its funding ended in June this year, is threatened to be replaced by a law espousing the corporate farming scheme.

Governments have lost interest in enforcing redistributive land and resource policies. Land and forests are valued for bringing in profit rather than for ensuring the country's food security or as integral to a healthy environment. This mindset is reflected in the bias of national land policies toward promoting agri-business or extractive ventures and urbanization.

The following issues have emerged as a result of such national land policies:

- **National economic policies/programs that work against reforms.**

The economic development agendas set by national governments favor the grant of land concessions, the expansion of plantations, joint-venture agreements, mining operations, and the establishment of special economic zones (SEZs), all of which require land that should be distributed to the landless poor. Indonesia and the Philippines are putting more and more of their land under plantation crops; aggressively promoting large-scale mining operations; and stiffening their investment laws to entice foreign capital into the country and head off local opposition to investment projects. Cambodia, the Philippines, Thailand, and India are entering into a growing number of bilateral agreements with China, which give the latter access to their natural resources. SEZs are mushrooming all over India, while the Cambodian government has been regularly giving awayland concessions to business interests. Contract farming/corporate farming, especially of agrofuel crops, has become all the rage in India, Indonesia, Thailand, and the Philippines because of growing worldwide demand for agrofuels. Poor and landless farmers lose out in the competition for land brought about by such schemes.

- **Land markets, land administration and registration over land redistribution.**

National land policies have shifted their focus from land redistribution to the development of land markets. In aid of this policy bias, governments have launched their respective land administration programs. Donors have abetted this policy shift by choosing to fund programs that facilitate

land administration, such as the computerization of land records, etc., while steering clear of programs for land acquisition and distribution.

- **Overlaps in laws and policies, and in the jurisdiction of government entities that regulate land and resource use.**

Conflicts arising from competing land claims result from overlaps between or among any number of laws or policies; the lack of clear delineation of authority among government agencies that regulate land and resource use; and laws or policies that favor certain sectors over others.

- **Poor implementation of existing laws.**

Although the legal and institutional frameworks exist for land reform, the reality across countries is that laws meant to enhance access to land are poorly implemented. This is in large part due to the lack of political will, but also because of various competing pressures.

- **Discriminatory laws and practices.**

Governments have tended to look the other way in cases of landgrabbing by moneyed and politically powerful groups. In other instances, the government itself forcibly takes land from their owners "in pursuit of the public good." More often than not, such incidents of landgrabbing, or state expropriation of land, are not motivated by the public interest but rather are the inevitable result of government's

indiscriminate awarding of land concessions to logging companies, mining operators, and plantation companies, among others. Just as frequently, forest-dwelling communities, particularly indigenous peoples, are divested of their landholdings or denied access to forest resources. Sometimes, programs that are, on their face, well-intentioned, such as the setting up of conservation parks and reserves, have the identical effect of keeping forest/upland communities out of their traditional source of livelihood.

Women's right to possess and inherit land is guaranteed by law in a number of Asian countries, but such laws offer no protection to women against sexual discrimination that is rooted in tradition and religion. For example, Sharia Law grants Muslim women limited rights to inherit property. In practice, however, the patriarchal nature of Muslim society prevents women from claiming this limited entitlement. A woman, being "a good sister," is expected to surrender her claim to paternal property to her brother/s.

- **Information gaps.**

To date, national data on land distribution, land tenure, and landlessness is missing in several countries or is unreliable. This becomes a challenge to monitoring and evaluating the impact of advocacy on land reform as well as the agrarian programs themselves.

**Table 3. Selected Access to Land Issues in Six Asian Countries**

	Highlighted Issues
Bangladesh	<ul style="list-style-type: none"> <li>• <b>Access to and distribution of <i>khas</i> land.</b> Agricultural "<i>khas</i>" (government owned) land covers some 321,323 hectares, of which 139,691 or 43.47% has reportedly been distributed to landless households. Government policy states that <i>khas</i> lands are to be distributed to landless peasants dependent on agriculture for their livelihood, but leakage of <i>khas</i> land has been as much as 17.2%, as indicated by a 2001 report. <i>Khas</i> recipients are supposed to pay government a minimal fee of 1 Taka (US \$0.01 in 2008 prices) per acre of land received. However, in practice, they have to fork out bribes almost a thousand times more (US \$105–150) to various officials even at the lowest tiers of government.</li> <li>• <b>Access to and distribution of non-agricultural land.</b> Previously, no guidelines existed for the management of non-agricultural land. Influential and well-connected persons were thus able to claim ownership of non-agricultural land, usually with forged documents. When the government in 1995 issued detailed guidelines for the management and settlement of state land in urban areas, most of such lands had already been awarded to the rich and powerful.</li> <li>• <b>Absentee landownership.</b> Around 13% of households own more than half (58%) of the country's land. Many of these households do not engage in agriculture, but reside and make their living in urban areas, either by running their own business or by being employed in the government or the private sector. This encourages rent-seeking behavior.</li> </ul>

Table 3. *con't.*

	Highlighted Issues
Bangladesh	<ul style="list-style-type: none"> <li> <b>Commercialization of agriculture and forestry.</b> <p>Shrimp culture used to be practiced in the household and on fallow or marginal land to augment farm incomes. Because shrimp culture is more profitable than crop farming, various coastal lands including rice farms, mangrove areas and marshes, were brought under shrimp cultivation, resulting in several serious environmental problems like water quality decline and loss of biodiversity. Also, rubber and fuel wood plantations have destroyed forests, displaced forest-dwelling communities and have caused conflict between forest-dependent groups and the government's forestry department.</p> </li> <li> <b>Land conversion.</b> <p>Agricultural land has been considerably reduced due to forcible land acquisition to make way for export processing zones, residential development, infrastructure development and other government projects. Much of the land that has been converted thus is <i>khas</i> land which the government had committed itself to distributing to landless peasants.</p> </li> </ul>
Cambodia	<ul style="list-style-type: none"> <li> <b>Rising demand for land as an economic asset.</b> <p>Economic growth has spurred the privatization of public lands, mega-development projects, and the establishment of special economic zones (SEZs), in turn resulting in land grabbing in areas attractive for tourism, allocation of land to the military, land speculation and unregulated granting of land concessions. Demand for land has been thus increasing, and land values are skyrocketing.</p> </li> <li> <b>Poor land governance.</b> <p>The Cadastral Commission set up in 2002 as a dispute resolution mechanism is plagued with bureaucracy and corruption, and has only been able to address small conflicts. Land registration has proceeded too slowly, and has tended to concentrate on non-disputed areas. Also, parallel and overlapping operations in the Cadastral Commission, the court, and the National Authority of Land Dispute Resolution (NALDR) have resulted in many legal ambiguities.</p> </li> <li> <b>Insufficient implementation of the Land Law of 2001.</b> <p>According to NGOs in Cambodia, only 10-20% of the Land Law has actually been enforced. In several cases, government itself has violated Land Law decrees, particularly regarding protection against eviction, fair compensation for eviction, and ceilings for economic concessions. Also, a sub-decree of the Land Law yet to be adopted by the government is that which recognizes and provides for the registration of land rights of indigenous peoples.</p> </li> </ul>
India	<ul style="list-style-type: none"> <li> <b>Forest Act and Wildlife Protection Act.</b> <p>These Acts emphasize conservation of forestlands and the establishment of "human free" wilderness sanctuaries and national parks. However, no survey was conducted prior to delineating these as protected areas; current occupants (numbering about four million) and their land rights were not considered. Thousands of communities have been displaced.</p> </li> <li> <b>Special Economic Zones (SEZs).</b> <p>Land expropriation for establishing these SEZs is covered by the "public purpose" clause of the 1854 Land Acquisition Act. Seen as the necessity of the moment, SEZs are being actively promoted by the Indian Government. However, much of the land set aside for SEZs is either tribal or prime agricultural land.</p> </li> <li> <b>Corporate/contract farming.</b> <p>Several Indian states are promoting contract/corporate farming, as emphasized by the National Agriculture Policy (NAP). However, corporate farming threatens the food security of India's farmers, most of</p> </li> </ul>

Table 3. *con't.*

	Highlighted Issues
India	<p>whom are landless or own very small landholdings, because it pushes farmers and peasants from the land. The increasing cultivation of biofuels on scarce agricultural land is another threat to food security.</p>
Indonesia	<ul style="list-style-type: none"> <li>• <b>Expansion of plantations.</b>            Since Indonesian independence, the control of plantation areas has passed back and forth from the Dutch colonizers to peasants. In 2003, President Wahid declared that some plantation companies were guilty of grabbing land from peasants and demanded the return of lands to their former owners as well as restructuring of companies. Unfortunately, his reforms never materialized due to formidable opposition from plantation owners. The "partnership model" promoted by the government is contract farming, intended to defuse tension between plantation companies and peasants. However, the model has benefitted only plantation owners and foreign investors; the conditions of the poor have barely improved.</li> <li>• <b>Indiscriminate awarding of forest and timber concessions.</b>            The rapid rate of deforestation in Indonesia is largely attributed to exploitative practices of forest and timber concessionaires. By virtue of the Basic Forestry Law (Law No. 5) of 1967 and Government Regulation No. 21 of 1970, large-scale investments in the forestry sector have been facilitated and all commercial forestry has become the preserve of private investors holding forest concessions. Communities living in or around forest areas are prohibited from logging within concession areas, and can do so only if they have a permit from the concessionaire. Conflicts have erupted between communities and forest concession holders.</li> <li>• <b>Mining on indigenous people's lands.</b>            Article 33 of the 1945 Indonesian Constitution grants the State exclusive rights to the country's mineral resources. Law No. 11 of 19687 or the Law on Mining provides that all mineral deposits are State-controlled assets. These two laws have given the State blanket authority to conduct its own mining operations or grant mining concessions. Such mining operations encroach on IP lands and have had injurious effects on IP communities.</li> </ul>
Nepal	<ul style="list-style-type: none"> <li>• <b>Centralized land governance.</b>            Decisions related to land management are made at Ministry level. In effect, people in remote areas either have to bring their case all the way to Kathmandu, or wait for the Ministry's decision to be handed down to district offices. However, local government agencies usually do not have authority to settle issues and are frequently biased against the poor. Land administration is procedurally complex and poor people cannot deal with the formalities it requires.</li> <li>• <b>Abolition of collective rights.</b>            Indigenous and ethnic groups are rapidly being displaced from their land, as a result of state-supported lucrative activities such as oil exploitation, mining, construction of dams, logging, cash crop cultivation, cattle ranches, and development of tourism infrastructure.</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>• <b>Expiration of CARP funding.</b>            Funding for CARP expired in June 2008. Land acquisition and distribution remain unfinished. By next year 1.1 million hectares of private agricultural lands still need to be covered. Support service delivery has been insufficient, due to limited funding. Quality support services have only reached a quarter of the two million agrarian reform (AR) beneficiaries.</li> </ul>

Table 3. *con't.*

Highlighted Issues	
<p>Philippines</p>	<ul style="list-style-type: none"> <li data-bbox="396 338 831 369">• <b>Snail-paced ancestral domain titling.</b> Ten years after the passage of the IPRA, only 20% of the targeted area has been awarded to IP communities and limited support has given thereafter. The IPRA lacks support from government. Meanwhile, the NCIP has been inefficient in fighting for the rights of the IPs.</li> <li data-bbox="396 491 691 522">• <b>Overlapping land claims.</b> IP claims over their ancestral lands are being contested by the agrarian reform claims of lowland farmers (with the support of DAR). In a growing number of areas, this has resulted in conflicts between indigenous communities and farmers. LGUs represent another group of competitors to IP community land claims.</li> <li data-bbox="396 682 651 714">• <b>Extractive industries.</b> The current administration has anchored the country's economic development on extraction - timber production from forests and mining exploration. This is a sharp departure from the social reform and asset reform agenda of previous administrations and has increased pressure on the remaining natural resources of the country.</li> <li data-bbox="396 873 802 905">• <b>Market-oriented tenurial schemes.</b> Various arrangements designed to circumvent actual land transfer to farmers are being promoted, like the "leaseback" arrangement whereby AR beneficiaries (ARBs) turn over control of the awarded land (via a lease contract) to agribusiness corporations or former landowners, as a precondition for the release of their Certificate of Land Ownership Award. Another dubious arrangement is the "corporative" scheme wherein ARBs are given shares of stock in the agricultural corporation of the landowner in lieu of actual land transfer. Conversion of agricultural land to commercial, residential and industrial uses is also prevalent, further reducing the scope of land reform.</li> </ul>

## Actors Facilitating or Impeding Access to Land and Tenurial Security

### Government

In the six countries covered by the study, government support for agrarian and resource reform has waxed and waned according to political expediency. However, the one thing that has remained true in the various country contexts and under changing circumstances, is that governments have consistently failed the test of will to undertake the task of agrarian reform. Cambodia's Prime Minister Hun Sen Prime Minister has owned up to his government's failure to put an end to landgrabbing, land speculation, and illegal logging and fishing, and acknowledged that these problems could spark a revolt against his government. The Indian government has long been riven by agrarian unrest—instigated by the Naxalites in earlier years, and highlighted recently, though

less violently, by the Janadesh Campaign—and survives each time by promising reform, which it conveniently sets aside once the protesters have gone home. Though it passed comprehensive reform laws on land access, the landlord-dominated Philippine government has always been half-hearted in implementing these reforms to the detriment of the landless and poor majority. Indonesia's present government—which is determined to make the country a model for infrastructure development—is unapologetic about its indifference to agrarian reform, and will no doubt confirm an Indonesian economist's declaration that "in Indonesia's history, no government has succeeded in undertaking land reform." The Indonesian government abandoned the agrarian reform effort when Sukarno took over its reins, and its leaders (with the exception of Wahid) have not since taken it up again. Nepal, which has only recently shed its monarchic shackles, is still getting used to the idea of reforming its infamous tenancy arrangements.



## Civil Society and NGOs

Civil society organizations (CSOs) and NGOs that are engaged in the advocacy for agrarian reform have employed various strategies and adapted these through the years in response to the needs of their clients, their readiness to make demands on government, and the prevailing policy and legal environment. The Community Self-Reliance Centre (CSRC) in Nepal is focused on building awareness of the link between landlessness and poverty. In Bangladesh, the Association for Land Reform and Development (ALRD), along with Nijera Kori and Samata, is seeking to maximize the opportunities offered by the government's program to redistribute *khas* agricultural land by informing the landless poor of their entitlements, and assisting them in the process of acquiring such rights. Local CSOs in Cambodia have a well-developed advocacy agenda, yet they continue to look to international NGOs working in the country, including donor organizations, to put pressure on the government to address land issues. Indian and Philippine NGOs have followed parallel tracks in advancing the agrarian reform agenda, including networking at multiple levels, mobilizing farmers to launch nationwide campaigns, participation in policy-making bodies, and lobbying for the enactment of enabling laws.

## Donors, Funding Agencies, and Other Intergovernmental Development Organizations

Donor and funding agencies have generally steered governments on the path to market-assisted land reform. They accomplish this by supporting government programs that would facilitate the development of land markets, such as funding programs that would improve land registration procedures/processes. Donors and intergovernmental development agencies have made a point of not supporting the redistributive aspects of agrarian reform, and have shied away from intervening in the political affairs of host countries, including the latter's failure to institute or implement reform efforts.

## The Private Sector

"Private sector" is usually equated with commercial or business interests. In this framework, the private sector in many of the countries studied has been an integral part of national development programs that undermine reform efforts, such as the awarding of land concessions to companies engaged in logging, mining, and plantations; the establishment of SEZs on otherwise productive agricultural land; and state expropriation of other lands and resources, which results in the dislocation of the poor from their source of livelihood.

**Table 4. Actors in Access to Land in Six Asian Countries**

<p><b>Bangladesh</b></p>	<ul style="list-style-type: none"> <li>• <b>Government.</b> <p>The Ministry of Land is responsible for land management and administration, collection of Land Development Taxes (LDTs), land records maintenance, policy formulation on land management, land use planning, and land reform implementation. Under it are several offices dealing with land access concerns: the Land Reform Board, the Land Appeal Board, and the Directorate of Land Records and Surveys. In addition, the Office of the Inspector General of Registration under the Ministry of Law, Justice and Parliamentary Affairs, registers ownership arising from the sale and other forms of land transfer, reports changes to the Ministry of Land, and collects the Immovable Property Transfer Tax.</p> </li> <li>• <b>NGOs.</b> <p>Around 200 NGOs are working to promote the land rights of landless people in the country. The Association for Land Reform and Development (ALRD) has 260 local and national NGO partners which mobilize policy makers, public representatives, politicians and media, to initiate positive pro-poor policy formulation and effective implementation initiatives. Nijera Kori works on issues related to land tenure, agricultural wages, <i>khas</i> land distribution, lobbying with government, grassroots mobilization, capacity-building and awareness building. Samata works to assist landless people in gaining access to <i>khas</i> land and water bodies. Its Land and Agrarian Network for Development (LAND) engages in social mobilization around land rights and related local administrative reform.</p> </li> </ul>
--------------------------	--

Table 4. *con't.*

Cambodia	<ul style="list-style-type: none"> <li>• <b>Government.</b> <p>The Ministry of Land Management, Urban Planning and Construction is responsible for land management, including the development of the policy and regulatory framework, and coordination of land use planning and land registration and administration. The Ministry of Agriculture, Forestry and Fisheries is tasked to organize and operate development policies in the agriculture sector. The Ministry of Rural Development integrates all rural development work at household, village and commune levels, with a focus on poverty alleviation. Although the government has progressed significantly toward developing legal frameworks required for land reform, the majority of rural farmers have yet to benefit from the country's economic growth. The Government has acknowledged that building tenurial security is the first step toward improving the poor's conditions.</p> </li> <li>• <b>Civil society organizations.</b> <p>National NGOs include Adhoc, Licadho, and Legal Aid of Cambodia; network organizations are the NGO Forum on Cambodia, STAR Kampuchea, and the Cambodian Human Rights Action Committee. The Pagoda (a group of monks) is also involved in political affairs. These groups are concerned with: forced resettlement to make way for commercial interests; the allocation of economic land concessions without regard for regulatory standards intended to protect local communities and indigenous peoples; the insecurity of land tenure of rural dwellers, their loss of access to natural resources and their lack of alternative income sources.</p> </li> <li>• <b>International donors.</b> <p>The international donor community issued guidelines for the government to comply with, in order to receive funding support, but these have yet to be implemented. Donors have resisted calls by national CSOs to use their influence to keep government in check. They work in technical working groups (TWGs) with relevant government ministries, but in general pay little attention to local CSOs.</p> </li> <li>• <b>Private sector.</b> <p>Groups from the private sector are concerned with resolving land disputes only to protect their own investments. Public and private sector interests are frequently at odds with each other. Private sector groups are also disinclined to negotiate directly with affected communities and leave the task of conflict resolution to public authorities.</p> </li> </ul>
India	<ul style="list-style-type: none"> <li>• <b>Government.</b> <p>Land reform is under the jurisdiction of the states, but the Central Government has directed state governments to enact agricultural land ceiling laws and redistribute excess land among landless and marginal farmers. The Ministry of Rural Development, as the nodal agency in the Central Government, has since been active in promoting land reform in various ways. The Central Government has also amended the Constitution thirteen times to remove legal obstacles to land reforms and formulated Five-Year Plans (through the National Planning Commission) that have consistently emphasized land reforms and incorporated policy guidelines in this regard. The current Eleventh Five-Year Plan (2007–2012) has also incorporated the component of land reforms in all its dimensions.</p> </li> <li>• <b>Political parties.</b> <p>The Indian National Congress (informally referred to as the Congress Party) and the Bharatiya Janata Party (BJP) are the two main parties in Indian politics. The BJP in its 2004 electoral manifesto worked out specific steps to implement land reforms and decried that fertile land was being lost to development; but it remains a conservative party with a conservative position on land. On the other hand, the</p> </li> </ul>

Table 4. *con't.*

India	<p>Congress Party has formulated laws on land reform and has directed state governments to enact laws that would enhance land access for the landless, including tribals. Its Economic Agenda stipulates that land reforms must receive high priority alongside the consolidation of fragmented landholdings.</p> <ul style="list-style-type: none"> <li>• <b>Donor agencies and international donors.</b> Donor agencies have played an important part in supporting India's land reform movement. These include the Ford Foundation, ActionAid and Christian Aid. International financial institutions (IFIs) and other donor agencies under the neo-liberal framework have pushed for market-assisted land reform models.</li> <li>• <b>Private sector.</b> The private sector is increasingly involved in corporate farming, prompting a land buying spree. It has already acquired vast tracts of land and has entered into agreements with farmers with major investments to tap the potential of Indian agriculture.</li> <li>• <b>Civil society.</b> NGO networks in India operate at the national and regional level: the Association of Voluntary Agencies for Rural Development (AVARD) and the Voluntary Action Network of India (VANI) work nationwide. People's Organizations (POs) working on land issues generally have a non-formal structure. A few of the many POs working on land issues and supporting the land rights movements in India include Wada No Todo Abhiyan, Ekta Parishad the Campaign for Survival and Dignity, and the National Campaign for Land and Livelihood (NCLL).</li> </ul>
Indonesia	<ul style="list-style-type: none"> <li>• <b>Government.</b> President Susilo Bambang Yudhoyono's paramount concern is infrastructure development. The sectors identified as key to Indonesia's future development were power, water and sanitation, oil and gas facilities, information technology, transport, and logistics. Pres. Yudhoyono passed Presidential Regulation No. 36 of 2005 to relax regulations concerning land leases and concessions. The government's agrarian and agricultural policies are also enshrined in the Revitalization of Agriculture, Fisheries and Forestry (RPPK).</li> <li>• <b>CSOs and NGOs.</b> NGOs and CSOs attribute the current agrarian crisis to three factors: the concentration of ownership of land and other natural resources among a small group of owners; inefficiency of production as a result of feudalistic practices; and state violence and the government's anti-democratic and anti-peasant policies.</li> <li>• <b>Multilateral development agencies and IFIs.</b> These groups are increasingly involved in integrating free trade and the allocation of agrarian resources in the country, as exemplified by the Land Administration Project (LAP), which seeks to establish land markets. Big infrastructure projects funded by the World Bank and the ADB have also resulted in violations of people's rights.</li> </ul>
Nepal	<ul style="list-style-type: none"> <li>• <b>Rights-holders/Tenants and landless groups.</b> Successive farmers' movements have been undertaken by peasants and tenants since the 1950s. They have been triggered by mainly landlords' abuses, widespread famine, and the demand for land rights.</li> <li>• <b>Civil society organizations.</b> The Community Self-Reliance Centre (CSRC) is one of the NGOs at the forefront of advocacy for the land rights of the poor. The National Land Rights Concern Group (NLRCG) was also established as a broader civil society alliance, which includes media groups, human rights advocates and social activists. The National Land Rights Forum (NLRF) is a membership based national people's organization of land deprived people including marginalized groups.</li> </ul>

Table 4. *con't.*

<p>Nepal</p>	<ul style="list-style-type: none"> <li>• <b>Government.</b> <p>Two main government agencies are instrumental in directing and guiding land access and tenure issues in Nepal. First, the National Planning Commission (NPC) has overall responsibility for setting up development policy and strategies. The Land Reform and Management Ministry implements the agreed policies on the ground.</p> </li> <li>• <b>Political Parties.</b> <p>All eight major political parties have the following common points in their electoral manifestos: that land reform is a priority concern; that land reform is a vital aspect of overall agricultural development, and not only in regard to the management of land ownership; and that dual ownership of land should be abolished.</p> </li> <li>• <b>International Institutions/Agencies.</b> <p>These are key actors in setting up the policy framework for development in Nepal. A number of agencies have shown interest in a certain type of land reform and have been trying to steer government in that direction, but Nepali land rights advocates are debating the pros and cons of such approaches. There are only a few international agencies supporting the land rights movement undertaken by the tillers, peasants and CSOs.</p> </li> </ul>
<p>Philippines</p>	<ul style="list-style-type: none"> <li>• <b>Government.</b> <p>The Department of Agrarian Reform (DAR) has the responsibility to implement the agrarian reform program with regulatory powers in the ownership of agricultural lands and the conversion of agricultural lands to non-agricultural uses. The National Commission on Indigenous Peoples (NCIP) implements the IPRA. NCIP, which has the mandate to process and approve IP claims over their ancestral domains, coordinates with the Department of Environment and Natural Resources (DENR) in surveying the subject lands. Local government units (LGUs) implement the Urban Development Housing Act (UDHA), regulate the use of their municipal waters, prepare their Comprehensive Land Use Plan, and impose land taxes.</p> </li> <li>• <b>Donor agencies and international institutions.</b> <p>Japan, ADB and the World Bank are the Philippines' major donors, which have provided significant funding to land access programs. Overseas development assistance (ODA) for CARP has been limited to support services delivery; donors have shied away from land acquisition. Oxfam GB and Hong Kong have supported advocacy work on land access to fisheries.</p> </li> <li>• <b>Private sector.</b> <p>In general, private commercial interests have served as major obstacle in the struggle of basic sectors to gain access to land or tenurial security. Private investments in the form of mining, timber production, pasture lease agreements, plantations and orchards, and other large-scale commercial enterprises are being implemented, affecting forest dwellers and indigenous communities. As an effect of tourism and countryside industrialization, fisherfolk are also being stripped of tenure rights over the lands they have lived in for many years. Although not primarily driven by commercial interests, landlord resistance is one of the greatest bottlenecks to agrarian reform implementation.</p> </li> <li>• <b>Civil society.</b> <p>Civil society and social movements are actively involved in basic sectors' struggle for land and tenurial security. Agrarian reform has received strong civil society and even Catholic Church support. Civil society is split regarding what is to be done since CARL funding expired in June 2008: a group who wants to junk CARL and enact a new genuine AR law; and others who want CARL with reforms. Furthermore, civil society groups provide support for indigenous people's Certificate of Ancestral Domain Claims (CADCs), as well as legal assistance and awareness raising on resource rights as support for the fisherfolk sector.</p> </li> </ul>

## Recommendations

Advancing the agenda of access to land for the poor in Asia is fraught with formidable challenges; it requires a set of specific and concrete measures at the national level. The Land Watch Asia campaign made the following recommendations for the six countries covered by the study, which encompass policy formulation, implementation and monitoring; an enabling legal environment for land reforms; strategic networking; and improved knowledge management.

Policy recommendations include a National Land Use Policy to maximize and rationalize land use, the creation of legal frameworks and support systems such as high-level land authorities, and provision of legal aid for the poor. Formulation and implementation of policies in support of land reforms, as well as the

corresponding monitoring and accountability mechanisms, stand out as topmost priorities. There is emphasis on increased civil society participation in governance to push forward such reforms.

A recurring theme was recognizing the value of coming together was a recurring theme. At the national level, this means coalition building to support land reform and the land rights struggle, as well as organizing strong social movements among peasants, indigenous peoples, fisherfolk, forest dwellers, minority castes, and other landless groups. In relation to this, partnerships with government and other stakeholders should be established, through various mechanisms like technical working groups and platforms for inter-sectoral dialogue. Finally, the Land Watch Asia Campaign provides the venue for strategic networking and serves to elevate national land issues to the regional level.

**Table 5. Proposed Actions to Address Access to Land Issues in Six Asian Countries**

	Actions Needed
Bangladesh	<ul style="list-style-type: none"> <li>• <b>Institutionalize Policy Reforms for land rights of rural poor sectors</b> <ul style="list-style-type: none"> <li>&gt; Comprehensively implement the Peace Accord, with special attention to critical yet neglected provisions, such as the activation of the Land Commission;</li> <li>&gt; Formulate a National Land Use Policy to maximize and rationalize the equitable use of natural resources;</li> <li>&gt; Institutionalize a legal support system to ensure the speedy resolution of problems on landownership rights of the poor; and strengthen existing legal aid support from NGOs and other institutions;</li> <li>&gt; Enforce the Vested Property Repeal Act of 2002 to protect the land rights of religious minorities and to release vested property under the government's custody to the real owners or their legal heirs who are permanent residents of Bangladesh, pending the final settlement of individual cases;</li> <li>&gt; Amend the law on inheritance to make provisions for women's equal right to own land;</li> <li>&gt; Enact separate laws to promote and protect the customary land rights of indigenous peoples;</li> <li>&gt; Improve the land rights and living conditions of tea plantation workers.</li> </ul> </li> <li>• <b>Enhance capacity of CSOs to advance land rights</b> <ul style="list-style-type: none"> <li>&gt; Encourage greater/more effective representation of peasants and landless groups in the national Khas Land Management Committee;</li> <li>&gt; Create a social land watch platform to campaign against land related corruption and the non-implementation of pro-poor and pro-women laws and policies regarding land rights and agrarian reform;</li> <li>&gt; Scale-up research and customization of knowledge on access to land interventions, cases and strategies.</li> </ul> </li> </ul>
Cambodia	<ul style="list-style-type: none"> <li>• <b>Form equal and effective land reform partnerships.</b> <p>NGOs acknowledge the importance of land partnerships with government and other stakeholders to improve people's access to land. The Land Action Network for Development, though cited as a successful example of partnership among Cambodian NGOs, should have more regular meetings so as to gain support from international NGOs and government representatives. The TWG on Land should include the private sector, given its increasingly influential role in land concerns. Civil society participation should be increased as well. There are calls for the formation of regional or local partnerships that prioritize</p> </li> </ul>

Table 5. *con't.*

	Actions Needed
Cambodia	<p>project implementation and specific cases. Government should be more open and willing to work with NGOs. Partnerships should also have clear goals.</p> <ul style="list-style-type: none"> <li>• <b>Launch a national campaign on Land Law implementation.</b> NGO networks need to be strengthened to analyze and strategize for critical land issues, including land titling and land management, applications on land concessions, encroachment on forest communities, land conflicts, etc.. International and donor organizations and relevant public institutions that could encourage implementation of existing land laws and conflict resolution need to be engaged to enhance the voice of civil society.</li> <li>• <b>Build/strengthen alliances on land reform.</b> Strong networks and linkages among NGOs need to be established. NGOs need to cooperate rather than compete, understand the benefits of networking, and recognize which among them is best able to represent their sector in dealing with the government.</li> </ul>
India	<ul style="list-style-type: none"> <li>• <b>Pursue reforms in land laws and implementation across India</b> <ul style="list-style-type: none"> <li>&gt; Create a "People's Land Policy" that overhauls land laws and the administrative system to accord equal rights to women, castes and indigenous groups and uphold sustainable use and management of common natural resources like land and water;</li> <li>&gt; Draw up a long-term national land use policy which involves all stakeholders and considers national food and water security, food and livelihood needs of the poor, protection and expansion of the country's forest cover.</li> <li>&gt; Formulate policies on land ceilings, prevention of absentee landlordism, confiscation of fallow land, joint issuance of entitlements, land registration and tenancy (i.e., to establish fair terms between land-owners and tenants), and prevention of agricultural land conversion;</li> <li>&gt; Restore all alienated tribal land and regularize all agricultural land held by tribals in forest areas;</li> <li>&gt; Provide support services (i.e., infrastructure, credit, inputs, marketing and agro-processing facilities, etc.)</li> </ul> </li> <li>• <b>Create Participatory Spaces for Land Advocacy</b> <ul style="list-style-type: none"> <li>&gt; Maximize policy level spaces such as the Committee on State of Agrarian Relations and the Unfinished Task of Land Reforms;</li> <li>&gt; Set up Land Tribunals in all States to facilitate land-related cases;</li> <li>&gt; Enhance CSO awareness of events happening at the national and international levels that could provide impetus for the resurgence of the land agenda;</li> <li>&gt; Pursue non-violent, multi-level and multi-pronged mass actions and increase public awareness activities through mass media and electronic media;</li> <li>&gt; Develop a systematic information system on land with relevant details of all holdings</li> </ul> </li> </ul>
Indonesia	<ul style="list-style-type: none"> <li>• <b>Revoke anti-peasant land laws.</b> The resolution of land and agrarian conflicts depends on the enactment of TAP MPR No. IX/2001, which gives government the mandate to implement land reform. However, the government has passed several laws that contravene the intent of TAP MPR No. IX/2001, such as the Law on plantations and on Capital Investments, which have worsened the conditions of the Indonesian peasantry.</li> <li>• <b>Develop a strong and democratic peasant-based organization.</b> Advocacy to promote the agrarian reform agenda must be undertaken, especially among the peasantry. Peasant protests and struggles have significantly influenced the dynamics of Indonesian social movements.</li> </ul>

Table 5. *con't.*

	Actions Needed
Indonesia	<ul style="list-style-type: none"> <li>• <b>Build a coalition to support the land rights struggle.</b> Progressive NGOs and committed international organizations can play important roles as catalysts in helping grassroots peasant and landless movements organize and press their demands for land. They can advance land reforms advocacy at all levels.</li> <li>• <b>Maximize opportunities created by RPPK policy.</b> The RPPK, which promises to address challenges affecting farmers, farm workers, fishers, forest dwellers and other poor communities, can move forward more fundamental reforms in the agrarian sector, but it needs various government departments to work in tandem.</li> </ul>
Nepal	<ul style="list-style-type: none"> <li>• <b>Formulate and implement inclusive policies.</b> Current land related acts and policies need to be repealed and new ones formulated on behalf of landless and poor tenant farmers. Most importantly, the Constitution should guarantee the implementation of land reform.</li> <li>• <b>Restructure land administration.</b> There is an urgent need to simplify and decentralize land administration. The authority over land reform should be delegated to District Development Committees (DDCs) and Village Development Committees (VDCs), with the District Land Reform Office (DLRO) serving as secretariat to these units. A separate land court at the DDC and VDC levels should be established to expedite settlement of land issues concerning poor people.</li> <li>• <b>Establish a high-level land authority.</b> This is needed to look into the claims of the state, land-related problems of people, and ways to address the problems. Such an authority should have representatives from the poor and marginalized groups.</li> <li>• <b>Educate and organize the poor and landless.</b> These groups need to be made aware of their situation and mobilized in peaceful resistance against their deprivation and oppression. Organization makes the fight constructive and logical.</li> <li>• <b>Allocate a budget for comprehensive land reform and the agriculture sector.</b> Efforts to enhance agricultural productivity should follow a progressive land reform program. Hardly 10% of revenues from land taxes is invested in land management issues. The additional budget allocation for agriculture would be meaningful, however, only after the issue of inequitable land ownership has been properly addressed.</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>• <b>Create a platform for inter-sectoral dialogue and a campaign to address critical issues on access to land</b> <ul style="list-style-type: none"> <li>&gt; Pass of a National Land Use Act (NLUA) to regulate the interests of different stakeholders on land and other resources;</li> <li>&gt; Mediate land conflicts arising from overlapping claims (e.g. between farmers and indigenous peoples);</li> <li>&gt; Create monitoring and accountability mechanisms to produce alternative reports, and conduct budget monitoring of government agencies implementing land and water tenure programs (i.e., DAR, NCIP, DENR, and BFAR—DA).</li> </ul> </li> <li>• <b>On Agrarian Reform</b> <ul style="list-style-type: none"> <li>&gt; Pass the law that would extend CARP funding with substantial reforms</li> <li>&gt; Organize and strengthen CSO advocates for legislative lobbying and pressuring CIAs for more effective CARP implementation</li> </ul> </li> </ul>

Table 5. *con't.*

	Actions Needed
Philippines	<ul style="list-style-type: none"> <li>• <b>On Forestry</b> <ul style="list-style-type: none"> <li>&gt; Clarify the dual role of DENR (i.e., to protect and conserve the environment vs. to promote use of natural resources);</li> <li>&gt; Promote collaborative management to enable LGUs and other sectors to participate in forest management;</li> <li>&gt; Conduct definitive mapping of Philippine forest cover to determine extent and location of forest areas, and document overlapping land claims;</li> <li>&gt; Adopt an environment and natural resources accounting system in preparing national income accounts.</li> </ul> </li> <li>• <b>On Indigenous Peoples</b> <ul style="list-style-type: none"> <li>&gt; Call for the strict implementation of Indigenous Peoples Rights Act (IPRA) and hold accountable the NCIP;</li> <li>&gt; Assure funding for implementation of Ancestral Domain Management Plans;</li> <li>&gt; Ensure that revised procedures for determining the Free Prior Informed Consent (FPIC) conforms to traditional decision-making processes of tribes (especially on mining and extractive activities);</li> <li>&gt; Resolve competing claims to land of IPs and other basic sectors need to be resolved.</li> </ul> </li> <li>• <b>On Fisherfolk</b> <ul style="list-style-type: none"> <li>&gt; Hasten the implementation of the Fisheries Code, which will allocate funds from the General Appropriations Act; completely delineate municipal waters using DENR DAO 17, and issue IRR for Section 108 establishing fisherfolk settlements);</li> <li>&gt; Lobby for a law to provide for land ownership by municipal fishers;</li> <li>&gt; Revise guidelines on Foreshore Lease Agreements (FLAs) to make small fishers priority applicants for FLAs and make FLAs more accessible to fisherfolk</li> </ul> </li> </ul>

## Conclusion

The next phase of the Land Watch Asia Campaign aims to intensify policy dialogues with national governments and regional institutions by strengthening and building consensus among its constituency. Specifically, the campaign objectives are:

- At the regional level, to increase platforms, dialogues and common action on land-related issues among CSOs, governments and intergovernmental organizations (IGOs) that are linked at national and regional levels
- At country level, to develop "improved mechanisms and conducive policy environment for policy dialogue and partnerships among CSOs, governments and IGOs/donors on land issues.

In this context, the Land Watch Asia (LWA) campaign from July 2008 to July 2011 commits itself to advance the land rights of farmers, indigenous peoples, women, forest dwellers, fisherfolk, pastoralists, *dalits*, and other impoverished sectors in the rural areas.

The following Land Watch Asia Campaign Declaration expresses the solidarity among the involved organizations, and outlines the campaign's commitments and target outputs given a three-year timeframe.



## Land Watch Asia Campaign Declaration



### Our Alliance

The Land Watch Asia Campaign comprises 17 Social Movements and Civil Society Organizations (CSOs) from Bangladesh, Cambodia, India, Indonesia, Nepal and the Philippines, which work to increase access to land of poor women and men in the rural areas and to empower these communities to realize their own development.

### Our Urgent Concerns

Asia has 75% of the world's farming households, 80% of whom are resource poor small-scale farmers and producers. Yet, today, the region accounts for 505 million hungry people or two-thirds of the 800 million severely undernourished people in the world.

The majority of Asia's rural poor are landless or lack access to productive land. These landless poor are marginalized farmers and tenants, *adivasis* or indigenous peoples, women, *dalits* and minority castes, pastoralists and herders, fisherfolk, and internally-displaced persons.

For nearly two decades, small farmers and producers in Asia have been heavily affected by the adverse impact of trade liberalization policies that skewed commodity prices, escalated acquisition of productive lands by commercial interests, and privatized common property resources (i.e., forests, minerals, water, etc.).

Growth-led and market-driven policies that neglect smallholder agriculture and land rights of the poor, have been promoted by governments and multilateral organizations, leading to food insecurity, loss of livelihoods, rising social tensions, and degradation of natural resources. In many cases, competition for land has erupted into open conflict between sectors and communities, causing insecurity and socio-political instability.

Many governments still need to deliver on their past land reform programs and targets. Meanwhile, market-assisted land reform (MALR), under the principle of "willing buyer, willing seller" has not been effective in redistributing land in favor of the poor, who cannot afford high land prices. Also, in a number of Asian

countries, "land administration" projects are conducted to ensure a more efficient titling system. While important, such projects run the risk of "legitimizing" historical injustices, including land grabbing and eviction of tenants and occupants.

The global food crisis has renewed attention to the disastrous effects of continued land conversion favoring commercial and industrial interests (e.g., large plantations, golf courses, mining, special economic zones, real estate speculation) as well as the declining investments for agriculture. Rising fuel prices have increased competition for land and diverted raw materials (wheat, soybean, maize, sugarcane, and palm oil) for bio-fuel production, to the disadvantage of poor farmers and consumers.

### Our Common Conviction

Agrarian reform and land tenure security should be an integral part of national development strategies. Sustained food self-sufficiency and development in rural Asia will only be achieved with more equitable land redistribution, together with support services, sustainable resource management and community empowerment.

Food self-sufficiency requires access to land by small food producers. Studies show that smallholder farms have greater yield per hectare than large farms due to greater labor intensity, more efficient use of land and inputs, and greater incentive for enhancing farm productivity and practicing conservation and sustainable management. Other studies also confirm that access to land is linked to better food sufficiency, improved health and the overall well-being of farming households.

Land is more than an economic asset or commodity. Access to land not only brings a source of survival but also increases one's sense of human dignity and security and the opportunity to break out of poverty. More equitable access to land reduces resource conflicts and rural outmigration, and improves overall peace for greater economic and political stability.

### Our Common Action

Given this backdrop, the Land Watch Asia (LWA) campaign from July 2008 to July 2011 commits itself to advance the land rights of farmers, indigenous peoples, women, forest dwellers, fisherfolk, pastoralists, *dalits* and other impoverished sectors in the rural areas by:

- Protecting and promoting the gains of progressive legislation and initiatives on access to land;



- Working for the passage of laws for national land use;
- Upholding smallholder agriculture, promoting community-based resource management, and establishing protected areas for sources of food (agriculture, forests and waters);
- Empowering communities and civil society organizations (CSOs) for common action towards food sovereignty and sustainable livelihoods.

To achieve this goal, LWA shall enhance the capacities of civil society organizations to:

- Engage national governments, intergovernmental (IGOs) and regional organizations and international financial institutions (IFIs) in constructive policy dialogue to uphold the rights of communities to land and food, especially on policies and programs that affect the equitable distribution of land to Asia's rural poor;
- Monitor the status and processes of landlessness, resolve/mediate land conflicts, conduct land use planning and mapping, facilitate post-distribution services;
- Build solidarity and alliances with social movements, community-based organizations, and other sectors towards common action on these issues, and develop a new generation of land rights advocates.

## Outputs

By 2011, the Land Watch Asia Campaign aims to achieve the following at the regional and national levels:

### • Regional

#### A. Policy Dialogue

1. Dialogues with national governments, regional and international institutions (i.e., WB, ADB, ASEAN, SAARC, IFAD, FAO) on but not limited to the following thematic areas:
  - > Current status of small food producers' access to land in each country and in Asia, and how these institutions view programs related to access to land (e.g., land administration and titling types of projects and the impact of various access to land programs and projects on the land-poor, etc.).
  - > Urgent and emerging issues affecting access to land, especially but not limited to: i) current global food crisis and landlessness; ii) sustainable land use; iii) protected areas for food (agriculture, forests and waters); and iv) impact of economic policies on access to land laws and programs for the poor, etc.
  - > Land conflicts and access to justice, which should include a deeper analysis of laws that overlap or are

not yet in place, or which are poorly implemented, and which invariably affect the land poor. Dialogues with national governments and international institutions should also include monitoring peace agreements that are inevitably linked to land access.

2. Enhanced or established mechanisms for continued dialogue on access to land
    - > While some regional and international institutions would already have policies regarding the recognition of CSOs, mechanisms should be pursued that would institutionalize and ensure continued dialogue with CSOs, especially on access to land or other themes affecting land rights.
  3. Monitoring systems (e.g., Shadow Reports) on landlessness, land use and food security
    - > CSOs need to develop their own monitoring systems using field indicators developed over their years of experience working with small food producers. These monitoring systems could then be compared with those used in government and other regional and international institutions' reports pertaining to landlessness, land use and food security.
  4. Participation in global/regional events which can be made a venue for CSO land advocates to lobby for better access to land policies, or where economic and development policies affecting land reforms are tackled (e.g., FAO Regional Conference, MDG-10, ILC Global Assembly, ADB Board of Governors Meeting).
  5. Production of policy briefs from the Land Watch regional paper, country reports, and scoping studies on the access to land policies and perspectives of IGOs and bilateral aid from Australia, China, and Japan.
- #### B. Alliance-Building and People to People Solidarity
1. Building of cross-sectoral partnerships through:
    - > Cross-sectoral exchanges and country-to-country exposure of successful land rights programs and projects for the land-poor.
    - > Solidarity action (e.g., statement of support, information exchange, sharing of view and experiences, community mobilizations) to broaden alliances with other networks involved in access to land issues.
  2. Directory of Land Advocates across the various rural sectors with claims or interests over land from the six Land Watch Asia countries

### C. Capacity Building on Access to Land Field Implementation and Advocacy Approaches

1. Building of in-country social movements and coalitions
2. Strengthening and building moral leadership in movements and being sensitive in addressing cultural issues
3. Enhancing the capacities of NGOs and peasant organizations on the following:
  - > Policy research and analysis on land rights and issues;
  - > Involvement in electoral politics;
  - > Land conflict management and resolution;
  - > Land-use planning;
  - > Land and sustainable agriculture/livelihoods;
  - > Post-production services;
  - > Production of manuals and tool kits, process documentation of best practices on land rights advocacy.
4. Developing successor-generation advocates
5. Sharing of good practices and lessons learned through publications, new media

### D. Public Awareness and Media Advocacy

1. Land Watch Asia exchanges or dialogues on issues and experiences
  - > Setting up an electronic group for discussions;
  - > Maintaining a website/e-newsletter for regular sharing, online petitions, solidarity messages sent to appropriate agencies and diplomatic intermediaries (i.e., embassies, consulates, etc.).
2. Media advocacy campaign to popularize land issues at the regional level
  - > Doing a media plan for print, broadcast and social net media (e.g., e-mail, website, blogs);
  - > Training on writing for Media, how to “package” our issues for media and how to interact with local and international media institutions;
  - > Compile international and national media directories working on the beats concerned with land, agriculture, forestry, fisheries, rural women and indigenous peoples.
3. Publication, Video production and Dissemination of Reports (print and web)

## • National

### A. Policy Dialogue

In general policy dialogues shall deal with the following land-related issues: implementation of land laws, land

use, land conflict resolution and access to justice, food sovereignty and the current food crisis, economic policies that impact on land, ODA affecting access to land of the poor; practical indicators to monitor provision of access to land; and mechanisms for continued dialogue on access to land.

Specifically, policy dialogues with national governments and/or country offices of donor governments shall deal with the following:

- > **Bangladesh:** pursuing implementation of land reform, especially the distribution of *Khas* land; upholding forest conservation over land concessions; reviewing ODA policies and projects on access to land and the Poverty Reduction Strategy Program (PRSP);
- > **Cambodia:** reviewing implementation of the Land Law vis-à-vis programs on land administration; land concessions; promoting multi-stakeholder land conflict resolution efforts; governance issues; ODA policies and projects on access to land and the Poverty Reduction Strategy Program (PRSP);
- > **India:** reviewing the implementation of current programs such as land administration and management, Special Economic Zones and the Eleventh Five Year Plan (2007–2012); pushing for land policies favorable to women, *dalits* and *adivasis*; monitoring the progress of the National Land Reform Commission; creating a land constituency for the 2009 national elections;
- > **Indonesia:** reviewing the implementation of the agrarian law and economic policies in conflict with needed social reforms, such as land concessions; promoting multi-stakeholder land conflict resolution; governance issues; ODA policies and projects on access to land;
- > **Nepal:** inclusion of social reforms and access to land as a basic right of the poor in the New Constitution; formulation of a comprehensive land reform law that accounts for the land rights of different sectors; upholding the joint manifesto of seven political parties on land; reviewing ODA policies and projects on access to land and the Poverty Reduction Strategy Paper (PRSP);
- > **Philippines:** legislative lobbying for extension of CARP funding for Land Acquisition and Distribution

