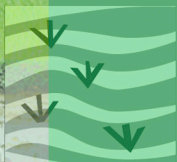


Securing the Right to Land

A CSO Overview
on Access to Land in Asia



ANGOC

Asian NGO Coalition
for Agrarian Reform and Rural Development



INTERNATIONAL
LAND
COALITION

MISEREOR
OUR HELP WORK

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Founded in 1979, ANGOC is a regional association of 20 national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development activities. ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and the diversity of NGOs highlight the need for a development leadership to service the poor of Asia - providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives.



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Foreword

Set against the backdrop of escalating food prices and worsening food insecurity, the issue of land becomes more relevant and urgent. The facts and figures speak of a great irony. More than half a billion people in Asia suffer from hunger and food insecurity, and too often these are the small food producers, who comprise farm laborers, tenants and small farmers. The region is home to 75% of the world's farming households, 80% of which are small-scale farmers and producers. The majority of them are resource-poor, and lack access to productive land.

Farmers' and rural food producers' lives are closely bound up with their lands, which are their source of food and livelihood as well as their best chance of escaping poverty. For indigenous peoples (IPs), securing recognition of their customary rights to ancestral lands is indispensable to their right to self-determination, cultural integrity and identity. Unfortunately, these and other groups that till the land and depend on it for their survival have least access to it.

Across many countries, improving access to land is key to solving many social problems, including rural unemployment, poverty, food insecurity, rural-urban migration, and political instability. Increasingly, the land access issue has been seen as a major reason behind armed conflict, domestic violence, corruption, internal displacement, structural violence, and other social ills.

Thus, improving the poor's access to land would guarantee their survival as well as enhance the quality of their lives. Agrarian reform brings direct relief to rural poverty, but just as importantly, its democratizing effects enable other pro-poor reforms to work more effectively.

Yet agrarian reform has not been given sufficient attention in poverty reduction strategies at global and national levels. Strengthening advocacy for agrarian reform to make certain that it is effectively implemented is essential for making significant strides in combating poverty in the region. It is in this context that Land Watch Asia was initiated.

Land Watch Asia (LWA) is a campaign undertaken by a loose coalition of organizations with a view to supporting and advancing

the advocacy for access to land in Asia, particularly in the six participating countries, namely: Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines. LWA campaign ensures that the issues of access to land, agrarian reform, and equitable and sustainable development in rural areas are addressed in national and regional development agendas. It seeks to serve as a monitoring mechanism to assess the status of agrarian reform in the region.

Furthermore, it aims to provide a comprehensive reference to land access by Asia's poor through a review of existing political and legal frameworks governing land access as well as initiatives and mechanisms for participation by various stakeholders in governance processes. It also strives to contribute to existing campaigns by identifying, through consensus building processes the context, challenges and opportunities of access to land and agrarian reform campaigns at regional and national levels.

To initiate the campaign, country strategy papers were prepared by LWA with the view of: i) assessing the policy and legal environment on access to land and tenurial security; ii) reviewing past contributions and existing efforts of different sectors (government, private sector, donors, social movements and civil society) in addressing land issues; and iii) identifying opportunities and strategies in effectively addressing existing issues and gaps and in advancing access to land and tenurial security.

Hence, this publication contains the regional summary and the abridged versions of the six (6) country papers. The following organizations spearheaded the drafting of the country papers: ALRD and SEHD (Bangladesh), STAR Kampuchea and NGO Forum on Cambodia (Cambodia); AVARD, Ekta Parishad and SARRA (India); KPA, Bina Desa, and AGRA (Indonesia); CSRC, FECOFUN and NFN (Nepal); and ANGOC, PhilDHRRRA, AR Now!, PAFID, SALIGAN (Philippines). Other groups involved in the various processes at the national and regional levels are listed in the Acknowledgments Page.

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We would highly appreciate your feedback and comments on this publication. Please write to us at angoc@angoc.ngo.ph.

This publication, fittingly issued on ANGOC's 30th founding year, is the network's contribution to development efforts in line with the Millennium Development Goals (MDGs) and serves as among our efforts in realizing the goals of the International Conference on Agrarian Reform and Rural Development (ICARRD).

Finally, the ANGOC Network and Land Watch Asia will continue to make the issue of land access a priority agenda of governments and to rekindle the commitment of development organizations to pursue the unfinished work of giving the poor their just entitlements.

FRANCIS B. LUCAS
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NATHANIEL DON E. MARQUEZ
ANGOC EXECUTIVE DIRECTOR





Message



Land is the main source of rural livelihood and employment throughout Asia, where a large percentage of the population is involved in agriculture and many livelihoods are dependent on subsistence farming or access to forest and aquatic resources. Initiatives to improve land access by poor households and communities have been developed in many Asian countries, but corruption, changing political leadership and priorities, and a lack of political will have historically challenged their implementation.

Forums for dialogue on land policy that directly involve rural peoples' associations and allow for debate across social groups and among national institutions can play a constructive role in advancing progressive land reforms. In order for such debates to play this role, however, there must be accurate information regarding the state of land access and tenure systems, as well as

current trends affecting land rights. There must also be an assurance that the perspectives of rural communities that rely on land and natural resources for their basic needs are given equal consideration to information that comes from government or international sources.

The Land Watch Asia initiative has taken on the critical work of fostering policy discussion on land access, with the twin goals of ensuring that land is on the agenda of national and regional institutions and strengthening the ability of land rights movements to influence these agenda. By taking stock of the legal and institutional frameworks, broader land policy environment and the perspectives of key policy actors—including government bodies, NGOs and people's organizations, and international agencies—this study represents a significant step toward accomplishing these goals.

BRUCE H. MOORE*

DIRECTOR

INTERNATIONAL LAND COALITION (ILC) SECRETARIAT

** Mr. Moore has retired since September 2008. He has been succeeded by Dr. Niasse Madiodio as ILC Director.*

Message



We consider the question of access to resources, and particularly access to land, as one of the key questions of our time. Access to land is an issue of food security: the majority of the hungry live in rural areas; and in Asia it is above all the landless that are affected by hunger. Moreover, access to land is a human rights issue: all signatory states of the Covenant on Economic, Social and Cultural Rights have agreed to guarantee access to food production resources or to the labor market, highlighting the importance of access to land for a life in dignity.

However, for the majority of the poor access to land is not freely available, and the distribution seems to be at the mercy of power interests. The aspects of the land problem vary according to the diverse socio-cultural, political and religious situations in Asian countries.

Nevertheless, the aspect of unequal land distribution needs a closer analysis. The concentration of land tenure may mainly be a result of former (and current) feudal or colonial property and ownership relations. However, globalization processes in the agricultural sector and the expansion of production for the export market have also led to the displacement or expulsion of smaller farmers and to an increased concentration of land tenure. In the light of the current debate on food prices and on agrofuel production, this process is even gaining pace. Instead of halving the world's hungry people by 2015, we observe on a daily basis the negative impacts of the globalized economy on the poor.

High food prices lead to an increase of poverty and hunger in the world and at the same time increase the powerful's interest in agriculture. Speculating on increasing prices of food commodities directly causes hunger. The investment of powerful corporations in agriculture directly reduces the access to land of the poor and is a main challenge for agricultural reforms.

More and more land is earmarked for animal feed and agrofuel production, to feed and fuel the meat and mobility hunger of wealthy people in industrialized countries—and even in India and China. As a consequence, the pressure on small scale farmers increases. The land legislation and political framework in Asian countries do not protect small farmers' access rights to land. The situation of indigenous peoples, whose land rights are rarely recognized, is even worse.

Many poor lose their livelihood base even at this moment when the international community intensely discusses the hunger crises and the need for sustainable development options in agriculture. A timely report of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) emphasizes the need for small scale, sustainable agriculture. Compared to the industrialized agriculture model, small farms can be superior in terms of economical, ecological and social indicators, such as productivity, adaptability and diversity. They not only increase the subsistence level of the farming families, but also serve local markets at reasonable prices and with good quality. A locally adapted agriculture reduces the risks for farming households—an aspect more and more important in the light of climate change and an increased incidence of disasters.

For MISEREOR, therefore, the question of access to land is even more important, since we believe that it is a key factor for a long term solution to the world food crisis. More than ever, civil society has to fight for people's access to land—the implementation of land reforms, the recognition of user rights on common land resources, the security of land rights irrespective of gender, caste, religion, etc.. Through participatory documentation processes and the facilitation of dialogues among government and civil society in different countries, ANGOC and Land Watch Asia continue to support landless people in their struggle for access to land.

ANJA MERTINEIT
 PROGRAMME OFFICER FOR RURAL DEVELOPMENT
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 MISEREOR



Message

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ActionAid International (AAI) considers poor and excluded people's rights to land as one of its principal agenda which is intimately linked with their food security and sovereignty. However, in most countries in Asia (and elsewhere) a few rich people have monopoly over vast areas of land thereby depriving the poor of their fair share. Equitable land distribution through proper land reform has not happened in most countries except a few. Increasingly, rich businesses are buying productive land, either for industry or for commercial agriculture, further marginalizing the poor and excluded people. Several governments in the region are changing their policies in favor of the business sector in a bid to attract more investment into their countries. All these neo-liberal policies and practices are alienating farmers from their land and prompting mass exodus from the rural areas to the cities and abroad in search of work, thereby jeopardizing their fragile lives and livelihood.

In this context, we must commend the campaign spearheaded by Land Watch Asia to embolden people's groups to fight for

their rights and lobby governments to promulgate and implement policies that safeguard poor people's rights to land. The event which brought together rights activists from Asia and several other stakeholders from elsewhere in Bangkok to discuss the findings of their research and campaign work shows violations that poor people face at different levels and their ongoing struggles to claim their rights. The report also draws from the successful experiences from various Asian countries and the need for continued struggle at the national, regional and global arena to ensure that agrarian reforms would guarantee land to poor people. ActionAid would definitely like to continue being a partner of Land Watch Asia and take part in struggles together with members of regional and international networks fighting for land rights.

We would like to appreciate the work undertaken by coalition partners in countries and in the region. We also acknowledge ANGOC for ably coordinating the Land Watch Asia campaign work.

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