

2020 Land Conflict Monitoring Report for Six Asian Countries

Land Conflicts and Human Rights Violations Amidst a Pandemic¹

Land is essential for the enjoyment of other rights – shelter, food, freedom, human dignity, and security. For many people, land is a source of livelihood, and is central to economic rights. Land is also often linked to peoples’ identities, and so is tied to social and cultural rights (UN-OHCHR, 2015).

Conflict over land can have deep and far-reaching implications for the wellbeing, development, and identities of communities (Worsdell and Shrivastava, 2020). Land conflicts are a key indicator of the state of land governance and of land rights.

Types of land conflict

The more common forms of land conflicts include inheritance rows among family members, boundary disputes between neighbors, the allocation of rights over community resources, disputes between individual landowners and tenants, and disagreements between parties over land transactions and contracts. These cases involve single parties; they are often brought to local mediation bodies, or to village or municipal councils, administrative bodies, and civil courts for adjudication within the existing legal framework.

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Although these land cases often go unreported by media, they are significant by their sheer magnitude and numbers. In Bangladesh, land is the source of an estimated 60 percent of litigations in formal courts; in 2015 the number of cases pending with courts stood at 1.8 million (TIB, 2015). In Nepal, approximately one-fourth of all cases filed in court between 2012 to 2016 were land-related, although the numbers have gradually gone down in recent years (CSRC, 2019). In the Philippines, by the end of 2017, there were over 14 thousand agrarian disputes pending for administrative decision from a caseload of 44 thousand disputes, and about a thousand agrarian cases pending before judicial courts from a caseload of 1,500 cases (DAR Legal Affairs Office, 2018).

By contrast, there is another type – i.e., *structural* land conflicts – that involve competing claims to larger areas of land by communities and institutions, of a breadth and depth not easily resolved within existing law. There is often no consensus on the rules to be applied and contending parties may have different understandings of the nature of the conflict. There is tension and the underlying threat of violence. This type of case involves not just individuals, families, and groups, but affect entire neighborhoods and communities in significant numbers, causing physical and psychological harm with extensive impacts on their social, economic, and political life. Forms of structural land conflict may include cases of land grabbing, intrusion into indigenous peoples' lands, eviction of communities in large-scale infrastructure projects, and the takeover by corporations over public land used and managed by communities.

The cases in this study focus on *structural land conflicts*. These cases raise questions about land governance – as they challenge existing laws and contradictory policies, the lack of equity in the distribution of land, and government priorities in the allocation, use and management of land. They raise questions about the systems by which competing interests in land are managed and resolved, and highlight the need to protect the human rights of poor communities that depend on land for subsistence and survival. The cases also point to the need for greater social responsibility of private corporations and government in land-based investments and projects.

It should be noted that even where just laws exist, enforcement is crucial, as there is no tenure security if the legitimate land rights of people are not enforced or protected. Moreover, unclear or non-existent implementation guidelines and contradictory legislation often worsen the situation. Poor regulatory institutions are also responsible for land ownership as well as land use conflicts.

Use of the case approach²

A land conflict case is defined as an instance in which two or more parties contest the use of, access to, or control over land and its associated resources. This includes conflict over water resources, trees, forests, minerals, and natural resources.

² A full write-up of the methodology of the land conflict monitoring reporting is found in the earlier section of this publication under "Framework and Methodology of the 2020 Land Conflict Monitoring Initiative."

This study considers only those cases in which a community or group of households comprise at least one party involved in the conflict.

The cases included in this study are based largely on in-country monitoring of reports from mainstream media (newspapers and online), civil society organizations (CSOs), and local partner-communities.

The monitoring period covered 12 months, from January to December 2020. These involved CSO research teams from five countries: Bangladesh, Cambodia, Indonesia, Nepal, and Philippines. The monitoring report for India was accessed mainly from the database of Land Conflict Watch (LCW), a network of researchers and journalists reporting on land conflicts across the country.

“Land is not just a commodity, but an essential element for the realization of human rights.”

Although a common approach was applied in monitoring, there were some variations in the scope and systems for data gathering and data reporting among countries.³ Having a common approach allows for the aggregation of several types of data sets; however, the different scope and systems used for data gathering limit the latitude for analysis, i.e., comparing the incidence of land conflicts between countries. In addition, the nature of cases varies widely, given the different country contexts.⁴

Four out of the six country reports used the same system for monitoring and data reporting, i.e., Bangladesh, Cambodia, Nepal, and Philippines. Hence, this allowed more datasets to be aggregated among these four countries in this Regional Summary Report. Meanwhile, land conflict data from India and Indonesia are included only for those tables/datasets for which the information was tracked and recorded.

With the predominant use of media sources for monitoring, the country studies focus largely on land cases with *manifest* conflicts, as opposed to *latent* conflicts. Manifest conflicts reveal themselves through “incidents” within the period of study; they are the very reason why the land conflict cases get to be reported in the first place.⁵ These incidents may consist of confrontational events such as land evictions and public protests, or even attempts to resolve the conflict such as the filing of cases and claims, court rulings, and negotiations between parties.

This contrasts with *latent* conflicts, where the parties may be unaware or unwilling to take more determined action on their competing land claims. Latent conflicts may include those cases where communities have no legal recognition on their land, but whose tenures were not overtly threatened or challenged within the given monitoring period. This does not

³ See Table 1 in the introductory article “Framework and Methodology of the 2020 Land Conflict Monitoring Initiative” for a comparative view of the different scope and sources used by country teams in monitoring.

⁴ Refer to the specific country monitoring reports for the different contexts of land conflict. Also, see: Quizon, A. (2019). A Perspective Overview of Land Conflicts in Six Countries. In *Defense of Land Rights: a monitoring report of land conflicts in six Asian countries*. (pp. 10-45). Quezon City: ANGOC.

⁵ Incidents are defined as “an event or string of events that indicate an ongoing conflict.”

mean the absence of land conflict; rather, the conflict is not readily observable. In such cases, there is often an underlying uncertainty or discontentment, and the lack of a sense of tenure security.

This regional report thus provides a partial yet significant picture of the full scope, nature, and impacts of land conflict in six Asian countries. It is crucial to note that many land conflict cases go unnoticed or unreported.

The context of a pandemic in 2020

The in-country monitoring of land conflict cases was implemented amid a virus-driven global disaster. The COVID-19 pandemic and related restrictions between March to December 2020 affected media reporting in many countries and limited the physical access of CSO researchers to local communities and other partner groups.

Pandemic-response lockdowns in the early part of 2020 made farmers and indigenous people more vulnerable. Farmers were unable to tend to their fields, and some indigenous communities were kept from forests because of restrictions on movement, making it easier for illegal loggers and companies to encroach on the land. Yet, government measures to protect vulnerable populations, including from evictions, were ignored in certain places. Compounding this situation, vulnerable groups had less access to mediation and judicial systems for recourse.

With government and public attention focused elsewhere, some private companies reportedly moved ahead with their controversial operations. In Indonesia, two farmers were killed in March in clashes over a long-standing land dispute with a palm oil firm in South Sumatra province. In the Philippines, five farmers were killed in Sorsogon province to the south of Manila in early May 2020 in a territory dispute. The lockdown made it difficult for people even to resist the threats to their land. Moreover, with police and security forces engaged in enforcing lockdowns, cases of illegal logging were reported in Nepal, Myanmar, Cambodia, and Indonesia (Chandran, 2020).

In Eastern Cambodia, an agribusiness company Hoang Anh Gia Lai (HAGL) cleared swathes of land in Rattanakiri Province that belonged to indigenous farming communities. Despite pledges to return the land to local farmers (under a mediated agreement in 2015), the company bulldozed sacred sites, burial grounds, traditional hunting areas, farmlands, wetlands, and old-growth forests, while local residents sheltered at their home due to COVID-19 (Fox, et al., 2020). This case has been a decade-long dispute between the company and 12 ethnic minority communities in Rattanakiri Province.

Governments reportedly pushed through with controversial government projects like dams that threatened indigenous community lands. In the Philippines, communities near

the site of the planned Kaliwa River Dam reported an increased military presence, while the Alyansa Tigil Mina (Alliance to Stop Mining) cautioned against moves to ramp up new mining permits as well as illegal mining during the pandemic.

Landless agricultural workers were left without work due to travel restrictions and border checkpoints. In Bangladesh, the return of unemployed urban workers to their hometowns caused rural wages to fall (BRAC, 2020).

Meanwhile, across several Asian countries, civilians and social activists alike pointed out disturbing instances of increased State militarization and aggressive policing, with crackdowns on dissent, media, and free speech. In the Philippines, a controversial Anti-Terrorism Act of 2020 was hurriedly legislated in July 2020 without public scrutiny while the country was under a pandemic lockdown. Many believe this law was enacted to stifle opposition to the government. In many places, public protests were banned or suppressed under quarantine protocols and physical distancing rules.

Media was hard hit. In the Philippines, the country's largest broadcasting and news group was denied a franchise renewal – heavily affecting public access to independent news. In Bangladesh, Amnesty International reported that at least 38 journalists and more than 400 other people were detained during the first half of 2020 under the Digital Security Act, based on the Bangladesh government's official statistics (Maracani, 2020). The US-based Committee for the Protection of Journalists reported that 2020 was unprecedented in terms of the number of journalists jailed worldwide, particularly by authoritarian governments (Toms, 2020).

Land rights and environmental activists faced heightened risk. As stated by Michel Forst, the former United Nations Special Rapporteur for Human Rights Defenders: “Land and environmental defenders are sitting ducks... If their lives were at risk before, this pandemic has only exacerbated an already difficult situation” (Chandran, 2020).

Four main parameters

The analysis of land conflict in this summary report pivots on four key parameters: a) populations and areas affected by conflict; b) adversarial claimants on the land; c) cases of violence and human rights violations against individuals and communities; and, d) responses to address conflict.

Affected populations refer to households and communities who hold or claim rightful tenure over the contested land or depend on it for their livelihood. In forests and common land, affected people include those who have a stake on the land and the related services that the land provides. They are identified by their sector or by livelihoods that describe their use of the land.

Affected areas refer to the land under contestation, measured in hectares. In forests and common lands, the conflict areas often cover landscapes that include portions of rivers and inland water bodies.

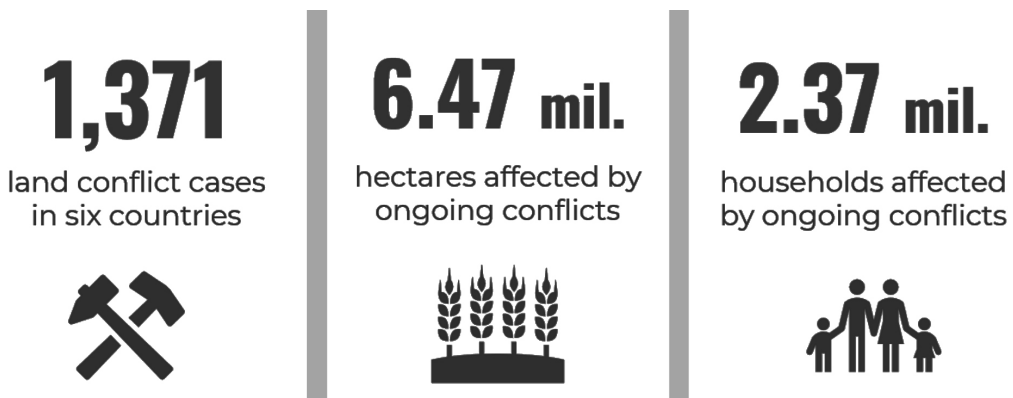
The country reports also identify the *adversarial claimants* of the land. These refer to individuals or groups usually from outside the community, with a contested claim on the land. They may consist of government, State enterprises, business corporations, and other sectors. These claimants usually come from a different social position. Hence, the country studies also refer to them as “aggressors,” “duty-bearers,” and “interested parties.” In a few cases, however, the conflict is between different poor communities with competing land claims.

The immediate and direct impact of land conflicts is reported through violent *incidents* that serve as markers for ongoing conflicts. These may be committed against individuals and communities. The most observable forms of human rights violations (HRVs) are *physical* – such as killings, injuries, arrests, evictions, and demolitions of houses and crops. Other forms of HRVs are equally destructive and have long-term effects, yet these are often unseen and unreported by media. These include threats, accusations, discrimination, and many forms of social and psychological abuse.

Finally, the reports look into *responses* taken by different stakeholders to address the conflict, as reported by the media or by local partner-communities. These responses take on different forms; they may be *informal* (e.g., direct negotiation between parties), *legal* (e.g., filing of administrative and judicial cases), or *extra-legal* (e.g., petitions and public protests).

Land conflict cases may take years before they are fully resolved and there is always a threat of escalating violence if tensions are not immediately addressed. However, it should be noted that all land conflicts, no matter how peaceful or violent they are, produce negative consequences for individual people as well as for the entire society.

Figure 1. Land Conflicts in Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines at a Glance, 2020



KEY FINDINGS

Overview of land conflict cases in six countries

Monitoring studies by CSOs identified and documented 1,371 ongoing cases of land conflict in six Asian countries in 2020. These studies cover Bangladesh (BGD), Cambodia (CAM), India (INDI), Indonesia (INDO), Nepal (NEP) and the Philippines (PHI). The contested lands cover an aggregate area of 6,469,127 hectares, nearly equivalent to the total land area of Sri Lanka.⁶ The conflicts directly affect or threaten the lands and livelihoods of some 2,369,751 households, or an estimated 11.8 million people.⁷

More than 700 cases (57 percent) of the 1,371 documented land cases are from India, based on the website of Land Conflict Watch (LCW), a network of researchers across the country. (*Table 1*)

Table 1. Conflict cases, area affected, households affected in six countries, 2020*

	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL
No. of land conflict cases	34	78	776	241	19	223	1,371
Area affected (hectares)	10,605	316,476	3,852,261	624,273	113	1,665,399	6,469,127
No. of HHs affected	222	47,940	1,677,453	135,337	940	507,884	2,369,776

* Country data covers ongoing land conflicts in 2020, except for India. For India, the data is from the Land Conflict Watch portal, <https://www.landconflictwatch.org/>, accessed on 8 September 2021.

Several tables describe the conflicts are presented in this report. Note that because the disaggregation in the tables is dependent on available information, the numbers in the tables may not add up to the total number of cases, total size of affected hectares, total number of households affected, total incidents or number of victims recorded, and other data sets.

Nearly all the land conflict cases have been going on for several years. Their duration ranges from one to 94 years (Nepal), and one to 74 years (Philippines). Over a fifth of all land conflict cases in the Philippines are 21 years or older. For Bangladesh, all the documented cases started in the past five years. Documented conflicts with available information on duration have been summarized in *Table 2*.

For Cambodia and the Philippines, a significant proportion of ongoing cases (73 percent and 37 percent, respectively) started six to 15 years ago, or between 2005 to 2015, a period that coincides with heightened global land acquisitions that peaked in 2009 (Anseeuw et al., 2012). In Cambodia, most of the ongoing land conflicts stemmed from the government's earlier issuances of large-scale Economic Land Concessions (ELCs) to private corporations. Widespread protests amid rising land conflicts forced government to declare a moratorium on the issuance of new ELCs in 2012.

⁶ approximately 6.5 million hectares

⁷ Computed at five persons per rural household

Table 2. Duration of land conflict cases, in four countries

Duration (range)	BGD	CAM	NEP	PHI	TOTAL	%
Less than 1 year to 1 year	21	2	7	9	39	12.3
2 to 5 years	12	7	3	29	51	16.1
6 to 10 years	–	30	4	34	68	21.5
11 to 15 years	–	27	–	49	76	24.0
16 to 20 years	–	4	1	23	28	8.8
21 years or more	–	1	4	50	55	17.3
TOTAL					317	100

Types of land and areas affected by conflict

By number of cases or frequency, the type of land most affected by conflict are *smallholder agricultural lands* (43.2 percent), *lands used for housing and settlements* (26 percent) and *lands of indigenous peoples/communal lands* (18.1 percent). These categories refer to the *dominant* land use, as in most cases there are more than one land use involved (*Table 3*).

However, in terms of area or hectareage, *lands of indigenous peoples/communal lands* account for 42.4 percent of the total land area directly affected by conflicts. Most of these IP lands are in the Philippines, half of which are threatened by mining activities. *Agroforestry and plantations* account for another 32.7 percent of the conflict areas. Together, these two types of land account for three-fourths of the conflict-affected areas in the four countries of Bangladesh, Cambodia, Nepal, and the Philippines (*Table 4*). These represent large expanses of land that outside developers and investors often covet.

Table 3. Type of land affected by conflict, based on number of cases in 2020

(For Bangladesh, Cambodia, Nepal, Philippines)

Land use of community	BGD	CAM	NEP	PHI	TOTAL	%
Smallholder Agriculture/ Farming	7	53	2	126	188	43.3
Housing/ settlements	9	57	17	29	113	25.9
Ancestral domains	–	–	–	65	65	15.0
Water/fisheries resources	–	2	–	26	28	6.4
Agroforestry and plantations	6	9	–	5	20	4.6
Communal lands	8	6	–	–	14	3.2
Others (<i>pagoda land, protected area, private land, etc.</i>)	4	1	–	2	7	1.6
TOTAL					435	100

Meanwhile, smallholder agricultural lands that account for 43.2 percent of the total cases cover only 16.2 percent of the area affected by conflict. The remaining areas affected

by conflict are used by communities for housing and settlements, water and fisheries resources, and others.

Table 4: Type of land affected by conflict, based on area (hectares)

(For Bangladesh, Cambodia, Nepal, Philippines)

Land use of community	BD	CAM	NP	PH	TOTAL	%
Agroforestry and plantations	5,614.14	145,222.39	–	513,380.00	664,216.53	32.7
Communal lands	3,593.77	8,938.00	–	–	12,531.77	0.6
Ancestral domains	–	–	–	848,388.44	848,388.44	41.8
Agriculture/Farming	1,381.83	109,949.06	54.74	217,624.77	329,010.40	16.2
Housing/Settlements	8.51	24,592.21	58.55	6,980.20	31,639.47	1.6
Fishing, aquaculture, and use of fishponds and coasts	–	33,560.00	–	97,308.91	130,868.91	6.5
Others (pagoda land, protected area, private land, unspecified)	7.10	7.00	–	11,715.23	11,729.33	0.6

For India, LCW's data show that the majority (68 percent) of land conflicts involve *common lands* and impact 79 percent of all affected people; there were more conflicts on non-forested commons than on forested lands. Common lands are non-private lands whose title, control, and ownership are held collectively by communities, villages, local or State governments (Worsdell and Shrivastava, 2019). Most of these lands are traditionally held and managed. These are lands usually inhabited by the poor but over which they have no individual titles (CLRA, 2021).

Communities and sectors most affected by conflict

Farmers and indigenous peoples comprise three-quarters of all communities affected by land conflict in the four countries of Bangladesh, Cambodia, Nepal, and the Philippines (Table 5).

Table 5. Sector/type of Community affected by land conflict, 2020

(Bangladesh, Cambodia, Nepal, and Philippines)

Type of affected community	BGD	CAM	NEP	PHI	TOTAL	%
Farmers: landless, smallholder farmers, tenants	21	65	16	132	234	55.8
Indigenous peoples	4	11	3	88	106	25.3
Fisherfolk	–	–	–	26	26	6.2
Residents	–	–	–	24	24	5.7
Forest users and protectors	2	2	–	10	14	3.3
Slum dwellers	–	–	–	11	11	2.6
Others	4	–	–	–	4	1.0
TOTAL CASES					419	100

In majority (55.8 percent) of the documented land conflict cases, the affected stakeholders are small farmer communities. These consist of smallholders, tenants, landless and agricultural workers. In one-fourth (25.3 percent) of the cases, those affected are communities and groups of indigenous peoples.

The other affected sectors and communities consist of fisherfolk (6.2 percent), residents (5.7 percent), forest users (3.3 percent), slum dwellers (2.6 percent), and others.

Adversarial Claimants

Adversarial claimants refer to outside parties with a contested claim to land that is held and used by local communities. Conflict usually arises when the land is taken or converted to other external uses.

Private companies are the adversarial claimants in majority (56.6 percent) of the 423 documented land conflict cases across four countries (Bangladesh, Cambodia, Nepal, Philippines). The land is contested by private investors through claims of land titles, leases, government-issued concessions, or outright land grabbing. These include mining and logging companies, plantation and agribusiness operators, housing and property developers, tourism companies, and others (*Table 6*).

Governments are involved in 16 percent of the cases; *military establishments* in 5.4 percent of the cases, and *State-owned enterprises* in 1.9 percent of the cases. Taken together, government institutions are the adversaries in nearly one-fourth (23.4 percent) of the land conflict cases in the four countries.

Next are *powerful individuals* – mostly politicians, former government bureaucrats, ex-military personnel, political cadres, landlords and influential people – who are the adversaries in 11.6 percent of land conflict cases.

Table 6. Adversarial Claimants in Land Conflict Cases (*Bangladesh, Cambodia, Nepal, Philippines*)

Adversarial claimants	BGD	CAM	NEP	PHI	TOTAL	%
Private companies	6	43	1	187	237	56.6
Government	3	12	9	44	68	16.2
Powerful individuals	21	9	3	16	49	11.7
Military	-	10	2	11	23	5.5
State-owned enterprises	-	1	4	3	8	1.9
Other claimants	2	-	-	19	21	5.0
Others (<i>police, schools, rebels, illegal loggers, foreign vessel, unspecified, etc.</i>)	2	-	-	11	13	3.1
TOTAL CASES					419	100

Other parties in land conflict with communities (three percent) include rebels, illegal loggers, land speculators, institutions such as schools, and others. There are two Philippine cases where the conflict is between two communities with competing land claims.

As shown in Table 6, *powerful individuals* are the main land aggressors in Bangladesh, *private companies* in Cambodia and the Philippines, and the *government* in Nepal.⁸

Nearly all of the documented cases are *vertical conflicts* (between parties with different levels of power and influence), as opposed to *horizontal conflicts* (between parties or communities of similar status).

Drivers of land conflict

In documenting the drivers of land conflict, it should be noted that four country studies (Bangladesh, Cambodia, Nepal, Philippines) used similar categories for data reporting, while two country studies (Indonesia, India) used different categories. This is one area of monitoring where the approaches are likely to differ, as they reflect the different country contexts as well as the different purposes for which land conflict monitoring is carried out. Thus, the aggregated data in Table 7 only shows broad categories and is presented here for descriptive purposes.

This cursory desk review of the drivers of land conflict covering all 1,371 cases in all six countries reveals that 70 percent of conflicts with identifiable drivers involve private investments or government projects, each having a share of about 35 percent each. Some 472 cases are driven by *private investments*, while 470 cases are driven by *governments' projects* in terms of infrastructure projects (e.g., power, roads, facilities) and investments (e.g., State-run plantations, government corporations). Many cases (23 percent) also involve conflict over common resources such as water and fishery resources, coastal areas, forests, national parks, and protected areas. An example of resource conflict is

Table 7. Drivers of Land Conflicts (Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines)

Type of conflict	BGD	CAM	INDI*	INDO*	NEP	PHI	TOTAL	%
Private investments	5	47	138	156	-	126	472	35.0
Government projects	1	4	401	41	7	16	470	34.8
Resource conflicts	6	4	237	44	4	14	309	22.9
Clashing tenure systems	1	8	-	-	7	25	41	3.0
Resistance to land reform	1	7	-	-	1	21	30	2.2
Public-private partnerships	-	6	-	-	-	21	27	2.0
TOTAL CASES							1,349	100

*The country studies for India and Indonesia used different categories for documenting the drivers or causes behind cases of land conflict.

⁸ For Bangladesh, corruption in the land sector has been well-documented. (See: Transparency International Bangladesh, 2015)

when indigenous communities are prevented from accessing their traditional forest resources, or fisherfolk warded off from their traditional fishing waters.

For Indonesia, the yearly monitoring by KPA identified 241 agrarian conflict cases in 2020. Land conflicts were dominated by the expansion of *plantations* (122 cases), followed by *forestry* (41 cases), *infrastructure development* (30 cases), *property development* (20 cases), *mining* (12 cases), *military facilities* (11 cases), *coastal and small islands* (three cases) and *agribusiness* (two cases) (KPA, 2021).

Land conflicts in the Indonesian plantation sector (122 cases) were due mainly to the expansion of oil palm-based plantations, with 101 conflict eruptions in 2020. The other conflicts involved plantations for cloves, nutmeg, sugarcane, tea, coffee, rubber, and other commodities (KPA, 2021).

For India, the study by CLRA took a sampling of cases from the 773 ongoing land conflict cases documented by Land Conflict Watch (<https://www.landconflictwatch.org/>) to describe and illustrate the different drivers and causes of land conflict in the country. It classifies land conflicts across six sectors: *a) infrastructure* [dams, canals, roads, railways, townships, special economic zones], *b) land use* [inter-caste and communal conflicts, the creation of land banks,⁹ violations of the 2006 Forest Rights Act/FRA], *c) mining* [coal, iron], *d) power generation* [hydroelectric dams, transmission lines, power plants], *e) industry* [agribusinesses, steel plants, petroleum and gas, textile and food processing], and *f) protected areas* [conservation-related activities such as relocation of communities from designated protected areas]. The study noted that most land conflicts in 2020 were due to government infrastructure projects that require land acquisition. This was followed by land conflicts involving forestry and conservation, and conflict over land use (CLRA, 2021).

An earlier study “Locating the Breach” (2020) by LCW, noted that two predominant laws are involved in most land conflicts in India. One is land conflicts involving the violation or non-implementation of the FRA of 2006. These cover all conflicts involving forestlands. The second are the *Land Acquisition Act of 2013 and other related laws* that are central to conflicts involving private lands, although common lands are likewise involved (Worsdell and Shrivastava, 2020).

For Cambodia, private investments are the driver for 60 percent (47 out of the 78 documented cases) of land conflicts in 2020. Many of these cases involve public lands awarded by government to private companies in the form of Economic Land Concessions (ELCs) for building plantations, commercial areas, and resorts. These ELCs were awarded without proper public consultation and impact mostly on small farmers and indigenous peoples. In addition, there are public-private partnerships where private companies are

⁹ In India, a land bank includes large tracts of land kept under the control of governments or private organizations for future development. Where land is at a premium, acquiring land is complex and if government-owned firms or private organizations fail to acquire the land due to conflicts, high-worth projects are shelved (Aggarwal, 2020).

involved in the construction of roads under benefit-sharing schemes, and joint forest management schemes that conflict with existing Community Forests (STAR Kampuchea, 2021).

For Bangladesh, there is “no data” for 20 out of the 35 documented cases. This is likely because most land conflicts are due to land grabbing by influential people encroaching on public lands and water bodies and claiming these for their own (CDA, 2021). In such cases, the media does not report the purpose or uses for which the land was taken.

For Nepal, the most common form of land conflict involves the eviction of peasants and landless families living in public land without formal land certificates. Among the primary sources of conflicts in Nepal are government development projects that involve the building of roads, army camps, municipal buildings, and a dry port. Even when compensation money is offered in some cases, affected communities oppose the projects that are seen to disrespect “the culture, values and heritage” of local people (CSRC, 2021).

Among these cases, the State and its agencies were the main actors in the creation of conflict, while the primary cause of the conflicts was the construction of development projects in the name of progress. Out of the 940 households, 508 were directly affected by government development projects, 53 landless and land-poor people were threatened with death, 49 of them were threatened with displacement, and 13 individuals were harassed. Among the 117 individual victims directly affected in the conflicts – most of whom were threatened with eviction – 80 were male and 37 were female.

For the Philippines, the predominant source of conflict is private investments, which accounts for 56.6 percent (126 out of 223) of the cases of land conflict (ANGOC, 2021). These private investments mainly involve plantations that affect small farmers and agricultural producers, and mining that impact mostly on indigenous communities and upland farmers. In terms of the specific types of conflict, of the total number of cases, 32 percent involve plantations, 17 percent are in the context of mining, and eight percent involve overlapping claims (“clashing tenure systems”) between rights holders such as farmers and indigenous peoples.

Individual victims of violence and Human Rights violations (HRVs)

There were 712 *individual* victims of violence and Human Rights violations (HRVs) among the total 664 cases of land conflict in five countries – Bangladesh, Cambodia, Indonesia, Nepal, and the Philippines.¹⁰ Eighty-one (81) percent of victims of HRVs whose genders are indicated are male.

Because a large part of the monitoring is based on media reports, information about the victims is limited. Many cases of violence go unreported, and media reports often do not

¹⁰ The India study does not include the monitoring of incidents of violence and HRVs.

Table 8. Individual victims of land conflict-related violence and HRVs in 2020
(Bangladesh, Cambodia, Indonesia, Nepal, Philippines)

Gender	BGD	CAM	INDO	NEP	PHI	TOTAL
Male	68	4	163	81	95	411
Female	9	4	6	36	40	96
Unspecified	2	52	–	–	152	206
TOTAL	79	60	169	117	287	712

include certain types of psychological violence that are not readily observable, such as threats, intimidation, harassment, and discrimination.

Many impacts on women are indirect, not easily visible, and often go unreported. For instance, in a separate 2016 CCHR study, over half of Cambodian women interviewed said land conflicts affected their family relations, and some 23 percent had experienced some form of domestic abuse.¹¹

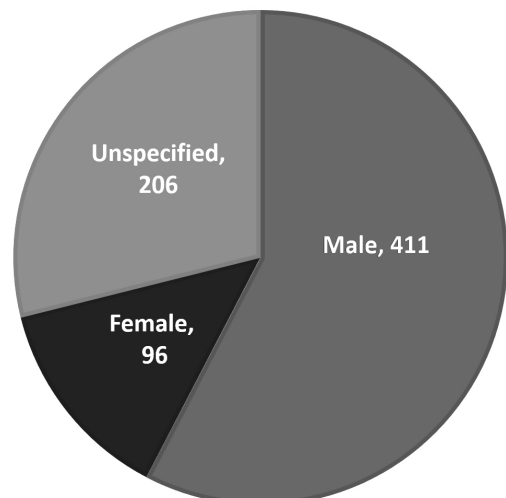
In terms of physical violence, some 49 people were killed and 79 people injured or assaulted in 2020. This data was obtained from the 664 documented cases of land conflict in five countries (Figure 3). Most of the killings occurred in the Philippines (38), followed by Indonesia (11), and Cambodia (1). Most victims of injuries and assault were in Bangladesh (39) and Indonesia (19).

The deadliest case on record is that of the Jalaur Mega Dam project in the Philippines, where nine members of the indigenous Tumandok tribe who had long-opposed construction of the dam were killed in December 2020 (ANGOC, 2021).

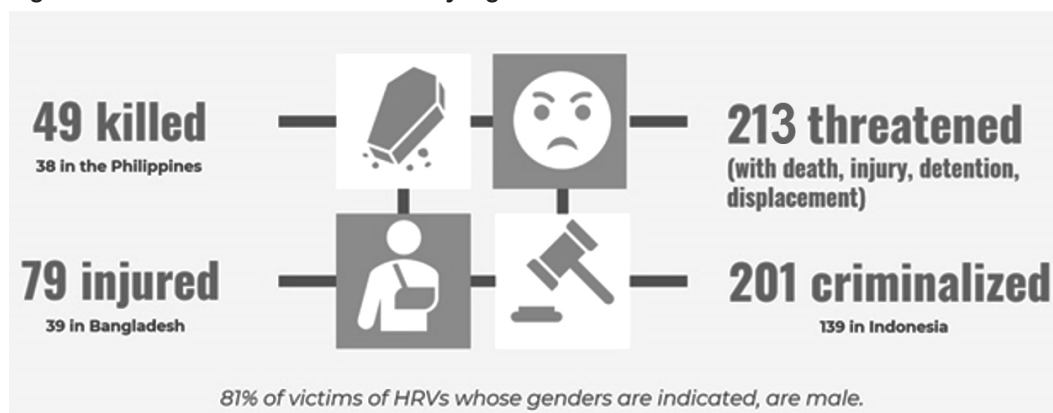
There were 81 cases of eviction directed against individual households that occurred in Nepal (62) and Cambodia (19).

Some 64 people were arrested and detained by State authorities in the Philippines (49) and Cambodia (15). However, perhaps more disturbing are the 41 incidents of illegal arrest, detention, and disappearance in the Philippines (40) and Cambodia (1). In the Philippines, Memorandum Order (MO) 32 intensifies intelligence operations against people suspected of committing or conspiring

Figure 2. Individual victims of land conflict violence and HRVs in 2020
(Bangladesh, Cambodia, Indonesia, Nepal, Philippines)



¹¹ https://cchrcambodia.org/admin/media/report/report/english/2016_09_27_cchr_report_Cam_Women_in_Land_Conflict_ENG.pdf

Figure 3. Individual Violence: Some Key Figures for 2020

to commit “acts of lawless violence” in the provinces of Bicol, Samar, and Negros. According to farmer group Kilusang Magbubukid ng Pilipinas (KMP), State forces have been using MO 32 to illegally arrest farmers maliciously tagged as members of the New Peoples’ Army. In November 2020 alone, KMP estimates that 15 farmers were arrested by government forces (Antonio, 2020).¹²

There is an ongoing communist insurgency in the Philippines. The government has recently intensified efforts to quell this insurgency through various policies and the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). However, civil society and people’s organizations have been observing that the government has been using the anti-insurgency campaign to suppress dissent and crackdown on activists. Activists and land rights defenders are being “red tagged”¹³ by State forces, and this smear campaign thus leads to illegal arrests, criminalization, and even death. In the Philippines, a farmer accused of being a communist rebel was tortured during interrogation.

Meanwhile, in Bangladesh, one Adivasi leader was sexually assaulted in a land grabbing case.

Table 9. Individual Victims of Physical Violence in Land Conflicts, 2020

Forms of Physical Violence	BGD	CAM	INDO	NEP	PHI	TOTAL
Eviction	–	19	–	62	–	81
Injury/assault	39	10	19	1	10	79
Detainment	–	15	–	–	49	64
Killing	–	–	11	–	38	49
Disappearance, abduction, illegal detention or arrests	–	1	–	–	40	41
Torture	–	–	–	–	1	1
Sexual assault	1	–	–	–	–	1
TOTAL	40	45	30	63	138	317

¹² <https://mb.com.ph/2020/11/23/arrests-of-farmers-in-albay-leyte-negros-occ-denounced/>

¹³ Accused of being or reported as members or supporters of the armed New Peoples’ Army

There were victims of other forms of individual violence (*Table 10*). Some 213 people were subjected to threats (of death, injury, detention, and displacement). Another 183 people and their families experienced their homes, crops, and property being destroyed.

Some 201 people from local communities were reportedly *criminalized* for their actions in resisting the takeover of community lands and property by contesting parties. Most of such incidents were reported in Indonesia (139) and the Philippines (60).

Criminalization refers to “the process by which behaviors and individuals are transformed into crime and criminals,” and previously legal acts are transformed into crimes by changing the law or policy. In this report, the term also refers to the filing of charges against community leaders and individuals as a form of intimidation, to get them arrested or to discredit them from the rest of the community.

In Indonesia, the most frequently used laws against community people were the Plantation Law (40 cases), Criminal Code (34 cases), and the P3H Law on Prevention of Forest Destruction (seven cases). As noted in the Indonesia study, “these three laws are often used by companies and officials ... to intimidate and criminalize people who are in conflict with companies” (KPA, 2021). Under the P3H Law, for instance, people have been charged for “cutting trees in forest areas.” In one incident in Central Kalimantan, a person died in detention while being accused of “harvesting plantation products.” The victim had previously complained of illness, used a wheelchair in court, and complained that he had been beaten while incarcerated (KPA, 2021).

Table 10. Victims of Other Forms of Individual Violence, 2020 (*Bangladesh, Cambodia, Indonesia, Nepal, Philippines*)

	BGD	CAM	INDO	NEP	PHI	TOTAL
Threats (of death, injury, detention, displacement)	64	43	–	102	4	213
Destruction of property	30	30	–	110	13	183
Criminalization	1	1	139	–	60	201

In the Philippines, the process of criminalization is different, as community leaders and community supporters are charged with serious crimes under the Criminal Code that include robbery, arson, kidnapping, illegal detention, and illegal possession of firearms and explosives. Those charged with cases that are more serious are also usually those who are “red-tagged.” There was also one reported incident where teachers of an indigenous peoples’ school were charged with “child abuse” for allegedly brainwashing children into supporting the communist insurgency.

Seen in the context of ongoing land conflicts, incidents of violence against individuals may also be seen as violence against communities – as they often come with the intent of intimidating local communities or creating distrust between communities and their leaders and supporters.

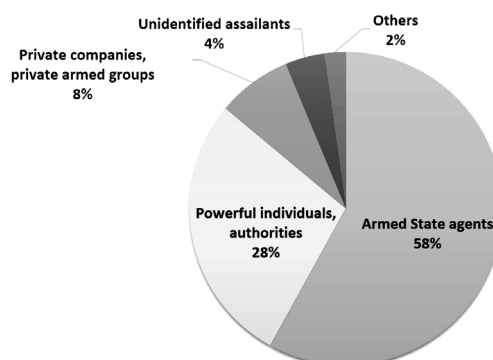
Perpetrators of Individual Violence

More than half (58 percent) of perpetrators of violence against individuals were identified as State agents – consisting of the “police, municipal police, army or military.” (Figure 4) They were said to be responsible for 416 out of 717 incidents of violence against individuals. This data is based on media reports, and in some cases, from consultations with local communities.

In 28 percent of instances, perpetrators were powerful individuals, and in one case, State authorities. “Powerful individuals” refers to politicians, ex-bureaucrats, ex-military, or landlords.

Private companies or private armed groups were the perpetrators in 55 incidents of violence (or 7.7 percent). The remaining incidents were attributed to other perpetrators (16 incidents, or 2.2 percent) that include workers, paramilitary personnel, and criminal groups. In 29 violent incidents (four percent of incidents), the perpetrators or assailants were unknown.

Figure 4. Perpetrators of Individual Violence



Violence against communities

In four countries, some 189 cases of violence were committed against communities. These incidents directly affected 80,216 households, or some 400 thousand people. They occurred within the 435 cases of land conflict in Bangladesh, Cambodia, Nepal, and the Philippines.

At least 29,507 households became victims of forcible eviction and displacement in 2020. They were driven away from their homes and lands; in some cases, their houses were

Table 11. Perpetrators of Individual Violence (as reported*)

Perpetrators	CAM	INDO	NEP	PHI	TOTAL	%
Armed State agents (military, police, municipal police)	38	77	92	209	416	58.0
Powerful individuals, authorities, officials	30	-	10	161	201	28.0
Private companies or private armed groups	9	20	-	26	55	7.7
Unidentified assailants	-	-	-	29	29	4.0
Others	6	-	-	10	16	2.2
TOTAL					717	100

**Figure 5. Violence Against Communities:
Some Key Figures**



demolished, and crops destroyed. These incidents took place in the Philippines, Cambodia, and Nepal. They represent 36.8 percent of the total victims of violence against communities (Table 12).

Another 22,247 families (27.7 percent of victims) experienced forcible entry into their lands by outside claimants, while over 27,000 other families were threatened with displacement. Most incidents of forcible entry occurred in Cambodia. In the Philippines, reclamation and planned construction of an airport and seaport project might displace 26 thousand small-scale fishing households.

Table 12. Households affected by violence against communities in 2020 (Bangladesh, Cambodia, Nepal, and the Philippines)

Type of community violence	BGD	CAM	NEP	PHI	TOTAL	%
Displacement	–	1,161	29	28,317	29,507	36.8
Forcible entry/absence of, or faulty FPIC	170	22,042	–	35	22,247	27.7
Threat of displacement	197	1,109	665	26,000	27,971	34.9
Others (ex. destruction of property, threats/harassment, red-tagging, deliberate firing, etc.)	–	5	–	486	491	0.6
TOTAL AFFECTED HOUSEHOLDS					80,216	100

This table includes only those incidents where the number of affected households are reported. There are many instances of community violence where the number of affected households is not reported or is unknown.

Perpetrators of community violence

As with violence against individuals, State forces (“police, municipal police, army or military”) were also identified as the main perpetrators of community violence. They accounted for 119 incidents (or 63 percent) of the total 189 documented cases of community violence. This information is based media reports, and in some cases, from direct consultations with affected local communities (Table 13).

“Powerful individuals” were responsible for another 24 incidents (12.7 percent), while private companies were reported as the perpetrators in 18 incidents (9.5 percent) of violence against communities.

Other impacts

Three of the country monitoring reports (Cambodia, Nepal, Philippines) included a documentation of ecological violence in land conflicts. Most of the documented land conflict cases have been going on for several years.

Table 13. Perpetrators of community violence in land conflict cases*
(Cambodia, Nepal, Philippines)

Perpetrator	CAM	NEP	PHI	TOTAL	%
Armed State agents (military, police, municipal police)	32	57	30	119	63.0
Powerful individuals	10	9	5	24	12.7
Private companies	2	–	16	18	9.5
Unidentified assailants	–	–	10	10	5.3
Others (private armed group, foreign fishing vessel, unspecified)	9	–	9	18	9.5
TOTAL COUNT OF PERPETRATORS				189	100

*Based on documented reports by news media, and on consultations with some local communities.

Whenever community lands are seized or contested by outside claimants, it is usually with the intent of converting the land to other uses – whether it is for plantations, mining, or construction. This shift in use radically alters the landscape and the natural habitat, affecting the lives of families who depend on the land.

Table 14 provides a glimpse into some types of ecological violence that are inflicted on people in the context of land conflicts. This data is far from complete, because the ecological impacts that emerge over time are not usually covered by media news reports.

Table 14. Households Affected by Ecological Violence in Land Conflicts, 2020*
(Cambodia, Nepal, Philippines)

Type of ecological violence	CAM	NEP	PHI	TOTAL
Contamination of resources, pollution	2,293	30	27,371	29,694
Environmental destruction	9,654	7	4,333	13,994
Reduction in income or reduction in agricultural produce	11,525	352	–	11,877
TOTAL AFFECTED HOUSEHOLDS				55,565

*This Table includes only those documented cases that report on ecological violence and the affected households. There are also other instances of ecological violence wherein the number of affected households is not known.

The data shows that some 29,694 households were plagued by pollution, mostly in the form of emissions that pollute the ground water, ponds and lakes, and river systems. Another 13,994 households suffered from deforestation and destruction of their natural habitat, often to make way for investments such as ELCs in Cambodia and mining tenements in the Philippines. In addition, 11,877 households faced reduction in their land's productivity or decreased incomes because of the ongoing conflict.

Community responses to land conflict

Among the 355 documented cases of land conflict in four countries (Bangladesh, Cambodia, Nepal, Philippines), only 287 cases (80.8 percent) contain some information about community responses to conflict.¹⁴ Some communities sought to address the conflict by applying multiple responses, for instance, by filing administrative cases while undertaking peaceful protest actions. The range of responses is shown in Table 15.

Table 15. Community responses in 287 land conflict cases in four countries*
(Bangladesh, Cambodia, Nepal, and the Philippines)

Community responses	BD	CAM	NP	PH	TOTAL	%
Conflict management – administrative mechanisms	2	20	-	33	55	15.9
Conflict management – judicial courts, National Human Rights Institutions/ Commissions , legal adjudication	3	13	1	43	60	17.3
Conflict management - customary mechanisms	-	7	-	2	9	2.6
Conflict management - negotiations	2	9	3	56	70	20.2
Peaceful demonstrations/non-violent acts	2	6	12	118	138	39.9
Retaliation	-	3	1	2	6	1.7
Withdrawal/escape	-	-	-	3	3	0.9
No response	2	3	-	-	5	1.4
TOTAL RESPONSES					346	100

*This Table covers 287 land conflict cases where information about community responses is available. In many land cases, local communities take on multiple responses.

In responding to conflict, most of the affected communities brought their cases before different types of conflict management mechanisms. Others engaged in protests and peaceful action, or else responded through retaliation. In a few cases, the community withdrew to escape from the conflict or simply took no response.

Some 56 percent of the community responses focused on conflict management. These responses involved bringing community grievances and cases before government *administrative* bodies (15.9 percent), *judicial* courts (17.3 percent), and *customary mechanisms*, including local dispute resolution bodies (2.6 percent).

Another 20.2 percent of the responses involved some form of *negotiation* with the adversarial claimant on the land, usually with the assistance or mediation from a third party.

A large portion (39.9 percent) of the responses involved *peaceful demonstrations, public protests, and non-violent actions*. This may also be seen as a kind of political action

¹⁴ No data is available for 68 cases regarding community responses in the four countries indicated.

directed at addressing public opinion, especially when existing laws or policies are seen as unfavorable, or when the adversarial claimant is seen to exert strong political influence on the issue.

Finally, some responses reveal a level of desperation. In six cases, communities retaliated against the aggressor, further fueling the conflict. In three other cases, the community sought to flee or escape from the conflict.

Corrective actions

From the total 354 documented cases of land conflict in four countries (Bangladesh, Cambodia, Nepal, Philippines), only 252 cases provide some information on whether any corrective actions were taken to address the conflict. Table 16 shows that:

- In more than 71.4 percent of the instances wherein information on corrective action is available, liable parties have **not** instituted any corrective action; and,
- Some corrective action was reportedly taken by government in 23.4 percent of the cases; by private companies embroiled in the conflict in 3.2 percent of the cases.

However, in cases where some corrective action was taken, this simply implies that some steps were taken to address the conflict. It is also unclear whether communities were “satisfied” with the outcomes.

Table 16. Was there corrective action taken?

Corrective action	BGD	CAM	NEP	PHI	TOTAL	%
Yes, by government	3	18	-	38	59	23.4
Yes, by company	-	2	-	6	8	3.2
Yes, by third party	-	1	3	1	5	2.0
No	3	5	14	158	180	71.4
TOTAL CASES					252	100.0

Main findings

Overview

- There were (at least) **1,371 reported cases** of land conflict in six Asian countries in 2020, covering **6.47M hectares**, and affecting **2.37M households**.
- Many of the land conflicts have been going on unresolved for many years. (Range: 1 to 94 years)

Land conflicts amidst a pandemic in 2020

- The incidence of land conflicts in Indonesia and the Philippines slightly declined in 2020, amidst a global pandemic.¹⁵ However, some of this “decline” might be due

¹⁵ Comparative assessments

to data gaps brought about by pandemic restrictions on mobility and limitations on media reporting and civic space.

- In Indonesia, the total number of land conflict cases in 2020 slightly decreased compared to the 2019 pre-COVID period, but the decline amidst a pandemic and economic crisis remains insignificant. In fact, land conflicts increased in Indonesia's plantation sector (by 28 percent) and forestry sector (by 100 percent).
- In the Philippines, even while the number of land conflict cases in 2020 decreased compared to 2018, the total area under conflict increased, i.e., from 1.28M (2018) to 1.70M (2020) hectares.
- In the Philippines, part of the reason for the decrease in land conflict cases could be the decline in the number of *reported* "community vs community" land conflicts, i.e., from 127 cases (2018) to 19 (2020).
- Across several countries, land conflicts continued in 2020, with governments and private corporations at the center of the chaos.
- Amidst a health crisis, most of the land conflicts in 2020 were reportedly instigated by corporations (56 percent), followed by government (16 percent) and powerful individuals (12 percent).
- In some cases, the pandemic itself provided the opportunity for corporations and governments to push through with controversial land acquisitions.

Drivers

- The key drivers/sources of land conflicts in 2020 were private business investments (35 percent), government projects (35 percent) and resource conflicts (23 percent) over common property.
- Underlying these drivers are issues that are more fundamental: historical injustices, inequitable distribution of land, conflict between legal and customary tenure regimes, mismanagement of State domains, etc.

Affected sectors and areas

- Over three-fourths of the affected community sectors were small farmers/producers (56 percent) and indigenous peoples (25 percent) – highlighting the need to address agrarian reform issues and indigenous people's rights.
- In India, 68 percent of land conflicts involve *common lands* and this impact on 79 percent of all affected people. Many poor people depend on common lands, over which they might claim legal or customary rights.
- The largest land areas affected by conflict were those of indigenous peoples. This is especially noted in the Philippines and India – i.e., ironically, in countries with the more progressive laws on indigenous peoples' land rights.
- Many land conflicts have led to incidents of violence.

Individual Victims

- In five countries (Bangladesh, Cambodia, Indonesia, Nepal, Philippines), there were 712 individual victims of human rights violations (HRVs). These HRVs were also aimed at instilling fear in the larger community.

- Physical violence was most visible – 49 people killed, 79 injured, 81 evicted, 64 detained, 41 illegally arrested/disappeared, one tortured, and one raped.
- 38 of the 49 people killed were in the Philippines, which continues to rank among the most dangerous countries for land and environment defenders (Global Witness, 2021).
- Other forms of violence were also committed against individuals – harassment and threats, destruction of property, criminalization, etc.

Communities as victims

- In four countries (Bangladesh, Cambodia, Nepal, Philippines), over 80,000 families fell victim to violence against communities. In three countries (Cambodia, Nepal, Philippines), some 55,000 families became victims of ecological destruction.
- Yet many impacts of land conflicts are invisible and go unreported, e.g., effects on women and domestic abuse, schooling of children, etc.

Perpetrators of violence

- Even as private sector investments were seen as the main drivers of land conflicts, agents of the State – either the police or military – reportedly perpetrated most of violence against individuals (58 percent) and against communities (63 percent).
- State agents are thus seen to protect corporate interests on land, as the State is often seen to act as a broker for private land-based investments.
- In some cases, the perpetrators of violence were private companies or by influential/powerful individuals.

Responses

- In four countries (Bangladesh, Cambodia, Nepal, Philippines) affected communities resorted to negotiation (20 percent), judicial courts/legal action (18 percent), government administrative bodies (16 percent) and local/customary systems (three percent).
- A large number (40 percent) of the responses involved political actions (protest, demonstrations).
- While some corrective action was taken – by government (in 23 percent of cases), and by companies (in three percent of cases); no actions were deemed taken in 71 percent of all cases. However, the present database is not able to capture the information on whether communities are satisfied with the corrective actions instituted.

Recommendations

It is emphasized that in ***addressing the roots of land conflict, a fundamental shift in development thinking and approaches is necessary*** for more equitable, just, and sustainable outcomes, including:

- Building food security and agricultural strategies based on smallholder livelihoods/ family farming and agrarian reforms;
- Recognition and protection of customary land rights;

- Delineation, allocation of rights and sustainable management of lands under the so-called “public domain” (State land, forest areas);
- Reviewing the scope and implementation of “public interest” and social protection policies (i.e., FPIC) in all State-led and State-supported land acquisitions; and,
- Questioning the role of the State and officials as “brokers” for large private land investments.

To Government

The fundamental premise of people-centered development is that have certain basic and universal basic human rights as defined in the Universal Declaration of Human Rights of the United Nations. It is a fundamental responsibility of every government to protect and respect these rights. Governments thus, as part of their function to protect their citizens, must prevent, investigate, punish, and redress human rights abuses, including the deprivation of rights that relate to human well-being.

In relation to human rights and land rights:

- **Ensure the fulfillment of the Universal Declaration of Human Rights (UDHR)** and international commitments and obligations at the domestic level by implementing all the provisions.
- **Address violations of land/human rights** where they occur. Cancel land leases, permits, and licenses of companies and groups that violate land/human rights. In Cambodia, apply an immediate moratorium on the issuance of Economic Land Concessions (ELCs), and undertake a full contractual compliance review of all land concessions.
- **Protect land rights defenders.** In line with the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopt effective measures to combat the culture of violence and impunity, and to protect human rights defenders, including indigenous leaders and peasant activists.
- **Legislate and implement land and resource reform policies** in order to protect land rights of the rural poor, as well protect agricultural areas against fragmentation and land use conversion, to strengthen local food security, and to prevent conflicts between different groups and communities.
- **Enact laws and regulations to prevent and address business-related human rights abuses** and ensure access to effective remedy for those whose rights have been abused.
- **Protect the poor and marginalized communities from all forms of arbitrary eviction and forced displacement.** Related to this, government should immediately cease and desist from projects and undertakings that cause undue displacements, especially under the ongoing health and economic crisis.

In relation to strengthening existing systems, or creating new mechanisms for resolution of land conflicts:

- ***Institute independent commissions*** for the investigation and fast track the resolution of pending cases of land conflicts in courts. For instance, in Bangladesh, establish an independent land commission for indigenous peoples in the plains, and strengthen the CHT Land Dispute Resolution Commission.
- ***Establish land tribunals or special courts to deal with the backlog of cases*** in Bangladesh and Nepal, and to address cases of human rights violations.
- ***Train government staff*** (including those working at the district land offices, as well as the police and military) on alternative dispute resolution, gender and culturally sensitive approaches, and respect for human rights.
- ***Strengthen local mediation mechanisms for addressing local land conflicts***, especially those involving civil cases at community level. Conduct capacity building programs for local mediators, as well as public awareness campaigns for local people to consider mediation over adjudication mechanisms.
- ***Ensure integrity, transparency, and public access in land administration and in the management of land records***. Check corruption, irregularities, and bribes at land administration, courts, and police stations.

In relation to business and human rights:

- ***Establish an independent monitoring mechanism on large-scale land investments and concessions*** to guarantee respect for human rights and responsible investment standards. Explore alternatives to large-scale land investments that forcibly displace communities from their homes and sources of livelihood.
- ***Ensure the integrity of safeguard mechanisms*** that regulate public and private land investments. ***Strictly implement social and environmental impact assessments, and adherence to free, prior, and informed consent (FPIC)*** of affected communities – as preconditions for all large-scale private and public land-related investments and transactions.
- ***Adopt and implement the UN Guiding Principles on Business and Human Rights (UNGPs)*** in land and resource governance. Take the lead in promoting good business practice by immediately applying UNGPs in all State-run corporations and plantations.
- ***Engage with and involve civil society organizations in the formulation and implementation of National Action Plans (NAPs) for the UNGPs***. Data generated by communities and CSOs on land conflicts and land rights data can be used in the national baseline assessment during the preparatory stage of the NAPs.

To Business/Private Sector

Business enterprises – regardless of size, sector, or location – need to be aware of their actual or potential impacts, prevent and mitigate abuses, and address adverse impacts where they are involved. This requires that business enterprises have the necessary policies and processes in place to meet this responsibility. Due diligence is a must.

- ***Uphold one's responsibility and duty to respect human rights of people in all their operations.*** The private sector being a *duty bearer* should not only show compliance with existing laws and policies but should diligently exercise its responsibility in preventing and mediating human rights abuses.
- ***Must publicly disclose their ownership and investors when acquiring land*** and offer information on how jurisdiction over such persons may be acquired
- ***Adhere to the highest standards of environmental and social safeguards;*** strictly apply the standards of UNGPs and implement government regulations at all stages of investments. Ensure that sub-contractors act with due diligence in order to avoid any adverse impacts on communities and the environment.
- ***Publicly share/disclose master plans, environmental and social impact assessments (EIAs, SIAs)*** and relevant information relating to concessions.
- ***Show remedial efforts that will encourage other businesses to implement similar mechanisms.***
- ***Ensure regular communication with affected communities*** on the progress of the project. When any harm is caused by company operations, implement compensation and redress measures. Review compensation provided to all affected families to ensure proper compliance with national and international standards on adequate and fair compensation.

To National Human Rights Institutions and Commissions

National Human Rights Institutions and Commissions (NHRIs/Cs) have the primary responsibility of promoting and protecting human rights. Their tasks involve providing advice to the government on creating a culture for tolerance, equality, and mutual respect for human rights; investigate abuses on human rights; and, provide remedy and redress for victims.

- ***Conduct independent field investigations of land conflicts*** where human rights are violated.
- ***Promote the UN Guiding Principles on Business and Human Rights.***
- ***Include land conflict monitoring reports in the annual reports of the NHRIs/Cs.***
This will serve to highlight the importance of the issue; it will also help to validate the collected data and information by CSOs.

To Civil Society Organizations

CSOs have three key roles to play in our society in general, and to business and human rights. First is that of a ***facilitator***, as a bridge between the communities and other stakeholders towards fostering a meaningful dialogue and engagement. As an ***advocate***, CSOs shall lobby for the formulation and implementation of policies to ensure that human and land rights are respected and protected. Third, as public interest groups, CSOs have a ***monitoring role*** in order to increase transparency and accountability, and to improve the compliance of relevant stakeholders with laws and standards.

In empowering communities:

- **Directly assist communities under land conflict;** protect their welfare and help them seek justice.
- **Organize and empower local communities.** Provide community organizations with basic legal education. Train local paralegals and conflict mediators. Strengthen local mediation mechanisms. Conflict monitoring tools and reports must be disseminated to communities to empower and to educate them about other cases of conflict that they can use as reference for their own struggles.
- **Promote non-violent action.** Mobilize and provide humanitarian assistance to victims of land conflict, especially for those who are poor and marginalized. Provide support for land rights defenders. Build public solidarity and support especially in cases of large-scale land grabbing and evictions due to land acquisitions. Strengthen and sustain non-violent actions by communities to hold rights violators accountable for their actions.

In relation to the monitoring role of CSOs:

- **Improve and expand monitoring and investigation work** in cooperation with local communities, human rights institutions, and media.
- **Improve reporting and response mechanisms** to land conflicts; monitor government and business interests that affect land rights. Share information and evidence-based analysis through media.
- **Use land conflict monitoring data as the platform** and basis for engaging with legislators, policymakers in the executive branch, NHRIs/Cs, and relevant line agencies of government. Share information and evidence-based analysis with the public through media.
- **Monitor NHRIs/Cs and judicial bodies,** particularly in how responsive these institutions in protecting land and human rights defenders addressing cases of land conflicts.
- **Establish independent people's commissions** to investigate land conflicts, including the conduct of businesses and the role of the State, towards the protection of community rights. ■

ACRONYMS

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
BGD	Bangladesh
BRAC	Bangladesh Rural Advancement Committee
CAM	Cambodia
CDA	Community Development Assistance
CLRA	Centre for Legislative Research and Advocacy
CSO	civil society organization
CSRC	Community Self Reliance Centre
DAR	Department of Agrarian Reform (Philippines)
EIA	Environmental Impact Assessment
ELC	Economic Land Concession
FPIC	free and prior informed consent
FRA	Forest Rights Act
HAGL	Hoang Anh Gia Lai (agribusiness company in Cambodia)
HRV	human rights violation
ICESCR	International Covenant on Economic, Social and Cultural Rights
INDI	India
INDO	Indonesia
KMP	Kilusang Magbubukid ng Pilipinas

KPA	Konsorsium Pembaruan Agrarian (Consortium for Agrarian Reform)
LCW	Land Conflict Watch
LWA	Land Watch Asia
MO	Memorandum Order
NAP	National Action Plan
NEP	Nepal
NHRI/C	National Human Rights Institution/Commission
NTF-ELCAC	National Task Force to End Local Communist Armed Conflict (Philippines)
OHCHR	UN Office of High Commissioner for Human Rights
PHI	Philippines
SIA	Social Impact Assessment
SK	STAR Kampuchea
TIB	Transparency International Bangladesh
UDHR	Universal Declaration of Human Rights
UNGPs	United Nations Guiding Principles on Business and Human Rights

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