

“Powerful Individuals” as Top Aggressors, Smallholder Farmers Hardest Hit

2020 Bangladesh Land Conflict Monitoring Report

Community Development Association (CDA)

Rationale of the study

Children, youth, and adults are born on the land and live on the land. From childhood to old age, humans all over the world rely on the land not only for livelihood purposes, but also as the basic resource for fulfilling the basic needs of man and all other creatures. Land is indispensable to every citizen for survival. Thus, it is only right that this universal truth has been declared in the slogan, “Land rights are human rights.” In reality, however, people who have no land are less respected, powerless, and helpless; they are disregarded by the State.

In the present context in Bangladesh, this invaluable land is being grabbed and taken over by influential investors through illicit connections with the government and bureaucrats, thereby accelerating land conflicts. While the role of government is to protect against land grabbing and defend the land rights defenders, reality shows that government is not taking the initiative to resolve the resulting land conflicts, which are increasing along with human rights violations. All over the country, a huge number of human rights violations are occurring in relation to land conflicts, adding to the misery of the people, but the government does not have any specific mechanism to even monitor land conflicts. Therefore, this monitoring of land conflicts by the Community Development Association (CDA) helps the government, civil society organizations (CSOs), and human rights organizations in Bangladesh to raise their voice and insist that the government take the initiative for formulation of new laws and effective implementation of existing policies and laws to protect against as well as resolve land conflicts.

Objectives

This study has been undertaken to:

- implement a uniform system for collecting data and information on land conflicts;
- describe the prevalence and types of land and natural resource conflicts;

- examine the nature and causes of land and resource conflicts;
- discuss the impacts and outcomes of land and natural resource conflicts on communities; and,
- draw up recommendations based on the study findings and analysis.

Methodology and data sources

Both primary and secondary data were collected to understand the nature and prevalence of land conflicts, their causes, and their impacts on the country. Primary data were gathered through direct methodologies using interviews, questionnaires, observations, focus group discussions, and oral histories. On the other hand, secondary data were obtained through an indirect methodology using electronic and print media with other technological devices, reports, and documents. The collected data were then verified, summarized, and encoded.

Scope and limitations of the study

During the period covered by this study, January to December 2020, the Community Development Association (CDA) recorded 35 land-related conflicts. The data gathering would have been much more effective if the facts and findings were gathered and published via electronic leaflets or bulletins among the CSOs and other like-minded organizations, to create public awareness about land grabbing conflicts and how human rights are being violated.

However, this was not possible due to the pandemic situation with its lockdowns, social distancing, and the threat of violence among the victims, hindering access to and collection of information on the conflicts. The data gathering team was able to capture only a few cases with complete information on site.

Brief overview of the country context and legal framework

Bangladesh is a signatory country to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and many other human rights covenants and treaties. State policies to implement these instruments to protect and ensure the human rights of its citizens are incorporated in the 1972 Constitution of Bangladesh, specifically Part 3 Article No. 26 to 44 that declares the values for dignity of every man and full respect for human rights as State policies. This Part likewise declares that the civil and political rights of a person are also bound together. In Article No. 44, if these rights mentioned in Articles 26 to 43 are violated, victims are permitted to file a case in the High Court for the assertion of their rights. However, only a small number of victims go through this process because it is very costly and time consuming. There is also a National Human Rights Commission in Bangladesh (NHRCB) to safeguard and uphold the human rights of Bangladeshi peoples. However, political appointments and politicization

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make the Commission ineffectual. CSOs and other rights-based organizations create pressure upon the government to assess and monitor the human rights situation in the country and to formulate the National Human Rights Action Plan (NHRAP) to guide the executive’s measures to protect and fulfill human rights. This facilitating body, comprising human

rights activists, civil society members, and NGO representatives assembled within a legal framework chaired by the National Human Rights Commission, is also tasked to assist the victims of human rights violations, to ensure compliance with international human rights obligations, and to regularly convene with the President.

At present, there is no law on the protection of land and human rights defenders. The justice system, for its part, provides for the legal protection of land rights defenders involved in legal battles. However, in recent years, there has been an increase in reported incidents of alleged State attacks against rights defenders. This raises concerns regarding who then should provide protection in cases where the State is the perpetrator of land rights violations.

Major forces and factors that fuel land conflicts in the country

Historically, poor land governance, inappropriate land use planning, inadequate land policies, land tenure insecurity, corruption, and population increase are cited as being among of the main factors fueling land use conflicts in Bangladesh (Barkat and Roy, 2004). The land administration system in Bangladesh is not well developed. It is beset with multiple defects and problems. Due to inefficiency and inherent systemic weaknesses, corruption has become a grave issue in this sector. Many current problems stem directly or indirectly from this continued exploitation of a limited resource, land price speculation, and urban sprawl, resulting in diminishing land and lack of access to public space.

Existing land conflict resolution mechanisms

There are three types of land conflict resolution mechanisms in the country.

First is mediation where the affected parties tried to retrieve their land properties as well, but 95 percent of the verdicts went against the affected persons (Barkat and Roy, 2004).

Second is the Union Parishad, the smallest rural administrative and local government unit in Bangladesh. Some 25 percent of the affected people go to these units, but end up with no resolution of the conflict.

Third, there are the courts. Article 27 of the Bangladesh Constitution upholds that all citizens are equal before the law and entitled to equal protection of law. However, land

rights defenders and human rights activists find no proper initiative to resolve land conflict cases properly and expeditiously. The courts are overloaded, the number of judges is limited, and therefore justice is delayed and, consequently, denied. As a result, 50 percent of the land-related lawsuits filed in the courts either were withdrawn in the face of threats or were won but with only a minimum property value awarded.

Prevalence of the land conflicts in the country

Table 1. Total number of cases, hectares and households affected by conflicts in the country

Land conflict cases in 2020	Number
Total number of cases	34
Total number of hectares affected	10,605
Total number of households affected	222

CDA collected information and data of 34 land conflict cases from all over Bangladesh for the year 2020, summarized in Table 1. Such conflicts have affected 224 households, within a total area of 10,605.35 hectares of land.

Table 2. Duration of land and resource conflicts

Number of years	Number of cases	Percent (%)
Less than 1 year to 1 year	21	61.8
2 to 5 years	12	35.3
No data	1	2.9
Total	34	100

From the data gathered, the duration of these conflicts ranges from one to three years, as indicated in Table 2. Majority of the gathered cases are recent, with 21 of them having started in 2020, 10 cases in 2019, and one case each beginning in 2018 and 2017.

Table 3. Land use based on use of community

Type of land use	Number of cases	Percent (%)
Agroforestry and people-based plantations	6	17.6
Communal lands	8	23.6
Farming	7	20.6
Housing	9	26.5
Private land	1	2.9
Others (not specified)	3	8.8
TOTAL	34	100

In terms of the use of the land being contested, Table 3 shows that 26.5 percent (nine cases) were for housing. Communal lands followed at 23.6 percent (eight cases), farming at 20.6 percent (seven cases), agroforestry and people-based plantations at 17.6 percent (six cases). Private usage of land is the least with one case.

by private investment, while clashing tenure systems, government projects, and resistance to land reform had one case each. Twenty (20) cases had no data as to the type of conflict. Table 4 provides the breakdown of type and subtype of conflicts.

In terms of type of conflicts, only 14 out of the 34 cases had information on this. Some 43 percent (six cases out of 15) involved resource conflicts. Five cases were caused

Table 4. Type and subtype of conflicts

Type of conflicts	Number	Percent (%) (out of 14)
Private investment	5	35.7
• Conflict on land ownership	1	
• Tourism businesses	1	
• Unspecified	3	
Clashing tenure systems	1	7.1
Government project	1	7.1
Resistance to land reform	1	7.1
Resource conflict	6	43.0
No data	20	-
TOTAL	34	100

Nature and causes of land conflicts

Disputes over land are among the major reasons behind numerous human rights violations (e.g., conflicts, violence, harassment, torture, killing, rape of women and girls, among others). These have become a tragically common scenario in Bangladesh, as the incidence of land conflicts and land grabbing is increasing, with influential people encroaching on public land. The resulting conflicts over land and water bodies is negatively affecting the lives and livelihoods of poor communities.

Table 5. Stakeholders in conflict

Type of affected community	Number of cases	Percent (%) (out of 31)
Forest users, dwellers	2	6.5
Indigenous peoples	4	12.9
Landless	6	19.4
Smallholder farmers/producers	12	38.7
Tenants	3	9.7
Tribal Mro community	1	3.2
Workers	1	3.2
Others (unspecified)	2	6.5
No data	3	-
TOTAL	34	100

In terms of stakeholders involved in the conflicts, 31 out of the 34 cases provided information as shown in Table 5. The largest number of cases, 12 (or 38.7 percent), involved smallholder farmers/producers; followed by the landless with six cases (19.4 percent), indigenous peoples with four cases (12.9 percent), and tenants with three cases (9.7 percent). Fewer cases involved forest users/ dwellers with two cases (6.5 percent), the Mro community and workers with one case (3.2 percent) apiece. (Mro is a tribal community living in Bandarban district for hundreds of years. Agriculture is their main source of livelihood.) Two cases had no specified stakeholders affected, and three cases had no data.

Table 6. Types of aggressors, number and percentage

Type of duty bearer (aggressor)	Number of cases	Percent (%)
Government	3	8.80
Powerful individuals	21	61.80
Private companies/corporations	6	17.60
Other smallholder farmers	2	5.90
Workers	1	2.95
Others (unspecified)	1	2.95
TOTAL	34	100

With regard to the alleged aggressors of the conflicts, information gathered on the 34 cases is presented in Table 6. The most common aggressor type was reported to be powerful individuals, figuring in 21 (61.8 percent) out of the 34 cases. Private companies/corporations were the next most identified aggressors with six cases (17.6 percent); followed by the government

with three cases (8.8 percent). The remaining alleged aggressors were other smallholder farmers (two cases or 5.9 percent); workers and unspecified others with one case (2.9 percent) each. Of special note — although not in the Table 6, the highest frequency of cases (6 out of 34 or 17.6 percent) were those involving smallholder producers vs. powerful individuals.

For the cases documented in this report, Table 7 categorizes the types of violence experienced by the affected individuals into physical, psychological, economic, and political violence. Out of 79 total victims reported, almost all (75 individuals or 93.8 percent) experienced psychological violence. In many cases, the same victims experienced more than one type of violence — with physical injury, threat, and destruction of property usually occurring together. One case of sexual assault, involving a female activist, signaled gender-based violence.

Table 7. Individual violence experienced by victims

Type of violence	Number	% of total victims (out of 79)	% female
Physical violence	40	50.6	14.6
• Injury or assault	39		
• Sexual assault	1		
Psychological violence	75	94.9	12.0
• Harassment, intimidation, persecution	11		
• Threat (of killing, injury, detention)	49		
• Threat of displacement	15		
Economic violence	31	39.2	9.7
• Destruction of property	30		
• Unfair contract	1		
Political violence	3	3.8	3.3
• Criminalization	1		
• Forcible entry, trespassing, encroachment	2		

With regard to violence experienced by the affected communities, Table 8 indicates that a relatively close percentage of the total households experienced the two types of violence reported — 170 (46.3 percent) were victims of forcible entry/lack of or faulty free prior and informed consent (FPIC), while 197 (53.7 percent) were threatened with displacement. However, specific forms of community violence, such as destruction of property, illegal construction/land grabbing, and criminalization of community members, are not presented in Table 8 due to unavailability of the number of households affected by these.

Table 8. Community violence by number of affected households

Type of violence	Number of HH	Percent (%)
Forcible entry/lack of or faulty FPIC	170	46.3
Threat of displacement	197	53.7
TOTAL	367	100

Impact and outcomes of land conflicts

Land conflicts often have extensive negative impacts on overall economic, social, spatial, and ecological development. This is especially true in a developing country like Bangladesh where land market institutions are weak, opportunities for economic gain by illegal action are widespread, and hundreds of thousands of people are deprived of access to land. Land conflicts can have disastrous effects on individuals, as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources. It is said that 80 percent of the crimes committed today stem from land disputes. These take their toll on victim families not only financially but in terms of safety as well. One study on land disputes by BRAC HRLS-PRI (2014) states that some 18 percent of families in Bangladesh with pending dispute cases pay an average of USD 260 to police and USD 66 to local arbitrators as bribes for the resolution of pending land dispute cases. According to the same study, 7.5 percent of households involved in land conflicts have experienced physical violence, while lawyers' fees account for about 60 percent of the total cost for resolving disputes. In many cases, the total cost to see a land dispute to resolution is 45 percent of a household's annual income.

Two cases are thus presented to illustrate the above human rights violations.

Case 1: Solidarity rally in Chittagong to stop construction of 5-star hotel by occupying Mro's land in Bandarban (Source: *Chittagong Hill Tracts News*, 13 November 2020)

The Mro community lives in "Chimbuk hill" in Bandarban district. A major developer known as the "Sikder Group" illegally took over 1,000 acres (405 hectares) of community land for the construction of a five-star Hotel Marriott along with an amusement park. A solidarity rally and mobilization, preceded by an agitation march, were immediately organized by four student organizations on 13 November 2020 to protest the planned project. Pahari Chatra Porishad (PCP), Gonotantrik Jubo Forau, Parbotto Chattogram Nari Shongho, and Hill Women's Federation collectively demanded a stop to the dispossession and eviction of the community from their land.

During the protest march, the activists called upon the Sikder Group to "stop evicting Mro community from their inherited ancestral Jhum land in the name of constructing a five-star hotel" and carrying placards with various demands including "Accept the traditional land rights of the hill people" (*Dhaka Times*, 11 September 2020).

Maidul Islam, a teacher in the Department of Sociology at the University of Chittagong; Subarna Majumdar, a teacher in the Department of Mass Communication and Journalism; and, Hafiz Rashid Khan, a prominent poet and journalist, also expressed solidarity with the protesters.



Solidarity by women against land grabbing for construction of a 5-star hotel (*Prothom Alo*, 11 September 2020)

Advocate Bhulan Bhowmik, president of the National Council East-3, said the construction of a five-star hotel on the Chimbuk hill in Bandarban is part of a wider conspiracy to wipe out the hill people in the Chittagong Hill Tracts (CHT).

Hasan Maruf Rumi, leader of the mass solidarity movement in the Chittagong region, said that, just as America's modern capitalist society has been built by evicting indigenous peoples, the hill tribes of the CHT are being forcibly evicted from their land.

Case 2: Adivasi people protest land grab in Chapainawabganj District: (Source: *Dhaka Tribune*, 18 July 2020)

Land grabbers had been taking indigenous peoples' arable land, homes, ponds, graveyards, cremation grounds, and temple land in Tongpara, Chapainawabganj district. On 18 July 2020, hundreds of indigenous people from the Rajoar community organized a rally to protest this land grabbing, as well as rape and persecution, in their district. They blocked the Nachol Amnura road for hours and later mobilized a rally in Tongpara village, under Sadar sub-district of Chapainawabganj district.

Hingu Murmu, president of the Uttarbanga Adivasi Forum; Bimol Chandra Rajoar, organizing secretary of the Jatio Adivasi Parishad central unit; and, Adivasi Mokti Morcha, president of Biswanath Mahato, were likewise present at the said event.

The speakers alleged that criminals had been grabbing the indigenous people's land and ancestral properties, especially in Tongpara village. Thus, they demanded action against the land grabber, Tariqul Islam and his gang. Otherwise, they vowed to take stronger action.

The Adivasi leaders demanded that the 17 cases filed against the indigenous people of Tongpara village be investigated properly and that the report be submitted soon.

The leaders of the rally likewise alleged that the police had not agreed to file cases against the perpetrators of sexual assault on Adivasi leader Kanchona Rajoar on 23 May 2020, and the stabbing of another two leaders, Biswanath Mahato and Bongpal Sarder, on 25 June 2020.



Demonstration and protest rally by the women against land grabbing of indigenous peoples' land

Responses to the conflicts

Communities and CSOs have undertaken a range of actions in relation to addressing land conflicts in Bangladesh. These include policy advocacy, campaigns, awareness raising, empowerment of communities (e.g., paralegal support, emergency funds, etc.), organizing workshops and roundtable discussions, and mobilizations. For the cases documented in this study, 12 out of the 34 were reported to have taken the following courses of action, as summarized in Table 9: conflict management through courts and legal processes (three cases), conflict management through administrative mechanisms (two cases), negotiation (two cases), and peaceful demonstration (two cases). Two cases had no response, and one had a “Do not Know” response regarding how the land conflict was addressed.

With regard to whether corrective actions were taken in response to the land conflicts, only eight out of the 34 cases documented had information on this.

Table 9. Community responses to conflicts

Type of responses	Number	Percent (%) (out of 12)
No response	2	16.65
Conflict management - administrative mechanism	2	16.65
Conflict management - Court, NHRC, legal remedy	3	25.00
Conflict management - negotiation	2	16.65
Peaceful demonstration and other non-violent acts	2	16.65
Do not know	1	8.40
No data	22	-
TOTAL	34	100

As shown in Table 10, three cases indicated that the government took action, three cases reported no action, while the remaining cases had no data (28 cases) on whether action was undertaken or not.

Recommendations

Based on the findings and analysis in this study, the following are recommended courses of action:

For Government

- Formulate and enact a special law to prevent land grabbing and ensure quick resolution of land disputes;
- Enact laws and formulate a mechanism to protect land rights defenders;
- Initiate the withdrawal of false cases over land conflicts and stop police or administrative harassment immediately against land rights holders and defenders;
- Ensure people-centered land governance and digitalization of the land management system;
- Direct the National Human Rights Commission (NHRC) to formulate a National Action Plan to resolve land disputes by engaging political parties, CSOs, and other GO-NGO stakeholders;
- Cancel lease of land among companies/corporations/political and non-political influential groups for violation of land-human rights; and,
- Monitor corruption, irregularities, and bribery in the Office of Land Administration, the courts, and police stations.

For CSOs

- Popularize land rights as human rights;
- Monitor land conflicts regularly and publish land conflict monitoring reports periodically and annually;

Table 10. Corrective actions taken in response to the land conflicts

Corrective action taken?	Number	Percent (%) (out of 6)
Yes, by government	3	50
No	3	50
No data	28	-
TOTAL	34	100

- Build up public solidarity and support especially in cases of large-scale land grabbing and eviction due to land acquisitions that violate land-human rights;
- Empower affected communities and strengthen their organizations, particularly those of the landless and small producers;
- Mobilize media and citizens' platforms in association with grassroots people in the conflict sites to protest against the land grabbers; and,
- Advocate for the strengthening of local government to build a support mechanism as a protection mechanism within the legal framework. ■

ACRONYMS

BRAC	Bangladesh Rural Advancement Committee
CDA	Community Development Association
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NHRAP	National Human Rights Action Plan
NHRCB	National Human Rights Commission in Bangladesh
OC	Officer in Charge (of a Police Station)
UDHR	Universal Declaration of Human Rights
NGO	non-governmental organization
HRLS	Human Rights Legal Service
PRI	Property Rights Initiative

DEFINITION OF TERMS

Adivasi refers to indigenous people

Khas land refers to government-owned fallow land

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ACKNOWLEDGMENT

I thank Mr. Nathaniel Don Marquez and Ms. Denise Hyacinth Joy Musni of ANGOC in guiding CDA towards the finalization of this report. I also thank my colleagues Mr. Abu Musa Been Mohammed Zakaria, Manager Planning, Monitoring, Evaluation and System; Mr. Abdul Jabbar, Legal Adviser; Mr. Mostafizur Rahman, Coordinator, Management Information System; and, Mr. Alhaj Hossain, Information, Communication and Technology for their supportive cooperation.

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CITATION

Community Development Association (CDA). (2021). *"Powerful Individuals" as Top Aggressors, Smallholder Farmers Hardest Hit: 2020 Bangladesh Land Conflict Monitoring Report*. ANGOC, CDA, and ILC.

DISCLAIMER

This report was made possible with the financial support of the International Land Coalition (ILC). The views expressed in this document do not necessarily reflect those of ILC.