

Lessons and Insights from Land Conflict Monitoring

KPA (Indonesia)

Land conflict monitoring by KPA in Indonesia started in 2001, with the release of latent and manifest agrarian conflict data covering the years 1970 to 2001. The report covered 1,753,000 cases, involving 10,892,000 hectares of land, and affecting 1,189,482 households. The purpose of the land monitoring initiative was to promote and advocate for a National Committee for Agrarian Conflict Resolution (KNUPKA) with the Indonesia Human Rights Commission.

KPA built a resource center unit and collaborated with Flinders University to start collecting the data. Along with the Indonesia Human Rights Commission, KPA studied the Calim Court System in South Africa.

It was not until 2007 that the report was released on a yearly basis, as KPA's Year-End Report on Agrarian Conflict Situation. The release of the report is done via a press conference and public expose. The report includes ongoing conflicts, new conflicts, instances of violence, trends, policy-based analytics, and recommendations.

Since its inception, the KPA report has become a valuable reference on land conflict for media, CSOs, academic researchers, and State institutions, (Human Rights Commission, Ombudsman, Parliament, Ministry of Agrarian Reform, police, etc). The report has lived up to its objectives as it has heightened public awareness and knowledge on structural problems related to land, and has strengthened evidence-based advocacy approach to agrarian reform and conflict resolution.

The last KPA Year-End Agrarian Conflict Report covered 212 cases in 459 villages/cities and affected 346,402 households in 1,035,613 hectares.

Most of the conflicts occurred in the plantation sector (99 cases), followed by infrastructure (32), property (26), mining (21), forestry (20), military facilities (6), corporation-based agribusiness (4), and coastal and small islands (4).

In terms of location, most conflicts occurred in Sumatra (65), Java (52), and Sulawesi (39), which are the islands dominated by the plantation industry, industrial forests, major infrastructure projects, and property development.

According to the 2022 report, the number of agrarian conflicts has increased from 207 in 2021 to 212 in 2022. Although the rise was not statistically significant, the region affected by agrarian

conflicts expanded by 100 percent from 2021 to 2022. Similarly, there was a considerable increase of up to 43 percent in the number of casualties caused by agrarian conflicts from 2021 and 2022.

The KPA report also looks at violence and criminalization efforts against land rights activists. Over 500 cases of criminalization and persecution were reported, while there were also instances of shootings and a murder. Police, military, and private security forces perpetrated most of these cases.

A highlight of the 2022 report is an assessment of the President Widodo administration's performance in terms of land conflict. From 2015 to 2022, the report states that there were 2,701 cases of conflict covering 5,887,315 hectares and affecting 1,725,441 families.

The report also cites that during the same period 1,934 activists were criminalized and 814 were victims of violence. Among the victims of violence, 78 were shot at and 69 were killed.

The Indonesia report culls its data from media, directly from KPA's community partners, investigation reports, emergency fund, and partner CSOs. Data-gathering and validation are done throughout the year on a month-to-month basis.

Land Conflict Watch (India)

Land Conflict Watch (LCW) initiated its activities in 2016 as a data-monitoring project on land issues in India. The initiative's convenors noted that land conflicts led to rising instances of social unrests, an overburdened court system, and delayed investment projects.

LCW defines land conflict as "any instance in which the use of, access to, ownership of and/or control over land and its associated resources are contested by two or more parties, and where at least one of the contesting parties is a community (group of families)."

To date, LCW's 42 on-field researchers have identified a total of 722 land conflicts in the country. These conflicts affect eight million people and INR 2.9 million worth of investments.

The duration of land conflicts range from over 10 years (171 cases), 20 years (31 cases), 40 years (15 cases), 60 years (6 cases), and 100 years (3 cases).

As far as the physical manifestation of conflicts go, there were 55 cases of physical attacks on people, 44 cases of threats and intimidation, 37 cases of tear gas attacks, 34 cases of killings, and 18 cases of arson. These instances shows that a lot of human rights violations occurred in land conflict cases in India.

In terms of methodology, local researchers first identify conflicts mostly from monitoring news reports. LCW's criteria for determining the worthiness of a conflict for its monitoring purposes is that there should already be a video or written documentation/report about such conflict in the public domain.

Once a case is identified and initial documentation is gathered, it is forwarded to reviewers who conduct the verification process, before the data is shared through LCW's online database. On the dashboard, users can filter and use the data however they want. The database can be used for analysis by anyone and is updated on a regular basis.

LCW collects/monitors a wide range of data on land conflicts by location, type, causes, type of land, type of community. It also monitors interventions by both the aggressors and affected communities. It has also added a new parameter on legal data, i.e., what laws are violated. All in all, LCW's monitoring covers 85 parameters.

In terms of the data's use for advocacy, LCW thinks about who will use which data in what manner, meaning the data is available and is open for anyone who subscribes to the database to use the information provided for whatever purpose, including for advocacy purposes.

The initiative's neutral approach to monitoring, and a focus on investments affected, also aims to point out to government agencies and corporations that land conflicts are not good for governance and business as these come with huge monetary and economic costs. Data from LCW revealed that three out of four investment projects are either scrapped or stalled due to land conflicts.

Apart from the online database, LCW also comes out with annual publications on land conflicts.

ANGOC (Philippines)

The Philippines produced Land and Resource Conflict Monitoring Reports in 2014, 2018, 2020, and 2021, but as early as 2013, LWA Philippines members pilot-tested a number of monitoring indicators based on the Land Country Monitoring Framework (including number of overlapping cases and presence of resource conflicts and extractive activities).

The 2014 report initiated a more targeted report centered on conflicts related to land and resources. However, it was still a a desktop research of existing CSO and government studies on land and resource conflicts. In 2018, the report discussed the *nature and prevalence* of land and resource conflicts through recording of cases and incidents from mainstream media, CSOs, and government data.

A Land and Resource Conflict Monitoring (LRCM) database was developed for the 2020 report, and in 2021 the case profile form for community data-gathering was introduced.

The following table presents a snapshot of the major findings from previous monitoring reports.

Table 1. Land Reform Monitoring Reports in 2014, 2018, 2020, and 2021

Parameters	2014	2017 to 2018	2020	2021
Number of cases	77 (CHR data, 2014)	352	223	235
Area affected (ha)		1.3M	1.6M	1.9M
Households affected		At least 186,796	At least	At least
Number of incidents of HRV	50 killings, 2002 to 2011 197 deaths, 2012 to 2013 (Global Witness, 2012)	431	147	106

As of the 2021 report, it was revealed that majority of the cases (25 percent) have been ongoing for more than 20 years. In terms of community responses, majority (45 percent) responded with *peaceful demonstrations and other non-violent acts*. As far as corrective actions are concerned, *no action was taken in 68 percent of cases*.

For **type of resource affected**, the highest percentage involves *agricultural lands* (53 percent) in terms of *number of cases*, while in terms of *area*, the most affected are *ancestral domains* at 83 percent.

For **causes/drivers of conflict**, the highest percentage involves *private investment* (56 percent) in terms of *number of cases*, while in terms of *area*, the highest percentage involves *clashing tenure systems* (36 percent).

Some lessons and insights gained from producing the land and resource conflict monitoring report from 2014 to 2021 were:

- **Shift in methodological approach and use of data sources**
 - The 2014 report, being heavily reliant of then existing studies, strengthened the recognition of the importance of land and resource conflict documentations and monitoring by CSOs;
 - From desk research to monitoring approach (main data source: mainstream and alternative media reports);
 - The development and use of LRCM Database as a tool for recording helped in the continuous monitoring and tracking of cases and incidents over time;

- Due to the prevalence of fake news, cases and incidents found online were only counted if they were published on credible online sources (e.g., mainstream news media websites, platforms or websites of people's organizations and CSOs); and,
 - Use of at least two online sources to verify the accuracy of the information.
- **Shift in methodological approach and use of data sources**
 - It is dangerous to draw conclusions from the data and trends apparent in the numbers at face value – as numerous factors affect the data;
 - Use of available cases and incidents reported in mainstream and alternative media reports, and other online sources;
 - The ability of researchers to look for sources and gather information, which was exacerbated by the COVID-19 pandemic; and,
 - Data show that cases and HRVs persist (cases that continue for over two decades).
- **Dealing with a pandemic**
 - Requesting for and collecting data from government posed greater difficulties amid the pandemic; and,
 - The case profile form was developed for the use of CSOs and community-based organizations – as a response to the challenges in community data collection during the pandemic.
- **Conflicts did not decrease during the pandemic**
 - Quarantine restrictions during the COVID-19 pandemic have not hindered land and resource conflict-related human rights violations; and,
 - In fact, incidents of human rights violations were highest during the first four months (March, April, May, and June) of “hard lockdowns” to curb the spread of COVID-19.
- **There is no government agency that monitors land conflict**
 - Department of Agrarian Reform – monitors disputes, but does not aggregate; and,
 - The Commission on Human Rights – documents human rights violations, but does not look into the link to land rights.

Highlights of 2020 land conflict monitoring: video presentation

The video prepared by ANGOC, *Land Conflicts and Human Rights Violations Amidst a Pandemic: Regional Summary of Land Conflict Monitoring Reports for 2020*, explained that land conflict cases in Asia have been increasing in number, coverage, and intensity during the last decade – threatening livelihoods and lives of communities and rights defenders. See link <https://angoc.org/portal/in-defense-of-land-rights-a-monitoring-report-on-land-conflicts-in-six-asian-countries-vol-2-2/>

As a follow-up to a similar initiative in 2018, members of Land Watch Asia prepared land conflict monitoring reports covering the year 2020 for Bangladesh, Cambodia, India, Indonesia, Nepal, and Philippines.

The 2020 monitoring was able to gather 1,371 cases of land conflicts covering at least 6.47 million hectares, and affecting at least 2.37 million households. Most of conflicts recorded were related to government projects and private investments.

Nearly all the land conflict cases have been going on for several years, the longest being 94 years. Smallholder-farmers or producers are the most affected by land conflicts, as they comprise 55.8 percent of those affected, followed by indigenous peoples at 25.3 percent.

Most of the aggressors, or 55.6 percent, were found to be from private companies or corporations, while 16 percent were government entities.

More than 700 individuals were victims of land conflict violence in 2020. Among these, 49 individuals were killed, 79 were injured, 64 were detained, 213 were threatened with death, injury, detention or displacement, and 201 were criminalized.

Nearly 60 percent of the alleged perpetrators of violence are from the military or police. In four countries, it was reported that nearly 30,000 people were victims of displacement and over 22,000 households were victims of forcible entry or a lack of free, prior and informed consent (FPIC).

These numbers represent an alarming phenomenon – land and resource conflicts raged on amid a health crisis, with governments and private corporations at the center of the chaos. In some cases, the COVID-19 pandemic itself provided the opportunity for corporations and governments to push for controversial acquisitions.

Underlying these drivers are more fundamental issues: historical injustices, inequitable distribution of land, conflict between legal and customary tenure regimes, mismanagement of State domains, among others.

Over three-fourths of the affected community sectors were small farmers producers or indigenous peoples, highlighting the need to address agrarian reform issues and indigenous peoples rights.

The violence on individuals and communities that ensued were often aimed at silencing dissenters and instilling fear in their larger communities. While physical violence is most visible, it is important to note that many impacts of land conflicts are invisible and often go unreported. No action was deemed taken in 71 percent of all conflict cases recorded.

Further, the present database does not capture whether communities are satisfied in the cases where corrective actions were conducted. Resolving land conflicts would necessitate addressing their roots, which would entail:

- Building food security and agricultural strategies based on smallholder or family farming and agrarian reforms;
- Recognizing and protecting customary and traditional land rights;
- Delineating and allocating rights to lands under the so-called “public domain” (State land, forest areas);
- Reviewing the scope of “public interest” in State-led acquisitions; and,
- Questioning the role of the State and officials as “brokers” for private land investments.

Lessons and insights from the regional perspective

Monitoring land conflicts are strategically important to the work of CSOs involved in land rights and governance because: (1) land conflicts provide an observable indicator of unjust access to, control, or ownership of resources; (2) may result in violence and violations of human rights; and, (3) signal an urgency for government and other stakeholders to act.

Inspired by the work of KPA-Indonesia in monitoring land conflicts since 2001, the Land Watch Asia (LWA) campaign included land conflicts as a set of indicator for land monitoring. Thus, in 2018, LWA produced six country land conflict monitoring reports. However, the 2018 LWA reports used **varied methodologies** that were most convenient for each country. They relied mainly on media and government reports.

While the 2018 reports proved to be useful for the land rights campaigns, the use of different methodologies limited the scope for consolidation, comparison, and analysis of data at regional level.

In 2020, LWA implemented a more systematic way to monitor land conflicts and their effects on individuals and communities. A joint discussion on methodologies was held in Jakarta, Indonesia in

March 2020 – on parameters, indicators, working definitions, an Excel template, and pivot tables – and an agreement was reached to implement “*a common, but not uniform approach.*”

Land Conflict Monitoring work for 2020 was completed under the constraints of a global pandemic, and methods incorporated more field reports from CSOs and partner communities, and involved National Human Rights Institutions (NHRIs) and Commissions (NHRCs).

The common processes implemented for the 2020 land conflict monitoring report were:

- *Planning meetings and training* – regional planning meetings; regional conflict monitoring training; bilateral mentoring sessions;
- *Data-gathering and consultations* – monitoring of media coverage and case reports from CSOs and partner-communities; consultations with CSOs and communities; bilateral consultations between countries and ANGOC;
- *Report production and validation* – validation workshops and dialogues with CSOs, communities, NHRIs, NHRCs and government land agencies; bilateral consultations between countries and ANGOC; and,
- *Regional consolidation, dissemination* – regional summary; regional conference.

The 2020 land conflict monitoring initiative employed key commonalities in methods, as follows:

- *Working Definitions:* Agreed on a common Glossary of Terms, mostly drawn from international/official sources
- *Scope:* one calendar year (01 January to 31 December 2020); focus on *structural* land conflicts; report on *incidents* for the one-year monitoring period; focus on rural areas
- *Data sources:* Agreed on the basis for identifying reliable and verifiable sources
- *Data validation:* Requirements for a case; case verification
- *Perspective:* View of conflict from a community perspective
- *Database:* Use of a common *Excel* template
- *Indicators and analysis:* Adoption of a common report outline

The partners agreed on “a common, but not uniform approach,” which meant that: (a) country focal organizations adopted the overall framework and approach to land conflict monitoring, along with a common set of processes; (b) each country focal organization could adopt the tools to fit their own contexts and advocacies; (c) partners also adjusted the methods based on feasibility given the restrictions brought on by the COVID-19 pandemic; (d) four countries – Bangladesh, Cambodia, Nepal, and Philippines – used the same tools for monitoring; and, (e) There were different methods employed by the Indonesia and India teams – for Indonesia, KPA continued to use the methods and tools that they have initiated and had been continually refining since 2001. But since the LWA

indicators, common Excel template, and common table templates also incorporated elements from KPA's existing methods, it was still possible to integrate some data from Indonesia into the regional summary. As in the case for India, the focal point (CLRA) used existing data from Land Conflict Watch (LCW), a national network of journalists and researchers (LCW is already working on monitoring conflicts in all Indian States).

Key variances in scope and data sources were observed in various countries during the course of the monitoring, as shown in the table below:

Table 2. Variances in scope, data-gathering and reporting approaches, by country (as of December 2020)

Country	Cases Covered	Main sources of data, approaches to data-gathering and reporting
Bangladesh	35	Collected available information on conflicts from 36 mainstream media sources (online news portals and/or newspapers). Used the common Excel template and common summary tables to analyze and present data.
Cambodia	78	Gathered conflict cases from partner-communities and reports from mainstream media. Used the common Excel template and common summary tables to analyze and present data.
India	36	For the analysis in the report, CLRA selected and qualitatively analyzed 36 cases from Land Conflict Watch's (LCW) database. LCW is a network of researchers and journalists reporting on land conflicts across the country. As of 8 September 2021, there are 776 cases in LCW's public repository (landconflictwatch.org).
Indonesia	241	Collected reports of ongoing conflicts with violent incidents from national network of partner-communities. For continuity, KPA used their own methods and tools that they have employed since 2003.
Nepal	19	Gathered conflict cases from partner-communities (District Land Rights Forum) and used some secondary data. Used the common Excel template and common summary tables to analyze and present data.
Philippines	223	Collected reports of conflicts and attacks against smallholders from publicly accessible online sources, with some from CSO reports. Leads to several cases came from the 2018 land conflict monitoring database. The 2020 monitoring sought to have a national scope. Used the common Excel template and common summary tables to analyze and present data.

Source: *In Defense of Land Rights: A Monitoring Report on Land Conflicts in Six Asian Countries, Vol. 2* (ANGOC, 2020)

For data sources, Bangladesh, Cambodia, Nepal, and Philippines used the following:

- mostly secondary data from publicly available sources and other NGOs;
- some primary data from community reports and field visits; and,
- only six percent from community sources because of travel restrictions due to the COVID-19 pandemic.

As far as data validation, data from secondary sources should have been from at least two independent sources or were subjected to on-ground validation. Reports from CSOs were considered to be *validated* at the community level. Data from primary sources were subjected to on-ground validation, following incident reports.

An important aspect of the land conflict monitoring initiative was the use of a *community perspective*, which meant that the perspectives and narratives of communities and rights holders are prioritized and given more weight, considering that their experiences are often overlooked (e.g., in recording the instigators of conflict and perpetrators of violence; in instances wherein a rights defender is tagged as a “*rebel*” or “*communist*”). Hence, despite some differences in approach, it appears that all the six country monitoring efforts took on a similar community perspective or interest.

A common Excel template was used by Bangladesh, Cambodia, Nepal and Philippines to record data. The database was initiated and refined by LWA members, considering KPA’s experiences and the results of the 2018 monitoring. The database captured cases, sectors/institutions involved, and incidents of violence or attacks.

Given that different approaches to data gathering were employed, the consolidation of data at the regional level also took on several forms.

Data that were consolidated for all six countries (Bangladesh, Cambodia, India, Indonesia, Nepal, and Philippines), included:

- *Populations and areas affected*: number of ongoing cases, number of hectares contested/involved; number of households affected by land conflict
- *Adversarial claimants*: drivers of land conflict (*Note: India & Indonesia used different categories*)

Data that were consolidated for five countries (Bangladesh, Cambodia, Nepal, Philippines, and Indonesia) were for incidents of violence and human rights violations, as follows:

- Individual victims of land conflict-related violence and HRVs, *by number and sex, by type of violence/HRV*
- Perpetrators of individual violence and HRVs
- Violence against communities, *by type of HRV, by number of affected households*
- Perpetrators of community violence and HRVs

Data that were consolidated for four countries (Bangladesh, Cambodia, Nepal, and Philippines) included:

- *Populations and areas affected*: duration of land conflict cases, *in years*; type of land affected by conflict, *by size, by number of cases*; sector or type of community affected
- *Adversarial Claimants*: aggressors, instigators
- *Responses*: community responses to address conflict; whether corrective actions were taken

Data that were consolidated for four countries (Bangladesh, Cambodia, Nepal, and Philippines) involved households affected by ecological violence in land conflicts (*environmental destruction, contamination & pollution, impact on local produce*).

The above listing merely describes which data sets were aggregated and consolidated across countries. In some cases, certain data sets were collected and reported, but could not be aggregated because of the use of different categories and working definitions, etc.

Some lessons and insights from the 2020 land conflict monitoring work include:

- Not all land and resource conflicts are reported or documented.
- The exhaustiveness of each country report varies, depending on references available, the skills of implementing partners, their resources and networks, and government restrictions on travel and information (COVID-19)
- Understanding of land conflict concepts may vary, depending on context.
- Methods were *common* but not *uniform* – question of how much flexibility in methods is acceptable to produce sound results. On the other hand, in country reports are prepared with specific objectives.
- There were also differences in the understanding of certain concepts used in monitoring. For example, information on *cultural violence and psychological violence* were collected, but country researchers found these indicators to be too vague. In hindsight, there are subjects that might be better understood through in-depth studies. Moreover, some monitoring categories were very country-specific, such as the practice of “*red-tagging*” in the Philippines.
- The monitoring initiative has enabled country focal points to develop initial databases of land conflict cases.

Looking forward, involved organizations must work closer together to refine the methods used. This includes the simplification of concepts and tools, to make their use and the analysis of data easier. This will consequently make the monitoring results more accessible to a wider audience.

Country networks must also be expanded beyond present community and civil society partners, in order to broaden the scope of future monitoring initiatives rooted in community experiences.

Civil society organizations must continue to improve both qualitative and quantitative research and analysis capacities.

Finally, digital security in storing and transferring data must seriously be considered and improved, given the sensitive nature of conflicts and out of respect for their victims.

Comments/Discussions:

- Despite differences in the methodology, it is important to consolidate the data because all countries have common experience. Example, in Indonesia, land grabs have expanded post-pandemic, it is also facing problems on foreign investment. The transfer of government center to Kalimantan will result in more land grabs. Thus, data on land conflict is used to mobilize the people on land rights in Indonesia.
- There is no standard definition of violence and human rights violations (HRV) in the tool.
- Displacement of people/communities should also be included in the items.
- The reports do not present best practices on dealing with land conflicts.
- Capacity building on data gathering and research is important. There should be a focal point for each country. However, the campaign needs to come up with a resource-effective approach. Thus, it is important to network with different organizations for monitoring.
- The importance of consolidating data at the regional level builds up on LWA's advocacy work.
- Important to have credible sources of information and be consistent in using the methodology.