



Namal Sanjeewa tills his land in Badulla District, Sri Lanka. While grappling with irregular rainfall patterns and prolonged droughts, Namal receives no drought-relief support as the State refuses to recognize his right to land. Photo: Renuka Sampath

Land rights take center stage in Asia's fight against climate change

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Key Messages

- The rural poor who lack land tenure security are less able to adapt to the impacts of the climate crisis because they cannot make the necessary farming decisions and investments designed to improve their resilience and adaptive capacity.
- Proof of land ownership is the key that opens access by the rural poor to government support that is crucial for recovery from climate-induced loss and damage. Many of the rural poor are unable to show such proof and thus are excluded from support that they need to rebuild their lives and livelihood following loss and damage from climate change.
- The impact of the climate crisis goes beyond socio-economic ruin, but also results in the loss of a person's standing in her/his community. Without land, the rural poor suffer the degradation of their identity and pride.
- Women and girls face the risk of violence from men when the family's fortunes sink. They are also forced to take on the main responsibility for keeping the family together when the men leave their homes for work elsewhere. They are always harder hit in the aftermath of climate-induced loss and damage.

The impacts of the climate crisis on land are immense: it causes loss of land, soil erosion, land degradation that forces changes in land use. It threatens the land rights of communities, causes displacement, affects food security, and aggravates land inequality. These impacts have led to greater competition for land, and increased pressures on land use. Communities struggle to cope with loss and damage, unable to recover from them or to improve their climate resilience.

Oxfam listened to women and men from Bangladesh, Nepal, Sri Lanka, and Timor-Leste who shared their stories on how the climate crisis has caused loss and damage to their lands, and the impact this has had on their lives.

The stories demonstrate that land ownership is a key factor in determining people's eligibility to receive assistance to recover from loss and damage. Those who could prove land ownership received compensation and alternative land or relocation benefits, while those who did not own the land or could show proof of their rightful ownership and tenure struggled to obtain these benefits. Similarly, land ownership gave access to membership in farmer societies through which government extension services relating to climate adaptation and mitigation as well as climate finance were channeled.

The stories we heard show the importance of secure land tenure to avoid, minimize, and address loss and damage, particularly for the most vulnerable, and to increase their climate resilience.

Lack of decision-making power over land, coupled with power imbalances and overlapping inequalities, increases the climate vulnerability of farmers and prevents them from taking steps to avoid loss and damage.

In Sri Lanka, 80 percent of lands belong to the State³ and are distributed among people under the Land Development Ordinance⁴ and the State Land Ordinance.⁵ These two laws provide the mechanisms under which State land can be distributed to persons. The policy of the State has been that State lands ought not to be transferred to people freehold, and hence the permits and grants under which State lands are distributed contain many conditions requiring development of the land as per specifications mentioned in the permits and restrictions on selling or otherwise disposing of the lands. However, their implementation has been slow and involves prolonged administrative processes. Even where State lands have been distributed to people, much of the control and decision-making power related to these lands is retained by the State.

K.P. Somalatha is a paddy farmer from the drought-stricken Monaragala District in Sri Lanka. She occupies State land that had been given to her through a land grant by the government. Even though she has rights to her land, Somalatha explains how the State still retains control over the land, seriously affecting farmers' ability to adapt to climate change and at times forcing them to find livelihoods other than farming.

³ Law & Society Trust, 'State Lands and Land Laws: A Handbook' (2015) < <https://www.lstlanka.org/wp-content/uploads/2022/02/Booklet-2-State-Lands-English-1.pdf> > accessed 14 June 2023

⁴ Land Development Ordinance No. 19 of 1935

⁵ State Land Ordinance No. 8 of 1947

“We used to cultivate paddy in two seasons but with the unpredictability of rain, we have reduced it to one. Rice farmers struggle to earn a profit with low-yielding harvests, [and also] only once a year because we do not have enough water.”

Even though State lands have been allocated to people by the government, crucial decisions such as those pertaining to water allocation, the kind of fertilizer and other farming inputs to be used, and the seed varieties to be planted, are still made for farmers by the government agriculture officials, leaving little or no decision-making power to the farmers with paddy lands located under irrigation systems.

“Our land was awarded to us by the State through a grant and for which we received a land certificate. However, we are landholders in name only. We cannot really make any decisions about our land. We want to cultivate indigenous paddy varieties which require less water and give a higher yield while using less amounts of agrochemicals. But State officials push corporate profits forward.



KP Somalatha stands before her vegetable plot. She is only able to work here during the rainy season when they have access to water. Photo: Thakshila Sewwandi

We very rarely get any compensation for droughts, and when we do, the amount we receive does not cover even 10 percent of the loss we suffer. “

Prolonged droughts in Somalatha’s village have diminished groundwater levels. As a result, their lands are no longer arable. Rural farmers struggle to cope with these losses and damages. They often fall into debt or stop farming altogether. The domino effect of having limited to no control of one’s land has severe economic and non-economic implications which go beyond their lack of resilience to climate change.

Land ownership is a key criterion for membership in farmer societies through which agriculture extension services, including crop insurance and drought relief, are provided.

In Sri Lanka, farmer and irrigation societies are one of the main mechanisms through which government-led support is channeled to agricultural communities. As land ownership is a pre-requisite for membership of these societies, farmers who do not have formal ownership of lands are unable to access agriculture extension services, support for adaptation and mitigation measures, crop insurance, and drought or flood relief provided by the government.

Namal Sanjeewa is a fourth-generation farmer from Badulla District in Sri Lanka. Namal cannot access drought relief because he does not own his farmland.

“We have occupied these lands for over three generations, but the State refuses to give us land permits, saying that we are living on encroached State land. They refuse to release irrigated water from

“Since we do not own the land, we are not recognized as farmers.”

reservoirs to our lands because they want us to vacate the area and give our lands to a private company for sugar cane plantation. We do not receive any agriculture extension services or technical support for climate mitigation or adaption from the Agrarian Services Department. We are unable to register for crop insurance or drought relief for the same reason.”

High temperatures, irregular rainfall patterns and prolonged droughts have degraded their lands and rendered the soil infertile. Harvests are going down. Without assistance from the government and without secure land tenure, farmers like Namal are unable to make investments to adapt to these climatic changes. Thus, they continue to suffer loss and damage year after year.

“We carry these losses to our next cultivating season. It affects our families, our children’s education, household food security, health and all aspects of our lives. Recovery after a drought seems next to impossible to us. The State refuses to formalize our ownership and we are forced to watch our farming communities deteriorate in the face of extreme drought. In addition to our livelihood, our dignity and worth as small-scale food producers is at stake.”

There are around 163 farming families in his village facing a similar predicament to Namal. Unable to bear the continued losses and increasing debt, many of these farmers are gradually moving away from agriculture to daily wage labor or have migrated to cities to find jobs.

Loss and damage to land exacerbate existing gender inequalities and trigger a chain reaction of socio-economic consequences for women and girls.

Land degradation due to lack of water and prolonged droughts has reduced yields and has had a significant impact on farming communities in Bangladesh. It has affected not only farmers but also agricultural workers, creating a ripple effect within agricultural communities.

Shaheena Aktar is a daily-paid agricultural worker from Nowapara, a village in Cox's Bazar, Bangladesh.

“Because of lack of water, the harvest is low. I am not paid properly by the landowner when the income from the crops is low. We have to travel far to bring water to irrigate the land because water is



Shaheena Aktar, a day-laboring farmer in Nowapara, Chakaria. Photo: Centre for Natural Resource Studies



Forida Begum in Boro Vitar Char, Bangladesh. 'I could keep nothing as my own, life took everything away again and again.' Forida looks far into the river that took away her family's house by erosion. Photo: Jahangir Alam/Oxfam

scarce here. It takes a lot more time, but I am not paid for the extra hours I work. Although we work in the same field, men are paid more than we are."

The consequences of reduced household income disproportionately affect women and girls.

"I am a single mother. I live in a rented house. If I do not get paid, I cannot pay rent, buy food, or send my daughter to school. If women do not bring in enough money from their farming work, they are beaten up by their husbands. This is very common in my village. Because families don't have enough money, girls discontinue their education or are married off early. Early marriage is quite common in my village."

The intricate chain reaction of socioeconomic consequences which start with the loss of land productivity or degradation of soil leads to generational inequalities, especially for women.

Climate-induced migration increases the care burden on women and exposes them to harassment and violence.

Shamsun Nahar is a farmer from Hajrakhali, a village in Satkhira, Bangladesh. Her region is characterized by high soil salinity levels due to water logging and river erosion. This has lowered the productivity of their farms. As a result, the men are forced to migrate to cities in search of employment, leaving behind women with increased responsibilities and exposure to vulnerabilities.

“Our household income is affected when our farmlands produce low yields. It affects the food we eat, our children’s education and even our dignity. We cannot depend on our farmlands as our sole source of income. It is very common for men to move away to [distant] regions to earn money to support their families.”

This increases the burden on the women who are left behind in the village.

“Women have to walk long distances to collect water. When a family’s income is affected or reduced, it creates a lot of pressure on the women and leads to domestic violence.”

Loss of land has many consequences, including diminishing one's status and position in society.

H.M. Morshed lives along the banks of the Bishkhali river in Dhaalbhanga village in Barguna, Bangladesh, where floods due to cyclones and tidal upsurges and riverbank erosion are highly prevalent. His house was destroyed by cyclones Aila and Sidr and he lost almost 80 percent of his family's land to river erosion.

“When the Bishkahli river had a solid embankment, my land was protected and I could cultivate there. After the floods broke the embankment, further erosion took the lands away, and now the banks of the river are very close to my house. As we lose more of our land, we will have less and less land to make a living from.”

For Morshed, apart from losing his lands, the biggest setback that he has suffered was to his status in society.

“When I had my land, I was regarded highly in my community. After the river took my land, my position in society dwindled. I would not be facing these economic hardships if I had my land. People who own land can recover faster after a disaster. “

Land ownership influences a person's status or position in society. Loss of land due to the climate crisis not only has economic consequences but also non-economic losses related to a person's status in their community.



Chanahari Chaudhary on his daily routine checking the fruit that he now grows on leased land after his own land was swept away by floods. Photo: Jyoti Phayal, RDC Nepal/Oxfam

Lack of land ownership increases the vulnerability of communities and decreases their ability to recover from loss and damage.

Chanahari Chaudhary is a farmer from Chandrapur Municipality in Nepal, an area prone to floods, drought, river erosion, and heavy rainfall. Chanahari's family used to cultivate paddy, vegetables and maize on his land, which has now been converted to a riverbank.

"My land was destroyed by floods. Our main source of income was farming. I used to earn 150,000 Nepalese rupees, or about 1,175 US dollars, a year. After our land was destroyed, my family and I

were forced to take on daily-paid labor work to make ends meet. We could barely buy food or educate our children after the floods destroyed everything. We subsequently leased some land and started cultivating mangoes and vegetables.”

Chanahari reports that he received little to no support from the government to rebuild his life and livelihood following the disaster. His story reflects how loss and damage to land and its consequences are often irreversible.

Farmers who do not possess formal ownership of their land are extremely vulnerable in the context of natural disasters. In the absence of evidence of their right to the land, they risk losing it. Thus, following a disaster, some farmers decide to remain in their communities, which are still hazardous, rather than to migrate or relocate. This traps them in highly vulnerable environments and exposes them to further risks.

Communities who owned land could only access government-led support after Cyclone Seroja affected Timor-Leste

Timor-Leste suffered heavy loss and damage due to Cyclone Seroja in April 2021. People living in flood-prone, high-risk zones in the capital Dili and other municipalities lost their lands and homes.

The scale of the impact caused by the cyclone prompted the government to enact Decree Law No. 7/2021, which provides for government assistance to victims of serious accidents or disasters. In particular, the law enabled landowners to leave Dili to rebuild their lives elsewhere.



Damage caused by floods in Dili, Timor Leste. Photo: Oxfam in Timor Leste

Meanwhile, affected Dili households that returned to their home villages received housing construction materials and 1,000 US Dollars for labor costs. However, this government assistance was not available to people without land. As a result, many families returned to still unsafe areas to rebuild their houses. Besides the dangers this posed to their safety, the families also risked being evicted from what was considered as a government-owned land.

Dilva Coreira lives close to the Timorese naval base in Hera with her husband and five children. She moved there as a young girl when her father, who was a fisherman, was relocated from Bidau-Mota-Klaran to Hera in 1991 by the Indonesian Department of Fisheries along with 200 other fisher families. Her village is surrounded by the sea on one side and large fish ponds on the other.

“We have lived there for 30 years and are very worried about our rights to the land. When the government registered this land, they did not write down our names or give us any documents, so we are concerned that they did not register the land in our names. We have asked for information, but the government has not explained our rights to us. We have heard that the government will relocate us to a new area in Dili or to a rural area, but they have not explained the real benefits and risks of these options to us.

We have lost not only our homes but also our income from agriculture. We do not know where we will get the support we need to re-establish our livelihoods as farmers and fisherfolk, or what will happen to our land. “

Through cracks and crevices, land matters ...

These stories demonstrate that loss and damage to land not only affects the land rights of communities, but also has an impact on other aspects of their lives. These experiences also show that secure land tenure is a significant factor that enables communities to better respond to the climate crisis. Secure land tenure empowers communities to make decisions and investments to improve their climate resilience. Land ownership enables communities to receive assistance and climate finance to address and recover from loss and damage. Oxfam therefore advocates for strengthened land tenure rights as a pathway to address the climate crisis. ■

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The full paper can be accessed via: [https://policy-practice.oxfam.org/resources/loss-and-damage-to-land-voices-from-asia-621531/#:~:text=paper%20\(5%20MB\),Overview,lands%20and%20impacted%20their%20lives](https://policy-practice.oxfam.org/resources/loss-and-damage-to-land-voices-from-asia-621531/#:~:text=paper%20(5%20MB),Overview,lands%20and%20impacted%20their%20lives)

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