

# Monitoring of lands under conflict - incidence, drivers, and impacts:

## A regional workshop summary report

26-27 February 2024 | Jakarta, Indonesia



SEANF  
THE SOUTH EAST ASIA NATIONAL  
HUMAN RIGHTS INSTITUTIONS FORUM



Founded in 1979, the **Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)** is a regional association of national and regional networks of civil society organizations (CSOs) in Asia actively engaged in promoting food sovereignty, land rights and agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC member networks and partners work in nine Asian countries together with some 3,000 CSOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy discussions with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of CSOs highlight the need for a development leadership to service the poor of Asia – providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives. Thus, the ANGOC network promotes land and resource rights, smallholder agriculture, and human rights and civic participation, by serving as a platform for Asian CSOs to generate knowledge, share tools, and conduct constructive policy dialogues.

ANGOC is a member of the Global Land Tool Network (GLTN), Global Forum on Agricultural Research and Innovation (GFAiR), Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium, International Land Coalition (ILC), and Fair Finance Asia (FFA).

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**Land Watch Asia (LWA)** is a regional campaign to ensure that access to land, agrarian reform, and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Kyrgyzstan, Nepal, Philippines, and Sri Lanka. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy interventions on access to land; jointly develop approaches and tools; and, encourage the sharing of experiences on coalition-building and actions on land rights issues. ANGOC is the convener of LWA campaign.



Established in 1994, the **Consortium for Agrarian Reform or Konsorsium Pembaruan Agraria (KPA)** currently consists of 153 people's organizations (peasants, indigenous peoples, rural women, fisherfolk, urban poor) and NGOs in 23 provinces in Indonesia. KPA fights for agrarian reform in Indonesia through advocacy and the strengthening of people's organizations. KPA encourages a participatory and pluralistic approach which recognizes the development of different systems of land use and tenure to ensure land rights.

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## **Regional Workshop Summary Report**

# **Monitoring of lands under conflict – incidence, drivers, and impacts**

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### ***In partnership with***

Commission of Human Rights of the Philippines (CHRP)  
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# Preface

The escalation of demands on land resources due to the pressures of climate change, population growth, increased food insecurity, migration and urbanization, among others, is fuelling land conflict dynamics in the region, with human rights violations being one of the most obvious and palpable impacts, especially on vulnerable populations.

People are often condemned to a life of hunger and poverty when they lose their tenure rights to land and resources and their livelihoods as a result of corrupt tenure practices, or the failure of implementing agencies to protect them. People may even lose their lives when weak tenure governance leads to violent conflict.

Conversely, responsible governance of land tenure promotes sustainable social and economic development that can help eradicate poverty and food insecurity, and encourages responsible investment. Land and resource governance is crucial in determining whether people and communities are able to acquire rights, and associated responsibilities, to use, manage, and control land, water, forests, and natural resources.

A key element of our policy work, the Land Watch Asia (LWA) campaign has produced land conflict monitoring reports in Bangladesh, Cambodia, India, Indonesia, Nepal, and Philippines in 2023. This initiative is a continuation of our efforts which started in 2018 to incorporate land conflict in our regular assessment of the state of land rights and land governance in the region.

The Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) credits the LWA partners for the herculean endeavor they undertook to produce these reports. National Human Rights Institutions and Commissions (NHRIs and NHRCs) have been engaged at the in-country discussions in preparing such reports. We thank them for helping us to frame our discussions against the discourse on land rights as human rights.

On this note, the ANGOC, LWA, and the Konsorsium Pembaruan Agraria (KPA), in partnership with the Commission of Human Rights of the Philippines (CHRP), Commission of Human Rights of Indonesia (Komnas HAM), Provedoria dos Direitos Humanos e Justica (PDHJ), and the Southeast Asia National Human Rights Institution Forum (SEANF) have organized a regional workshop on land conflict monitoring last 26-27 February 2024 in Jakarta, Indonesia. Through the support of the Global Land Tool Network (GLTN) and the United Nations Human Settlements Programme (UN-Habitat), the workshop has provided the platform to: (1) present and discuss the findings and recommendations of land conflict monitoring reports in six Asian countries [Bangladesh,

Cambodia, India, Indonesia, Nepal, Philippines]; (2) identify strategic action areas at the regional level to address land conflicts; and, (3) explore partnerships with the 59 participants representing CSOs, NHRIs, NHRCs, and international organizations from nine countries.



We look forward to greater and more comprehensive collaboration with the NHRIs and NHRCs. This partnership is essential to sustaining this land conflict monitoring initiative and to ensuring that it remains faithful to our shared commitment to protect and fulfill the human right to land.

Finally, governments must heed the call for improved land governance, and the evidence presented in these reports could help push them to take decisive and effective action.

Dewi Kartika  
Chair, ANGOC and Secretary General, KPA

Nathaniel Don Marquez  
Executive Director, ANGOC



# Introduction

As stated in a 2015 publication of the United Nations Office of the High Commissioner for Human Rights (UN OHCHR),<sup>1</sup> land is not a mere commodity, but plays a crucial role in realizing numerous human rights. Although there is no universally codified right to land, its importance persists within the broader human rights framework. Land directly influences economic rights by serving as a livelihood source for many. Land often embodies social and cultural identities, thus intersecting with social and cultural rights. The human rights dimensions of land intersect with diverse issues such as poverty alleviation, development, peacebuilding, humanitarian aid, disaster prevention, and urban and rural planning



Urban development initiatives can exacerbate socioeconomic disparities by driving up land and housing prices, impacting affordable housing options for low-income communities. Environmental conservation efforts sometimes clash with the rights of populations reliant on land for sustenance and livelihood. Forced displacements resulting from development projects lead to homelessness,

land deprivation, and severe impoverishment for millions globally. In post-conflict scenarios, restoring housing, land, and property rights is crucial for returning refugees and internally displaced persons. More recently, environmental degradation and climate change pose threats to land access, by reducing the amount of available land, particularly affecting marginalized groups. The inevitable escalation of demands on limited land resources will fuel conflict dynamics across global, regional, national, and local levels.

In recent years, land conflicts have increased in number, coverage, and intensity, prompting civil society organizations (CSOs) to investigate them further. Land conflicts have resulted in the loss of livelihoods, violations of human rights, and even deaths. Land conflicts, being an indicator of a poor state of governance, thus need to be monitored.

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<sup>1</sup> Land and Human Rights: Standards and Applications, OHCHR, 2015

Initiated by the Asia NGO Coalition for Agrarian Reform and Rural Development (ANGOC), the Land Watch Asia (LWA) campaign has been monitoring land governance in the region in support of its policy and advocacy work. In particular, the LWA campaign has been producing land conflict monitoring reports since 2018 that offer hard evidence of this worrying nexus.

For its 2023 land conflict monitoring report, LWA partners used four parameters, including: (1) populations and areas affected by conflict, drilling down to specific sectors and number of households; (2) adversarial claimants and drivers of land conflict; (3) human rights violations resulting from land conflicts, the proportion of victims and sectors affected by specific violations, and the perpetrators in each case; and, (4) actions taken by affected communities, whether by bringing cases before judicial courts, administrative bodies, or alternative conflict resolution mechanisms.

By providing data on the above, the LWA campaign will contribute to evidence-based assessment of the poor state of land governance in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines. Having done this, LWA offers valuable support to national human rights bodies, which are at the forefront of promoting and protecting human rights, and keeping violence at bay in the interest of societal peace and harmony.

## Theme 1: The Land Conflict Monitoring Initiative

*This section provides an overview of the land conflict initiative by the Land Watch Asia (LWA) campaign, the major findings of the six-country consolidated country monitoring reports, and a summary of the key recommendations. The full country monitoring and regional summary reports may be accessed at <https://angoc.org/portal/>*

Adapted from Engel and Korf (2005) and enriched by insights from past monitoring experiences at the country and regional levels, the LWA partners defined land conflict as “a result of contradicting interests over the control, use, and management of land and resources, where the primary actors have differences in goals.”

In 2007, upon the initiative of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), in partnership with CSOs and land advocates, the Land Watch Asia (LWA) campaign was launched to promote, advocate, and lobby for land (and water) rights of the rural poor in Asia. The LWA campaign began as a monitoring mechanism to keep track of and assess the status of agrarian reform in the region. It worked to ensure that issues on access to land, agrarian reform, and equitable and sustainable development in rural areas are addressed in national and regional development agendas.

In 2013, the LWA partners incorporated land conflict in the monitoring component of the campaign. Country reports on land conflicts<sup>1</sup> in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines<sup>2</sup> were prepared in 2018 to look into the nature, causes, and impacts of land and resource conflicts, and to highlight the human rights issues that were intertwined with them.

The LWA partners found that the lack of a uniform methodology for monitoring land conflict limited their ability to aggregate, compare, and analyze data at the national and regional levels. Thus, for the 2020 monitoring reports,<sup>3</sup> the participants developed common tools and a more systematic way of gathering data and reporting on land conflicts.

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<sup>1</sup> In 2018, monitoring reports were prepared in six Asian countries to understand the nature, causes, and impacts of land and resource conflicts and to highlight the human rights issues intertwined with them. See <https://angoc.org/portal/land-conflicts-in-six-asian-countries-portal-asian-ngo-coalition/>

<sup>2</sup> KPA, a member of LWA has been conducting land conflict monitoring in Indonesia since early 2000. In 2014, ANGOC initiated the land conflict monitoring initiative in the Philippines.

<sup>3</sup> The report can be accessed at <https://angoc.org/portal/in-defense-of-land-rights-a-monitoring-report-on-land-conflicts-in-six-asian-countries-vol-2>

# The 2023 Land Conflict Monitoring Framework

## Parameters of the monitoring initiative

The monitoring initiative examined three primary facets: (1) cases, (2) relationships, and (3) incidents. Cases detail the storyline of the conflict; providing basic information about the conflict (ex. type of land/resource contested, size of contested land, location). Relationships constitute the stakeholders involved (affected communities, aggressors) and their actions. Incidents of human rights violation represent instances of violence, victims and reported perpetrators, and their impacts and effects.

Four key parameters guided the collection of land conflict information:

- (1) **Populations and areas affected by conflict.** How many households are affected? What land or resources are being contested? Where is the conflict located? How long has this conflict been going on?
- (2) **Adversarial claimants and drivers/causes of land conflict.** Who are involved in the conflict? What are the causes and drivers of conflict?
- (3) **Incidents of human rights violations against individuals and communities.** Are there cases of violence and human rights violations? What are these? Who are the perpetrators and victims?
- (4) **Responses to address land conflict.** What responses has the community undertaken? What are the demands of the community? Where corrective action/s taken to address the land conflict?

Each parameter was accompanied by a set of corresponding indicators and categories tailored for the 2023 LWA land conflict monitoring initiative. These categories and indicators are the consolidation of the common indicators used in the previous LWA monitoring initiatives in 2018 and 2022, which were further refined by LWA partners during the Land Conflict Monitoring Training cum Planning Regional Workshop in Bangkok, Thailand in August 2023. Definitions of each indicator and category were also discussed and finalized in the said event.

## Methodology

**Sources of data and validation.** Both primary and secondary sources of information were utilized in the monitoring. Primary sources included affected families and communities, assisting Peoples Organizations (POs), community based organizations (CBOs), and CSOs, as well as field staff and researchers. On the other hand, secondary sources were stories gathered from news media, CSOs, other POs, and the Governments. Additionally, previously documented cases of land conflict cases that were reviewed and validated are also used as sources of information.

Information gathered from secondary sources, such as news media and online articles, were cross-verified with at least one additional independent source to ensure reliability. In cases where there were conflicting numbers, government estimates and conservative figures were used.

In-country roundtable discussions, workshops, and dialogues were also organized to present and validate the findings of the country reports with key government agencies/institutions, NHRIs, NHRCs, CSOs, and partner-communities.

**Scope/Coverage.** There are two main types of “land conflict,” namely, (1) *land disputes* – which usually occur between individuals or families, or within families, e.g., over inheritance, boundaries, contracts, and are resolved usually through negotiation, or through judicial courts; and, (2) *structural land conflicts* – which involve communities and other actors with contradicting interests, cover larger land areas, and often involve questions of public policy.

Similar to 2020, the 2023 land conflict monitoring has focused on structural land conflicts in order to highlight social issues and raise questions about public policy and development priorities.

The 2023 monitoring covered structural land conflicts that were ongoing as of 1 January 2023, including past conflicts that remained unresolved. Land conflicts gathered were predominantly in rural areas, with some extending to urban areas in Cambodia, India, Nepal, and the Philippines. All the countries, except for Nepal, also covered water resources in their monitoring.

The monitoring included incidents of human rights violations (both violent and latent) that occurred within the monitoring period of 1 January 2023 to 31 December 2023 (one calendar year). These incidents served as manifestations of ongoing conflicts, and are thus linked to specific cases.

**Storing and analyzing data.** Data are stored and analyzed using a standardized Excel template across the six countries involved which was agreed with the country writers during the regional training last August 2023.

The template contained a database where information on the land conflict cases and incidents of human rights violations were entered, as well as built-in pivot tables to allow users to quickly run summaries, frequency tables, and cross tabulations for data analysis.

The template also incorporated the different indicators and categories used in land conflict monitoring.

## **Variances in approach**

While the methods employed in the countries shared commonalities, they were not entirely uniform.

Methods were also modified to suit focal organizations' capacities and country-specific objectives. Common elements included: the use of standardized recording tools; the use of common parameters, indicators, categories, and definitions; and, use of common summary tables.

However, there were variances in the main types of data sources used by the countries, the approaches in data gathering, and potentially, in sub-categories developed within the general framework by individual countries.

There were limitations, brought by external factors, that remained evident in this monitoring. Many land conflicts were unreported or undocumented. The exhaustiveness of each country report varied, depending on references available, the skills of implementing partners, their resources, and networks.

Hence, the LWA monitoring initiative does not claim to be a repository of all land conflicts. Rather, it attempts to present the ongoing trends based on readily available information.

## The country contexts of land and resource conflicts

The expanding demands of food production, urbanization, industry, and settlement, among others, are putting unprecedented pressure on the world's land tenure system, or the way in which land is owned and managed. At the same time, climate change and environmental degradation are reducing the availability of land and resources, such as fisheries and forests.

Many land and resource conflicts arise because of unequal distribution of land and resources, lack of access to land especially among poor people, unclear or insecure tenure rights, and weak governance.

A brief overview of the different country contexts – which drive land conflicts, is outlined below.<sup>4</sup>

### Bangladesh

Land inequality is a perennial problem in Bangladesh. It is especially apparent in the rural areas, where poor sectors, including landless peasants, indigenous peoples (IPs), fisherfolk, and female-headed households, have the least access to land and resources, while comprising the majority of the rural population.

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<sup>4</sup>Based on 2018 Regional Summary of Land Conflict Monitoring Reports prepared by Antonio B. Quizon. See Quizon, A. (2019). A Perspective Overview of Land Conflicts in Six Asian Countries. In ANGOC (Ed.) *In defense of land rights: A monitoring report of land conflicts in six Asian countries* (pp. 10 to 45). Quezon City: ANGOC.

Land ownership is highly skewed — 60 percent of all Bangladeshi households are functionally landless, owning only 4.2 percent of lands, while only about 6.2 percent of the population, composed of rich landowners, own as much as 40 to 45 percent of lands (Barkat and Suhrawardy, 2018). Land inequality has been on an upswing in recent decades.

Land-related conflicts are common, and take years to resolve. About two million hectares of land are currently under litigation, with each case requiring an average of 9.5 years to settle.

*Khas* land is another highly contested resource in Bangladesh. *Khas* land, or government-owned fallow land, measured over two million hectares in 2014. Twenty-four percent of *khas* land was agricultural land, and the rest consisted of inland water bodies (24 percent) and non-agricultural land (52 percent) mostly in the Chittagong Hill Tracts (CHT).

The 1950 Act and the 1984 Ordinance provide for land ownership ceilings, but the latter have not been widely implemented (LANDac Factsheet 2019, USAID, 2010). Aside from the lack of political will by the government to recover all ceiling surplus lands, many landowners were able to circumvent the land ownership ceiling laws through illegal land transactions and corruption.

The policy focus of the government in regard to land has been on land reform. During the period of Indian partition, the East Bengal State Acquisition and Tenancy Act of 1950 (EBSATA) — later renamed as State Acquisition and Tenancy Act — abolished the *zamindari* (intermediary rent-collectors of landlord) system, and gave back control of the land to their tillers. Subsequent land reform laws provided for tenure security of sharecroppers, established a minimum daily wage for agricultural labor, and stipulated sharecropping arrangements between landowners and tenants. There were brief periods of land reform in 1972 and 1991, but the implementation of reforms was hampered by several breaks in civilian administration brought about by military coups and military regimes.

## **Cambodia**

Due to decades of civil war and foreign occupation, Cambodia has experienced four major shifts in property regimes within a single generation. The period of French colonization ended with a return to monarchical rule (1953 to 1975), followed by land collectivization under the Khmer Rouge (1975 to 1979), then partial de-collectivization under Vietnamese occupation, and finally the shift towards private property under a liberal economy after 1989 (Quizon, 2013). In 1975 to 1979, the Khmer Rouge regime abolished private property, destroyed cadastral maps and wiped out the entire administrative and institutional infrastructure of the land system. Decades of war and forced relocation resulted in the massive dislocation of millions of people and the loss of their property rights. After the Vietnamese departed in 1989, all lands were declared as State property, as in fact

all land ownership prior to 1975 had been annulled. The 2001 Land Law introduced a cadastral system, a central registry of titles, and a land classification system.

Nevertheless, the move to privatize land ownership and the restoration of a land property system in Cambodia gave rise to land disputes. From 1993 to 2000, the opening of the land market encouraged land grabbing and corruption. In the absence of effective measures to protect peasants, land concentration went unchecked, resulting in widespread landlessness and land insecurity.

At the same time, people trying to formalize their legitimate land claims have faced many challenges. According to the 2001 Land Law, people who could provide proof of land occupancy for at least five years are eligible to receive land certificates. However, the land titling process is long and costly, and people have chosen to forego their quest for titles and to put their faith in mere recognition of their land claims. This has put them at the mercy of the rich and the big companies, since a claim can be contested.

A modern-day driver of land conflicts is the State's preferential grant of economic land concessions (ELCs) to private entities while disregarding communities' customary land rights to the same land. This has triggered conflicts between companies having the State's backing and local communities.

The government attempted to forestall the resulting violence and conflict by imposing a moratorium on the grant of ELCs in May 2012. It also issued Order 01 to initiate a land titling campaign in areas marked by conflict. However, human rights groups have claimed that little has happened since then. With poor law enforcement and a weak juridical system, the more powerful interests have continued to gain from the conflicts.

Thus, by 2016, over 20 percent of State lands (3.6 million hectares) had been awarded to large-scale agricultural concessionaires, including foreign corporations.<sup>5</sup>

## **India**

Land conflicts in India are rooted in the colonial land system which created a class of absentee landlords, and facilitated the concentration of land and economic power and the exploitation of peasants. The colonial State also promoted the annexation of forests, which curtailed the customary use and rights of forest dwellers and tribal communities.

The current drivers of land conflict include State-led development projects (e.g., infrastructure, Special Economic Zones, etc.) which have led to the displacement of an estimated 60 million

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<sup>5</sup>Under the 2001 Land Law, foreigners cannot be issued with land titles, but foreign investors may obtain economic land concessions which give them exclusive rights to control the land for 99 years.



people — 40 percent of whom were tribals — between 1947 and 2004; continuing land conversion of forests to other uses; and, privatization of community lands that are under common property use and tenure.

After independence, land reforms were instituted to address landlessness and social exclusion. Under India's federal system of government, land reforms were legislated and implemented by the States with guidance from the central government. Reforms came in three phases: (1) abolition of *zamindars* and *ryotwari* systems (giving proprietary rights to 20 to 25 million tenants); (2) tenant protection acts (benefitting some 12.8 million tenants, although many tenants were also evicted); and, (3) land ceilings and land redistribution. By the end of 2005, about 2.63 million hectares (6.5 million acres) of surplus lands had been redistributed to 5.6 million households. However, this represented only one percent of India's agricultural lands and four percent of rural households. State-level land reforms were deemed most successful in West Bengal and Kerala, but reforms were poorly implemented in other States.

India today has some of the region's most progressive laws, particularly on anti-discrimination and social protection. In relation to land, these include the Forest Rights Act of 2006 and the Land Acquisition Act of 2013, among others. But with earlier structural adjustment programs in the 1990s, and later State-led interventions to support the growth of private investments under market liberalization, the gap between rich and poor has been growing. This exacerbates existing land inequalities and divides, including discrimination against women and *Dalits* ("Untouchables," who are members of the lowest social group in the Hindu caste system.)

## Indonesia

Many of Indonesia's past land conflicts can be traced to land and agrarian policies instituted by the Dutch colonialists which were then adopted by the Indonesian republic in a new form. For instance, the government retained control of all forest land, which covered nearly 70 percent of Indonesia's land area. The government also nationalized all the Dutch and Japanese plantations and put them under its control. It resumed the Dutch policy of "colonization," which consisted of the planned resettlement of farmers from the island of Java to less populated islands (under the new name of *Transmigrasi* Program) (Quizon, 2013b). This led to conflicts between migrants and indigenous peoples over *adat* lands, or lands governed by native traditional law. Meanwhile, the government allowed foreign private companies to keep their land lease rights.

However, there has been no restitution of IP lands since Independence, and no land reforms have been undertaken in the forest sector. Government policymakers continue to view Indonesia's vast forest resources as the exclusive responsibility of central government. The approach of government in managing the forest estate has been to award large concessions to private sector firms for agribusiness and industrial development. As of 2017, the Ministry of Environment and

Forestry had issued land concessions to 499 enterprises covering a total of 68.7 million hectares, or 38 percent of the country's total land area (KPA, 2018a).

The nationalist government instituted two agrarian reform policies — the 1960 Basic Agrarian Law and the 1962 Land Reform Program. The 1962 law established land ceilings based on the availability of irrigation and on regional population densities, and land in excess of these limits were supposed to be acquired and redistributed by the government. The Land Reform Program was implemented for five years — during which some one million hectares of land were redistributed — and then reversed when the military took power in 1966. All rural organizing activities were stopped, freedoms curtailed, thousands killed, and much of the State lands that had already been distributed to peasants through the Program were taken back by local elites (Quizon, 2013b).

## Nepal

Some of the more common land-related conflicts in the country are inheritance conflicts among family members; boundary conflicts between neighbors; conflict between landless people and authorities; and, conflict between landowners and tenants. These are often addressed through formal institutional structures.

Recent trends are contributing to growing land conflict, especially in the *terai* (plain) regions. Migration from rural to urban areas, as well as from the hills to the plains has put further pressure on an already strained land and housing situation. The growth of informal settlements has bred conflict between migrants, private property owners and the State. In recent years, new conflicts have emerged from State-supported infrastructure projects (roads, airports, and park expansion) and the building of an increasing number of army camps.

In much of the country, informal and customary tenure systems continue to be practiced. In the hill regions, customary social institutions regulate land use practices, and determine land allocations. Under *Kipat*, shifting cultivators enjoy land rights that come with customary tenure.<sup>6</sup> Land allocation also used to be based on lineage or clan, to control the influx of outsiders. However, customary tenure is disappearing quickly, and as customary practices are eroded by statutory laws, land conflicts have emerged. *Kipat* was officially abolished in 1964, and its practice limited to certain hill communities, in favor of individual property rights. However, the debate continues between the State and ethnic minorities regarding the recognition of customary land practices like *Kipat*.

The Land Reform Act of 1964 had limited success, as it was able to redistribute only 28,124 hectares, or 1.5 percent of all agricultural lands. The landownership ceiling was set too high, and implementation was thwarted by resistance of landowners and weak enforcement by government

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<sup>6</sup> Kipat refers to land collectively owned by the community (not by the State) and traditionally managed under usufructory rights.

(Adhikari, 2008). The Jana Andolan Movement of 1990 and the reinstatement of constitutional democracy in the country brought new hope for land reform, but this soon faded.

Inequalities in land ownership were among the drivers of the decade-long armed conflict between the government and the Communist Party of Nepal-Maoist (CPN-Maoist), which broke out in 1996, and led to the eventual abolition of the monarchy in 2008, and the passage of a new Federal Constitution in 2015. Land reform remains high on the agenda, but its highly-politicized nature has thus far impeded any real change (CSRC, 2015).

## Philippines

The roots of landlessness in the Philippines can be traced to its 400-year history of colonization. Much of its traditional land systems were destroyed when the Spaniards claimed all lands under the *Regalian Doctrine*<sup>7</sup> and introduced feudal systems. Large tracts of land or *haciendas* were parceled out to colonialists (military and clergy), while systems of tribute (taxes) and forced labor were introduced. Later, American occupation facilitated the entry of foreign companies into mining, logging, and the establishment of modern capitalist plantations, especially in Mindanao. The American colonialists introduced the Torrens title system where all unregistered land and land without title were declared as “public lands,” without regard for prior occupancy.

Following the Philippines’ independence in 1945, a series of land reform programs were legislated in direct response to escalating agrarian and social unrest. However, implementation was stifled by landowning interests entrenched in power, and the lack of government funding and support. In 1972, the martial law regime instituted a land-to-the tiller law, but this was limited to tenanted farms planted to rice and corn staples, which were hotbeds of agrarian unrest, while large plantations with cash crops (e.g., sugarcane, pineapple) remained untouched.

A new Constitution that laid the basis for land and social reforms was put in place following the 1986 People Power revolution that ousted the dictatorship of then-president Ferdinand Marcos. Primary among these reforms was the Comprehensive Agrarian Reform Program (CARP) of 1988, aimed at tenancy reforms and the redistribution of land covering 9.1 million hectares of private farms and public lands deemed suitable for agriculture. However, the implementation of CARP proved slow and cumbersome, due to the complexity of the program, corruption, weak implementation, the poor state of land records and land administration. Since 2009, there has been a resurgence of violent land conflicts, especially in the redistribution of private lands.

Another major social reform was the Indigenous Peoples Rights Act (IPRA) of 1997 which recognizes the rights of IPs to their ancestral domain and lands, self-governance, and cultural

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<sup>7</sup> Regalian means belonging or relating to a monarch/king.

integrity. As of 2018, 221 Certificates of Ancestral Domain Titles (CADTs) have been issued over 5.4 million hectares. However, the integrity of native titles is continually challenged by conflicting claims, resulting from the entry of mining and investments, the continued influx of migrants and commercial interests, and the entry of State-sponsored projects, such as dams and power projects, infrastructure, and Special Economic Zones (SEZs) into IP domains.

Today, many land conflicts are triggered by **increasing private investments in agriculture that impact on the tenure security of rural communities**. Due to the lack of government support, many farmer cooperatives have entered into various long-term contracts (long-term lease, joint venture, marketing contracts) with large agribusiness companies under problematic contractual arrangements that are unfavorable to smallholders.

On the other hand, multiple government agencies independently issue land titles, licenses and permits – which lead to overlapping claims and land conflicts. With growing populations and urbanization, there has been conversion of prime agricultural lands and destruction of forests. And while land and social reforms have been instituted, an estimated 17 to 22 million people continue to live on public forestlands with no legal tenure rights.

## The 2023 Land Conflict Monitoring Reports

From 01 January to 31 December 2023, the Land Watch Asia partners gathered at least 691 reported cases of land and resource conflicts in six Asian countries, covering 1,557,564 hectares, and affecting 454,497 households.

It should be noted that many land conflict cases go unreported. Thus, the monitoring reports prepared by the LWA partners are indicative, rather than comprehensive.

The following legend will be used in the tables and figures throughout this section:

BGD: Bangladesh

CAM: Cambodia

INDI: India

INDO: Indonesia

NEP: Nepal

PHI: Philippines

nda: No data available

HH: Household

%: Percent

**Table 1. Sources of information for the cases**

Source	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Mainstream media (print, online)	103	3	127	220	33	120	606	57
CSO/NGO	8	23	1	17	12	182	243	23
Government agencies, institutions	1	37	33	0	1	18	90	8
Community, community-based organization	6	16	2	4	12	13	53	5
Court	0	2	48	0	0	0	50	5
Professional organizations, academe	0	0	0	0	0	21	21	2
Police reports	0	0	1	0	0	0	1	0
National Human Rights Institution/ Commission (NHRI/ NHRC)	0	0	0	0	0	1	1	0
Others	0	0	0	0	0	0	0	0
<b>Total</b>	<b>118</b>	<b>81</b>	<b>212</b>	<b>241</b>	<b>58</b>	<b>355</b>	<b>1,065</b>	<b>100</b>

Overall, mainstream media (57 percent) and CSOs (23 percent) were the two main sources of information, especially for four countries — Bangladesh, Indonesia, Nepal, and the Philippines. For Cambodia, the main source was government. For India the main sources were the media, the courts, and government.

It is worth noting that there may have been multiple sources for one case.

### *Populations and areas affected by land conflict*

**Table 2. Total number of cases, area, and households affected by land and resource conflicts in six countries, 2023**

Ongoing cases	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL
Total number of cases	34	28	128	241	49	211	691
Total number of hectares affected	10,823	23,299	129,820	638,188	5,590	749,844	1,557,564
Total number of households affected	51,227	4,385	162,716	135,608	18,713	81,848	454,497

A total of 691 cases of land conflict in 2023 were recorded in the six Asian countries. The cases covered over 1,557,564 hectares and affected 454,497 households (HHs), or approximately 2.2 million people.

Philippines accounted for 48 percent of the total affected land area (749,844 out of 1,557,564), followed by Indonesia (41 percent or 638,188 out of 1,557,564).

In terms of affected households, India had the largest share of cases (36 percent or 162,716 out of 454,497), followed by Indonesia (30 percent or 135,608 out of 454,497).

**Table 3. Duration of conflicts (in terms of number of years) and number of cases, in six countries**

Duration	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	%
Less than 2 years	5	7	52	29	20	4	117	17
2 to less than 5 years	9	4	24	11	6	7	61	9
5 to less than 10 years	4	4	16	20	2	18	64	9
10 to less than 15 years	3	3	7	12	7	24	56	8
15 to less than 20 years	4	9	9	27	6	18	73	11
20 years or more	8	1	13	42	8	58	130	19
Unknown	1	0	7	100	0	82	190	27
<b>Total</b>	<b>34</b>	<b>28</b>	<b>128</b>	<b>241</b>	<b>49</b>	<b>211</b>	<b>691</b>	<b>100</b>

The Philippines and Indonesia had the highest number of longest-running cases lasting 20 years or more. These countries also had the highest number of cases with unknown duration.

Seventeen percent of the cases were less than two years old, and the proportion of these shorter-duration cases was highest in India, Indonesia, and Nepal.

**Table 4a. Type of land and resource affected by conflicts based on number of cases, in six countries**

Type of land/resource	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Smallholder agriculture/farming	21	15	31	197	15	121	400	58
Housing and settlements	0	3	42	25	20	9	99	14
Indigenous people/customary land/Ancestral domain	10	nda	12	11	6	47	86	13
Water/fisheries resources	1	1	7	5	0	18	32	5
Smallholder agroforestry and people's plantation	0	4	0	2	3	13	22	3
Community forest/Social forest	0	2	16	1	0	1	20	3
Common lands/Public lands managed by the community	0	3	8	0	3	2	16	2
Others (e.g., conservation area, land for religious purposes, etc.)	2	0	12	0	2	0	16	2
<b>Total</b>	<b>34</b>	<b>28</b>	<b>128</b>	<b>241</b>	<b>49</b>	<b>211</b>	<b>691</b>	<b>100</b>

Approximately 58 percent of the land conflict cases in the six countries involved smallholder agriculture/farming. This was followed by cases involving housing and settlements (14 percent), and IP lands (13 percent).

**Table 4b. Type of land and resource affected by conflicts based on number of contested area (in hectares), in six countries**

Type of land/resource	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							Ha	%
Indigenous people/customary land/Ancestral domain	4,890	nda	58,308	270,737	271	644,077	978,283	63
Smallholder agriculture/farming	5,730	21,612	49,405	307,659	3,207	60,270	447,883	29
Housing and settlements	0	401	14,778	58,653	86	122	74,040	5
Water/fisheries resources	124	0	1,104	447	0	36,699	38,374	2
Smallholder agroforestry and people's plantation	0	1,040	0	682	670	8,596	10,988	1
Common lands/Public lands managed by the community	0	26	5,558	0	1,319	80	6,983	0
Community forest/Social forest	0	220	326	10	0	nda	556	0
Others (e.g., conservation area, land for religious purposes, etc.)	79	0	341	0	37	0	457	0
<b>Total</b>	<b>10,823</b>	<b>23,299</b>	<b>129,820</b>	<b>638,188</b>	<b>5,590</b>	<b>749,844</b>	<b>1,557,564</b>	<b>100</b>

Ranked according to the size of area affected, IP lands (mainly in the Philippines, Indonesia, and India) were the most affected (63 percent).

### *Adversarial claimants and drivers/causes of land conflicts*

**Table 5. Primary sector or community affected by conflicts based on number of cases, in six countries**

Primary sector/community	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Farmers: peasants (landless smallholder farmers, sharecroppers, agricultural workers, tenants, lessees, small owners)	19	22	36	174	22	133	406	59
Indigenous people (IP)	10	nda	19	26	3	47	105	15
Informal settlers/Slum dwellers	0	1	30	38	12	6	87	13
Tenured residents	2	3	15	0	7	8	35	5
Fisherfolk	1	nda	6	2	0	16	25	4
Discriminated sectors (caste, religion, ethnicity)	1	0	6	0	4	0	11	2
Non-IP forest users, pastoralists	0	2	3	0	0	1	6	1
Others	1	0	13	1	1	0	16	2
<b>Total</b>	<b>34</b>	<b>28</b>	<b>128</b>	<b>241</b>	<b>49</b>	<b>211</b>	<b>691</b>	<b>100</b>

The most affected sectors were farmers/peasants (59 percent), IPs (15 percent), and informal settlers (13 percent).

Most of the cases that affected farmers occurred in Indonesia, the Philippines, and Indonesia. Cases that affected IPs occurred mostly in Philippines, Indonesia, and India. As for cases that affected informal settlers, the highest number was recorded in Indonesia, India, and Nepal.

**Table 6. Adversarial claimants in land conflict cases based on number of cases, in six countries**

Adversarial claimants	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Private companies	9	3	14	160	1	73	260	38
Government agencies and State enterprises	9	9	88	53	14	29	202	29
Powerful individuals (e.g., politicians, businessmen, landlords, officials/ex-officials, ex-military)	15	4	3	0	14	65	101	15
Local Government	1	5	13	23	5	5	52	7
Community vs. community (residents, settlers, migrants, refugees)	0	7	8	0	4	30	49	7
Military, police, armed forces	0	nda	1	5	5	2	13	2
Both National and Local Governments	0	nda	0	0	6	5	11	2
Non-State group, insurgent group	0	nda	1	0	0	0	1	0
Others	0	0	0	0	0	2	2	0
<b>Total</b>	<b>34</b>	<b>28</b>	<b>128</b>	<b>241</b>	<b>49</b>	<b>211</b>	<b>691</b>	<b>100</b>

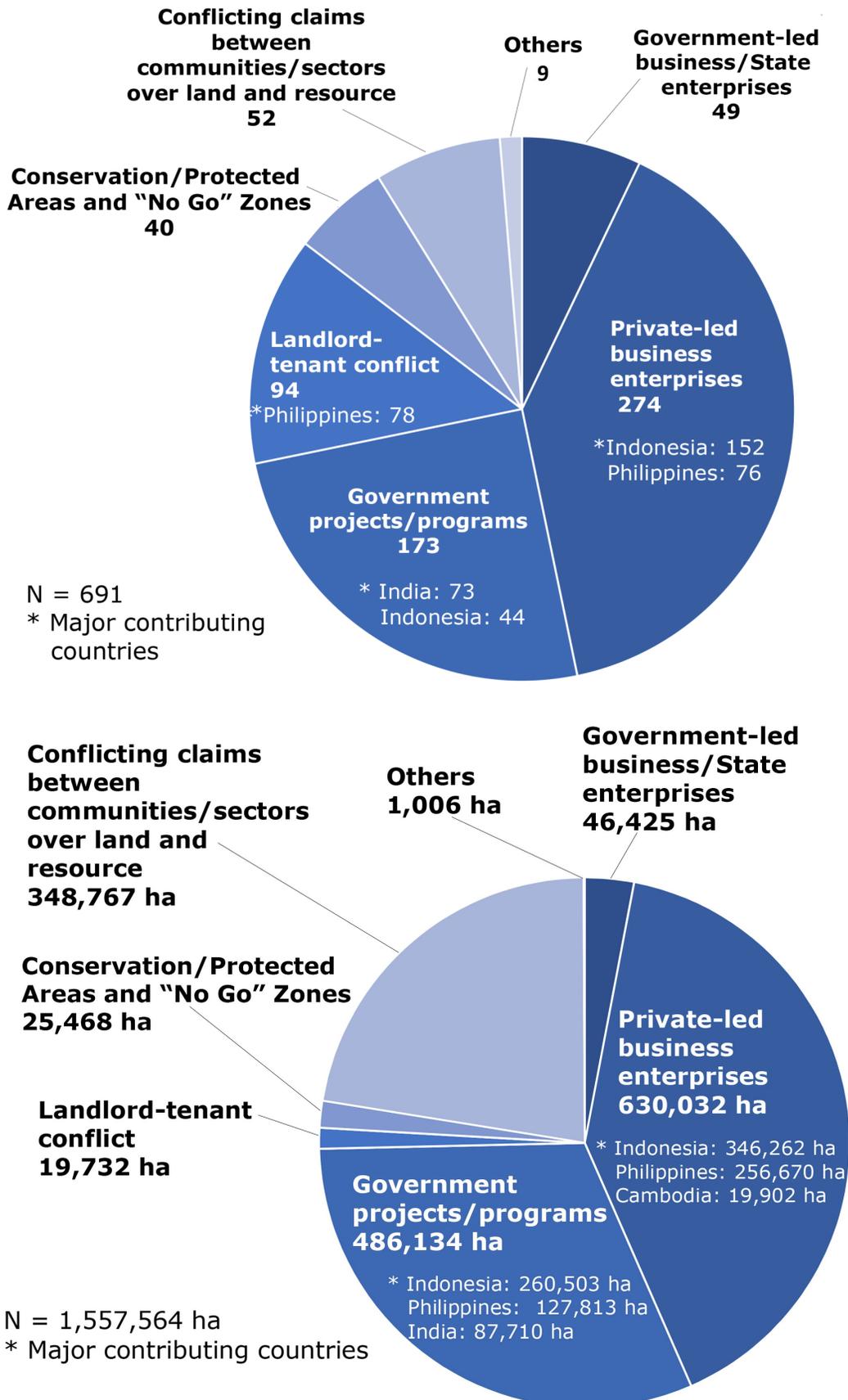
Across all six countries, the main adversarial claimants in the cases were private companies (38 percent), government/State agencies (29 percent), and powerful individuals (15 percent). Indonesia and the Philippines had the highest number of cases, where private companies were the adversarial claimants.

On the other hand, India and Indonesia had the highest number of cases where Government agencies and State enterprises were the adversarial claimants.

With regard to powerful individuals as adversarial claimants, the countries with highest number of cases were the Philippines, Bangladesh, and Nepal.



**Figure 1. Drivers of land and resource conflict based on number of cases (upper chart) and contested area, in hectares (lower chart), in six countries**



The main driver of land and resource conflicts in the six countries was comprised by private-led enterprises at 40 percent (274 out of 691 cases,) affecting 41 percent of the total hectares of land contested (630,032 out of 1,557,564 hectares), notably in Indonesia, the Philippines, and Cambodia. Government projects were the main driver of conflict at 25 percent (173 cases), affecting 31 percent (486,134 out of the total hectares) of land contested, primarily in Indonesia, the Philippines, and India.

**Reported incidents of human rights violations against individuals and communities caused by land conflicts**

In 2023, a total of 110 incidents of HRVs against individuals were reported. About 654 individuals were victimized, mostly in Indonesia. For HRVs against communities, around 95,021 households were victimized in 217 incidents – mostly in Indonesia, India, and Nepal.

**Table 7. Human rights violations (HRVs) based on number of incidents and victims, in six countries**

Incidents of HRVs	BGD		CAM		INDI		INDO		NEP		PHI		TOTAL	
	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims
Against individuals	6	6	nda	nda	4	4	86	608	4	8	10	28	110	654
Against communities (HHs)	7	422	2	nda	23	9,525	155	80,119	19	3,742	11	1,213	217	95,021
<b>Total</b>	<b>13</b>		<b>2</b>		<b>27</b>		<b>241</b>		<b>23</b>		<b>21</b>		<b>327</b>	

The country researcher in Cambodia was not able to gather verifiable data on the number of incidents and victims of forms of human rights violations (HRVs), while partners in the other five countries were able to record incident and victim information on only selected HRVs. Table 7 shows Indonesia logged the highest share of total reported victims, both against individuals (608 out of 654 or 93 percent) and against communities (80,119 out of 95,021 households or 84 percent); and, of total reported incidents, both against individuals (86 out of 110 incidents); and, against communities (155 out of 217 incidents).

In terms of individuals victims, the Philippines ranked second (28), followed by Nepal (8), Bangladesh (6) and India (4). On the other hand, India ranked second to Indonesia in terms of affected communities (9,525 households). Next were Nepal (3,742 households), Philippines (1,213 households), and Bangladesh (422 households).

Table 8 shows that the highest number of incidents of HRVs took the form of detainment/legal arrest or illegal detention, and criminalization (62 out of 110 incidents or 56 percent), followed by

torture (20 incidents or percent); physical injury/assault (13 incidents or 12 percent); murder (six incidents or six percent); disappearance/abduction and red-tagging (both at three percent); eviction/displacement/work termination (two percent); and lastly, physical threats/other forms of intimidation (one percent). It is possible that other forms of HRVs had been committed but had not been reported because of their sensitive nature.

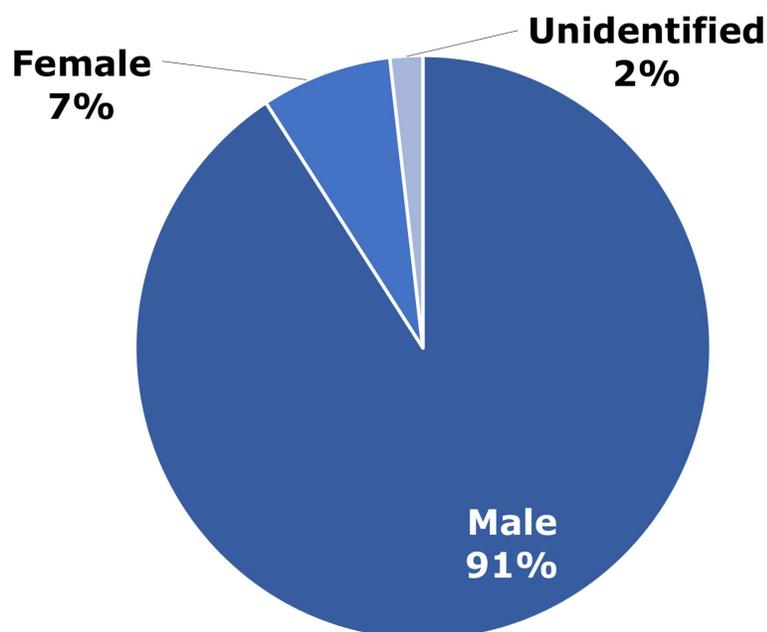
In terms of reported victims of HRVs, the highest number of victims suffered detainment/legal arrest or illegal detention, and "criminalization" (515 out of 654 victims or percent), followed by torture (92 victims or 14 percent); physical injury/assault (15 victims or two percent); murder (12 victims); red-tagging (nine victims); disappeared and abducted persons (seven victims); and, eviction/displacement/work termination and of physical threats/intimidation, with two victims each.

**Table 8. Types of Human Rights Violation committed against individuals based on number of incidents and individual victims, in six countries**

Type of HRVs	BGD		CAM		INDI	
	Incidents	Victims	Incidents	Victims	Incidents	Victims
Detainment/legal arrest or illegal detention; and "criminalization"	0	0	nda	nda	2	2
Torture	0	0	nda	nda	0	0
Physical injury/assault	6	6	nda	nda	2	2
Killing/Murder	0	0	nda	nda	0	0
Labelling, branding, "red-tagging"	0	0	nda	nda	0	0
Disappearance, abduction	0	0	nda	nda	0	0
Eviction, displacement, work termination	0	0	nda	nda	0	0
Physical threat and other forms of intimidation	0	0	nda	nda	0	0
Sexual assault	0	0	nda	nda	0	0
Others	0	0	nda	nda	0	0
<b>Total</b>	<b>6</b>	<b>6</b>	<b>nda</b>	<b>nda</b>	<b>4</b>	<b>4</b>

Type of HRVs	INDO		NEP		PHI		TOTAL	
	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims
Detainment/legal arrest or illegal detention; and "criminalization"	59	507	1	5	0	1	62	515
Torture	19	91	1	1	0	0	20	92
Physical injury/assault	4	6	1	1	0	0	13	15
Killing/Murder	3	3	0	0	3	9	6	12
Labelling, branding, "red-tagging"	0	0	0	0	3	9	3	9
Disappearance, abduction	0	0	0	0	3	7	3	7
Eviction, displacement, work termination	0	0	1	1	1	1	2	2
Physical threat and other forms of intimidation	1	1	0	0	0	1	1	2
Sexual assault	0	0	0	0	0	0	0	0
Others	0	0	0	0	0	0	0	0
<b>Total</b>	<b>86</b>	<b>608</b>	<b>4</b>	<b>8</b>	<b>10</b>	<b>28</b>	<b>110</b>	<b>654</b>

**Figure 2. Percentage of individual victims based on gender, in six countries**



In terms of individual victims recorded, 91 percent were males, seven percent were females, and two percent did not provide information on gender.

**Table 9. Reported perpetrators of human rights violations against individuals based on number of incidents, in six countries**

Perpetrators of HRVs against individuals	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Armed agents of the State (police, army, or military)	0	nda	2	73	0	6	81	74
Private companies, private armed groups	1	nda	0	13	0	0	14	13
Powerful individuals, authorities (e.g., politicians, ex-bureaucrats, ex-military, landlords, etc.)	5	nda	0	0	2	1	8	7
Unidentified assailants	0	nda	2	0	0	3	5	4
Local Government	0	nda	0	0	1	0	1	1
Others	0	nda	0	0	1	0	1	1
<b>Total</b>	<b>6</b>	<b>nda</b>	<b>4</b>	<b>86</b>	<b>4</b>	<b>10</b>	<b>110</b>	<b>100</b>

Armed agents of the State, including the police, the army, or the military, were the highest reported perpetrators of HRVs against individuals in India, Indonesia, and the Philippines. There were no reports involving armed agents of the State in Bangladesh, Cambodia, and Nepal.

Private companies and private armed groups composed the second highest number of reported perpetrators, particularly in Bangladesh and Indonesia. Powerful individuals and authorities (e.g., politicians, ex-bureaucrats, ex-military, landlords, etc.) were the third highest number of reported perpetrators, as reported in Bangladesh, Nepal, and the Philippines. Unidentified assailants were the fourth highest number of perpetrators, as reported in India and the Philippines. Local Government was identified in the least number of instances.

It must be noted that the reported number of perpetrators and the fact that the country researchers did not identify them might have been due to security concerns or the fact that information could not be reported/published for the same reason.

**Table 10. Communities affected by human rights violations based on number of affected households, in six countries**

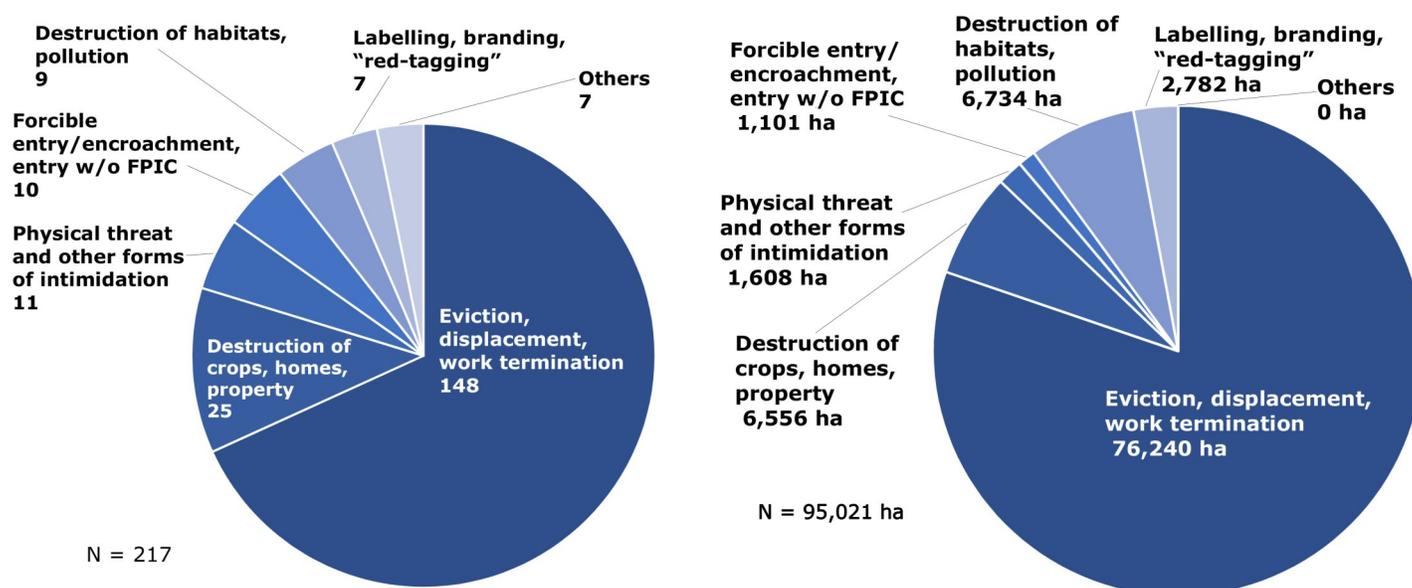
<b>Communities affected by HRVs</b>	<b>BGD</b>	<b>CAM</b>	<b>INDI</b>	<b>INDO</b>	<b>NEP</b>	<b>PHI</b>	<b>TOTAL</b>
Farmers: peasants (landless smallholder farmers, sharecroppers, agricultural workers, tenants, lessees, small owners)	255	nda	dnr	54,159	789	158	<b>55,361</b>
Informal settlers/Slum dwellers	0	nda	9,502	7,558	2,749	540	<b>20,349</b>
Indigenous people (IP)	67	nda	dnr	18,252	0	15	<b>18,334</b>
Fisherfolk	0	nda	6	150	0	500	<b>656</b>
Tenured residents	0	nda	0	0	204	dnr	<b>204</b>
Others	100	nda	17	dnr	0	0	<b>117</b>
<b>Total</b>	<b>422</b>	<b>nda</b>	<b>9,525</b>	<b>80,119</b>	<b>3,742</b>	<b>1,213</b>	<b>95,021</b>

Farmers (landless smallholder farmers, sharecroppers, agricultural workers, tenants, lessees, small owners) composed the highest number of households that were affected by HRVs (55,361 out of 95,021 households or 58 percent). Informal settlers/slum dwellers and their households were the second most affected (21 percent); followed by IP households (19 percent); fisherfolk households (0.7 percent); resident households with tenure (0.2 percent); and by other/various sectors (0.1 percent).

Reports of HRVs affecting farming households came from Bangladesh, Indonesia, Nepal, and the Philippines, with Indonesia reporting as much as 98 percent (54,159 out of 55,361 households) of all such violations. India, Indonesia, Nepal, and the Philippines reported attacks on households of informal settlers/informal settlers, with India accounting for the highest number of such reports (47 percent), followed by Indonesia (37 percent).

Attacks on IP households were reported by Bangladesh, Indonesia, and the Philippines, with Indonesia accounting for as much as 99.6 percent of all reports.

**Figure 3. Type of HRVs committed against communities based on number of incidents (left chart) and affected households (right chart), in six countries.**



Eviction/displacement/work termination were the most highly reported type of HRV committed against communities, at 21 percent of all incidents reported. Destruction of crops/homes/property ranked second in number of incidents, at 12 percent; physical threats/other forms of intimidation ranked third in number of incidents, at five percent; forcible entry/encroachment/entry without Free, Prior and Informed Consent (FPIC) ranked fourth, at four percent.

The highest number of HRV-affected households (80 percent) were victims of eviction/displacement/work termination; followed both by households affected by the destruction of habitats and pollution; and, households whose homes/property/crops were destroyed, both at seven percent.

Indonesia reported the highest incidents of attacks on households in most categories, followed by India, Nepal, the Philippines, Bangladesh and Cambodia, in that order.

**Table 11. Reported perpetrators of HRVs against communities based on number of incidents, in six countries**

Perpetrators of HRVs against communities	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Armed agents of the State (police, army, or military)	0	nda	11	116	0	2	129	59
Private companies, private armed groups	3	2	0	34	0	2	41	19
Government agencies	0	nda	4	1	7	1	13	6
Local Government	0	nda	3	0	5	4	12	6
Powerful individuals, authorities (e.g., politicians, ex-bureaucrats, ex-military, landlords, etc.)	4	nda	0	1	5	0	10	5
Unidentified assailants	0	nda	5	1	1	0	7	3
Non-State group, insurgent group	0	nda	0	0	0	0	0	0
Both National and Local Governments	0	nda	0	0	1	0	1	0
Others	0	nda	0	2	0	2	4	2
<b>Total</b>	<b>7</b>	<b>2</b>	<b>23</b>	<b>155</b>	<b>19</b>	<b>11</b>	<b>217</b>	<b>100</b>

Armed agents of the State, including the police, the army, or the military were implicated in the highest number (59 percent) of incidents of HRV against communities. They were followed by private companies, private armed groups, at 19 percent; government agencies and local government, each taking a six percent share; powerful individuals, at five percent; and unidentified assailants and unknown persons, at three percent and two percent, respectively.

Indonesia reported the highest number of HRVs that were committed by armed agents of the State against communities (75 percent). Indonesia also had the greatest number of HRV incidents where private companies/private armed groups were implicated (22 percent).

### *Responses to address land conflicts*

**Table 12a. Response by communities to land conflicts, in six countries**

Responses of communities	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	%
With response	30	28	125	241	48	130	602	87
No response	0	nda	1	0	0	0	1	0
No information available	4	nda	2	0	1	81	88	13
<b>Total</b>	<b>34</b>	<b>28</b>	<b>128</b>	<b>241</b>	<b>49</b>	<b>211</b>	<b>691</b>	<b>100</b>

In 87 percent of the cases under study, the communities in the six countries took up action on the land conflict. There was no available information on the remaining 13 percent of cases.

**Table 12b. Actions taken by the communities to address the land conflicts, in six countries**

Responses of communities	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	%
Seek conflict resolution	18	28	74	240	47	206	613	79
• <i>Local or direct negotiations</i>	0	3	3	219	14	67	306	40
• <i>Government administrative mechanism</i>	5	23	22	20	32	84	186	24
• <i>Judicial courts, NHRI/C, legal adjudication</i>	13	2	49	1	1	55	121	16
Peaceful demonstrations/non-violent acts	13	0	45	1	1	91	151	20
Retaliation	0	0	6	0	0	2	8	1
Withdrawal/escape	0	0	0	0	0	2	2	0
Others	0	0	0	0	0	0	1	0
<b>Total</b>	<b>31</b>	<b>28</b>	<b>125</b>	<b>241</b>	<b>48</b>	<b>301</b>	<b>774</b>	<b>100</b>

A total of 774 community actions in response to land conflicts were recorded in the six countries. Seventy-nine percent of these actions pertained to conflict resolution, including through local or direct negotiations (40 percent); government administrative mechanisms (24 percent); and judicial courts (16 percent).

In 20 percent of the community actions, the communities engaged in peaceful demonstrations/non-violent acts. Only one percent of the actions involved retaliation.

In all of the six countries, legal or direct negotiations appeared to be the most favored way of resolving conflict, accounting for over half of actions in that category.

Peaceful demonstrations/non-violent acts were resorted to most frequently in the Philippines, followed by India. At the same time, retaliation was reported in only these two countries.

**Table 13. Corrective actions to address the land conflict, in six countries**

Were there any corrective actions taken?	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	%
<b>Yes</b>	<b>3</b>	<b>26</b>	<b>11</b>	<b>0</b>	<b>30</b>	<b>37</b>	<b>107</b>	<b>16</b>
• <i>by the Government/State</i>	3	20	11	0	13	37	84	13
• <i>by third party</i>	0	0	0	0	16	0	16	2
• <i>by agreement with the adversarial party</i>	0	6	0	0	1	0	7	1
<b>No/Not yet</b>	<b>16</b>	<b>1</b>	<b>117</b>	<b>241</b>	<b>17</b>	<b>121</b>	<b>513</b>	<b>74</b>
<b>No information available</b>	<b>15</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>53</b>	<b>71</b>	<b>10</b>
<b>Total</b>	<b>34</b>	<b>28</b>	<b>128</b>	<b>241</b>	<b>49</b>	<b>211</b>	<b>691</b>	<b>100</b>

In 74 percent of reported cases, no corrective action was taken to address the land conflicts. In 16 percent of cases where correction action was taken, Government/State intervention ranked highly (13 percent), while in a small percentage of cases, a Third Party intervened (two percent), and an agreement with the adversarial party was reached (one percent).



Non-action on land conflicts was noteworthy in Indonesia (47 percent), and in the Philippines (23.5 percent).

Based on the experiences and recommendations of the six countries covered in the land conflict monitoring study, there are five key areas to address:

**First, undertake immediate action and resolution on land conflict cases.** Independent investigation of the causes and perpetrators of land conflict related violence and attacks is paramount, and restitution must be made to the victims. Whether or not the land conflict is submitted to the judicial courts, or to administrative bodies, they should be addressed without delay. Land dispute mechanisms, whether formal or informal, at the local or national levels, can provide an effective and more expeditious alternative to administrative or judicial mechanisms, as long as they are mandated and have the resources to provide full and fair compensation to affected persons.

**Second, ensure the efficient management and administration of existing land and resource tenure reforms.** The most significant effect should be fast-tracked completion of land redistribution programs. In the longer term, a number of enabling actions must be undertaken, including putting in place comprehensive land use plans, containing clear land boundaries designed to ensure land tenure security; enacting enabling policies to support the poor's access to and control of land and resources; strengthening safeguards such as Environmental Impact Assessment (EIA) for all programs that involve land acquisition, land use changes, and land reclamation.

**Third, practice responsible business.** The UN Guiding Principles on Business and Human Rights (UNGPs) should be the benchmark for all business operations. This includes, among others, strict adherence to social and environmental protection standards, disclosure of master plans, compliance with environmental and social impact assessments, and securing the communities' Free, Prior and Informed Consent (FPIC) consistently and without compromises.

**Fourth, enhance land literacy among communities and governments.** NHRIs and NHRCs must lead the work to inform stakeholders, including government agencies, and the public on the connection of land rights to human rights. At the same time, CSOs must put themselves forward to support local governments in resolving land disputes and conflicts.

**Fifth, enhance and expand land conflict monitoring.** CSOs, NHRIs, and NHRCs should explore the joint monitoring of land conflicts. Likewise, they should collaborate on conflict response mechanisms, including case building and investigation. Moreover, CSOs must advocate with governments to allocate resources to strengthen conflict data collection, particularly through the disaggregation of data according to gender and other data points. The media should continue to be engaged as a partner in disseminating information on land conflicts, especially through the provision of data that are verified and current.

## Theme 2:

### Partnership founded on a shared human rights mandate

*This section summarizes the reflections of the National Human Rights Institutions and Commissions (NHRIs and NHRCs) on the land conflict monitoring reports, and how they can partner with CSOs in defending the rights of communities to land and resources.*

#### Land in international human rights instruments and standards and the global development agenda

Currently, international human rights law contains no explicit reference to a human right to land. Nevertheless, many international human rights instruments associate land issues with specific substantive human rights. Land issues are often connected to the right to food, gender equality, protection and assistance of internally displaced persons (IDPs), and the rights of indigenous peoples (IPs) to their ancestral lands. United Nations (UN) human rights bodies and special procedure mandate holders have addressed land issues in relation to various rights, including housing, food, water, health, work, freedom of expression, self-determination, and participation in public affairs and cultural life.

Regional human rights mechanisms, such as the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights and Court of Human Rights, and the European Court of Human Rights, have also tackled land issues as they relate to various civil, cultural, economic, political, and social rights, including minority and indigenous peoples' rights.

International humanitarian law may intersect with land issues through prohibitions on attacks or destruction of essential civilian objects and responsibilities of occupying powers within occupied territories. Standards relevant to refugees and displaced persons recognize their housing, land, and property rights, emphasizing their importance for long-term peace, stability, economic development, and justice.

International environmental law has limited references to the relationship between land and human rights. However, in October 2021, the UN Human Rights Council declared that having a clean, healthy and sustainable environment — including, by extension, land — is a human right.

Discussions on environmental law acknowledge the importance of certain human rights and principles, such as access to information, participation in decision-making, and access to justice in environmental matters. Human Rights Council resolution 40/11 obligates States to respect, protect,

and fulfill the rights of environmental human rights defenders and the communities they represent. In summary, despite the absence of a stand-alone human right to land, existing international human rights standards and other relevant international laws are already addressing a wide range of land issues.

The importance of addressing land issues in order to forestall conflict is also inscribed in international agreements that pertain to social and economic development. The Agenda 2030 for Sustainable Development, which was adopted by UN Member States in 2015, is replete with references to access to land. Several Sustainable Development Goals (SDGs) contain targets and indicators on how land-access dimensions support the achievement of the Goals. These include:

- SDG 1 (1.4.2) – equal rights to economic resources, including ownership and control over land;
- SDG 2 (2.3.1, 2.3.2, and 2.4.1) – importance of secure and equal access to land and other resources for raising agricultural productivity and small farmers’ incomes;
- SDG 5 (5.a.1 and 5.a.2) – equal rights of women to ownership and control over land;
- SDG 11 (11.1.1., 11.3.1 and 11.7.1) – guarantee of access for all to adequate, safe, and affordable housing; and,
- SDG 15 (15.1.1, 15.1.2, 15.2.1, and 15.3.1) – sustainable use of ecosystems in line with international agreements.

The 17 SDGs may be regarded as entitlements, or human rights, that everyone, everywhere, should enjoy. All UN Member States have endorsed, and in many cases, worked to incorporate the SDGs in their national development plans. As access to land, indeed, equal ownership of it, is a pillar of many of these Goals, States can be held accountable to fulfill the right to land.

More recently, the UN issued its March 2019 Guidance Note of the UN Secretary-General, titled *“The United Nations and Land and Conflict.”* This document lays down a UN Framework for Action to enable the UN System to “be more fit for purpose on land and conflict issues.”

This document is a tacit recognition by the UN System that over the coming decades, competition and conflict over land is going to intensify. It cites evidence of the link between land, armed conflict, and human rights abuses. And with its mandate of building and maintaining peace and security within and across national borders, the UN views land conflicts as a significant threat that its agencies must tackle in a holistic and integrated manner in order to better support its Member States in their peacebuilding and human rights pursuits.

In brief, the numerous references to land issues as they relate to the realization of substantive human rights, land access metrics in several SDGs, and the UN Secretary-General’s marching orders to deal with, resolve, and forestall land conflicts to prevent human rights abuses, among others, comprise a solid mandate for governments, especially NHRIs and NHRCs to recognize the right to land as a human right.

As affirmed by Virgilio da Silva Guterres, the concurrent Chairperson of the Southeast Asian National Human Rights Institution Forum (SEANF) and of the Provedoria dos Direitos Humanos e Justica (PDHJ), NHRI of Timor Leste, “NHRIs, NHRCs, and CSOs as human rights advocates, look at land not just in terms of square meters or hectares, but as a part of a person’s or community’s identity.”

## Land issues in the ambit of national human rights mandates

National Human Rights Institutions (NHRIs) and National Human Rights Commissions (NHRCs) in Bangladesh, Indonesia, Nepal, the Philippines, and Timor Leste are playing an important role in the realization of land rights and in addressing the adverse impacts of land conflict on human rights.

Bangladesh’s NHRC monitors all unresolved land conflicts. It is working to secure recognition and protection of collective land ownership in the country’s legal system. At the same time, the Bangladesh NHRC is advocating for the development of comprehensive land use plans and zoning as a long-term strategy to reduce conflicts related to land use.

The Commission on Human Rights of the Philippines (CHRP) investigates human rights violations and abuses stemming from land conflict, and holds both State and non-State actors to account. This is part of its mandate to ensure that the State’s obligation to respect, protect, and promote civil, political, economic, social, and cultural rights is fulfilled, in compliance with international human rights treaties and obligations. Through its monitoring work, the CHRP brings to light the realities and life experiences of affected communities, raises awareness about the human rights dimensions of land issues, and recommends rights-centered policy and legislative measures. Additionally, the CHRP facilitates democratic dialogue to ensure that all relevant stakeholders contribute to a meaningful exchange in promoting land rights protection, ensuring equitable access to land resources, and preventing land-related human rights abuses or violations.

Nepal’s NHRC focuses on monitoring the impact of business operations on human rights. This mandate received a boost recently, when the government of Nepal endorsed its first National Action Plan (NAP) on UN Guiding Principles on Business and Human Rights (UNGPs) on 27 December 2023. It was launched by the Minister for Labor, Employment, and Social Security on 23 March 2024. This NAP was one of the key actions in the National Human Rights Action Plan (NHRAP) introduced by the government in 2020.

The NHRI of Indonesia, called *Komisi Nasional Hak Asasi Manusia*, or Komnas HAM, has been receiving cases on conflicts, about 20 percent of them are agrarian-related. A roadmap is being prepared to resolve such conflicts. At the same time, Komnas HAM has undertaken a number of initiatives that have been recognized as best practice in human rights-based approach to resolving agrarian conflict. [See box story]

## Indonesia's best practice: Human-rights based approach to land conflict resolution

Komnas HAM has been lauded for the following initiatives.

### ***National Inquiry on Indigenous People Rights over Their Territory in Forest Zone (2014 to 2016).***

Komnas HAM launched a national inquiry to document rights abuses, including threats and abuses of local peoples' tenure rights. The National Inquiry was part of seven nationwide public hearings on violations of IPs' human rights in relation to land, forests, and natural resource issues. These public hearings gave visibility to the numerous abuses, and thus became a venue for elevating IPs' claims and exacting accountability from government authorities. The Inquiry elevated the formal recognition of IP's customary resource rights on the agenda of the newly-elected government of Joko Widodo. It also led in 2016 to the start of designation of customary forests.

***Standard Norms and Setting of Human Rights on the Land and Natural Resources (2021).*** This document aims to provide authoritative explanation on the implementation of human rights norms and principles, and permissible limitations on the land and natural resources sector.

It has been used by stakeholders in various ways: advocacy, campaigns, education, and legal action to mainstream human rights in land and natural resources management. The 2023 Indonesia Land Tenure Conference endorsed this document as an important instrument and guidance for human rights advocacy on tenurial conflict.

***Mediation.*** Komnas HAM mediates allegations of human rights abuses arising from agrarian conflict. On particular and systemic cases, Komnas HAM can issue recommendations to the President and to the Parliament.

***Monitoring.*** Komnas HAM monitors and investigates allegations of human rights abuses in agrarian conflict. Komnas HAM then submits its conclusions and recommendations to the government for the protection of and restitution to the human rights victims. As with mediation, Komnas HAM can issue recommendations to the President and to the Parliament on particular and systemic cases.

## Recommendations for strengthening the Land Conflict Monitoring Initiative

The NHRIs and NHRCs generally confirmed the findings of the 2023 Land Conflict Monitoring Reports in six Asian countries. They specifically acknowledged the monitoring framework for its comprehensive design, the evidence-based presentation of results, and the segregation of data, especially by vulnerable groups, including women, IPs, scheduled castes, among others. The representative from the Cambodian Human Rights Committee (CHRC) reiterated the importance to maintain these qualities in establishing credibility of the LWA in land conflict monitoring.

The national human rights officials said that the data of the land conflict monitoring were a strong complement to their own current findings, thus reinforcing their regular monitoring work. They felt confident that the country reports could be presented to their governments to give a clearer picture of the dimensions and magnitude of land conflicts, as well as to the media, to support their information outreach.

However, future monitoring projects would be greatly enhanced by using primary data sources to the extent possible; maximizing information from government sources; and, further engaging the government in discussing and analyzing the draft reports.

Moreover, a number of the NHRIs and NHRCs highlighted other notable trends in their countries, including: the increasing impact of strategic national development projects as a driver of land conflicts; and, the greater vulnerability of Dalits, or scheduled castes, to land conflicts, even though they did not rank highly in the total number of cases as per county reports presented during the workshop. Timor Leste's PDHJ, lamented that the culture of impunity and forced evictions – are also taking place in the country in the name of development.

It is worth mentioning that Komnas HAM is also studying the impact of PSN or the National Strategic Project as government must implement natural resources management policies that are consciously aimed at respecting, protecting, and ensuring the fulfillment of human rights. Human rights must underline every development policy and program which involves the control and use of land and natural resources.

The NHRIs and NHRCs also cited the need for a separate category for women in the sectors most affected by land conflict, and for gender disaggregation of findings, especially on victims of human rights violations as a result of land conflicts. The same data disaggregation would benefit other vulnerable groups, such as children, the elderly, and persons with disability.

A recommendation was made to use the reports to advocate for a refinement of human rights instruments, mechanisms, and treaties to make them more responsive to the issue of land rights. Furthermore, relevant national laws need to be amended or strengthened to provide for improved coordination and collaboration among all parties that have a stake in land governance. The disconnect often results from differing interpretations of the same law or regulation.

## **Enhanced land conflict monitoring, and beyond**

The NHRIs and NHRCs agreed that they would like to explore joint land conflict monitoring with civil society organizations (CSOs), as exemplified by the partnership of ANGOC with the CHRP [see box]. They can go beyond monitoring and jointly undertake complaint management and

investigation. Their partnership can extend to programs to ensure that recommendations arising from the resolution of land conflicts are properly enforced.

Specifically to Nepal, the NHRI proposed a role for CSOs in the implementation of the NHRAP, as described earlier.

### **CHRP-ANGOC partnership**

The Commission of Human Rights in the Philippines (CHRP) has had a productive partnership with the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) to tackle land rights. They collaborated on the Land Conflict Monitoring Report in 2018, which provided a systematic way to document and report on land and resource conflicts in the Philippines, and the CHRP's 2023 Land Rights Monitoring Report that assessed the human rights situation of the indigenous peoples, rural agricultural workers and landless farmers, informal settlers, and human rights defenders in the context of land rights in the Philippines.

The Land Rights Monitoring Report is a comprehensive analysis of existing land policies in the Philippines. This report aims to identify gaps and issues in the current policies. It was prepared by reviewing the records of the CHRP, including reports and relevant publications.

Additionally, a series of focus group discussions were conducted – with affected communities, relevant national government agencies, and land rights defenders – who are among the most victimized and endangered groups in the country, especially since the Philippines has been recognized as the most dangerous country in Asia for land and environmental defenders. The findings of the Monitoring Report were instrumental in creating a policy advisory on land rights that put forward well-founded, action-oriented recommendations for all stakeholders to address the issues identified in the Monitoring Report.

A potential offshoot of joint land conflict monitoring is to use the reports as an input to the Universal Periodic Review (UPR). The UPR is a cyclical review process that evaluates how well each country is fulfilling its human rights obligations and commitments. CSOs, in partnership with NHRIs and NHRCs, can contribute to the third component of the UPR, which is a summary of information submitted by other stakeholders, including civil society actors, NHRIs, and regional organizations. CSOs can also submit written information to be included in the report summarizing information from various stakeholders. This information is considered during the review.

Beyond land conflict monitoring, two other recommendations were put forward. The first is to undertake an assessment of the effectiveness of land conflict resolution mechanisms. Government and CSOs could look into their respective mechanisms and jointly propose improvements to those.



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The other recommendation, based on current practice by Komnas HAM, is to form an “Agrarian Reform Task Force or TTRA” within the NHRI/NHRC that will strategically respond to human rights violations in agrarian and natural resource conflicts. This Team will conduct a review of laws and regulations, conduct field studies, meet with stakeholders, including ministries, and coordinate with CSOs. It should be noted that certain aspects of the TTRA need to be improved based on the findings of the Office of the Ombudsman of the Republic of Indonesia (ORI). For one, there is the limitation of authority of the TTRA to resolve agrarian conflicts as it can only facilitate in the process of resolving such conflicts. The ORI proposes to formulate a comprehensive framework and regulation regarding agrarian conflict resolution relating to State assets and forest areas.



## Theme 3: Key Areas for Action

The NHRIs and NHRCs agreed with the major recommendations from the country monitoring reports. They also agreed that they should work with CSOs in order to effectively respond to the volume and complexity of land conflicts. Though they have their own ways of working, NHRIs, NHRCs, and CSOs share a commitment to pursue social justice, human rights, equality, and peace.

In order to address land conflicts, a collaborative and programmatic approach should be undertaken. At the same time, country contexts and dynamics should be considered.

Three parallel group discussions were organized. The table below summarizes and consolidates the outputs of the discussions.

<b>Goal:</b> Reduce land conflicts and recognize land right as s human right through enhanced partnerships among CSOs, NHRIs, and NHRCs	
<b>Strategic objective</b>	<b>Key interventions</b>
Mainstreaming of land rights as human rights	<ul style="list-style-type: none"> <li>• Formulate common advocacy statements on land rights as human rights;</li> <li>• Conduct educational and training programs, interactive sessions to discuss land rights as human rights;</li> <li>• Formulate National Action Plans on the UN Guiding Principles on Business and Human Rights, with a strong land rights component.</li> </ul>
Regular monitoring and effective response mechanisms on addressing/mitigating/reducing land conflicts	<ul style="list-style-type: none"> <li>• Conduct joint CSO-NHRI-NHRC land conflict monitoring;</li> <li>• Maximize advances of information technology and develop tools for more timely monitoring and reporting as well for efficient response mechanism on land conflict cases;</li> <li>• Involve CSOs in investigation/fact-finding missions of NHRIs and NHRCs on land conflict cases;</li> <li>• Conduct human rights audit/due diligence of businesses.</li> </ul>
Establishment/Enhancement of existing NHRI-NHRC-CSO mechanism/s or platform/s at national and regional levels to foster coordination and joint activities	<ul style="list-style-type: none"> <li>• Organize a learning event to promote understanding of the work of NHRIs, NHRCs, and CSOs;</li> <li>• Undertake joint advocacy in support of: (1) strengthening the mandates of NHRIs and NHRCs; (2) passage of legislations and implementation of programs to protect land and human rights defenders; and, (3) an increase in the budget of NHRIs, NHRCs to enable them to fulfill their mandates.</li> </ul>

## Conclusion

Throughout this Summary Report, ANGOC and CSO partners of LWA have made the case that hard, verifiable data on land conflicts are essential to evidence-based advocacy for enshrining the human right to land in development programs and interventions, if not yet, in codified laws.

However, land data are just tools, a means to an end — to push governments to act on behalf of the landless, the dispossessed, and the violated. The land conflict monitoring supports the campaign's advocacy on securing land and resource tenure of the rural poor.

The conflicts that LWA recorded in 2023 are just the tip of the iceberg. Even now, as this report is written, more conflicts have erupted and old conflicts remain unsolved. Thousands if not millions of poor people are suffering human rights violations.

A big part of advocacy work is generating public awareness. The LWA campaign shall leverage the data for greater mass media engagement.

For its part, the Chairperson on the Southeast Asia National Human Rights Institution Forum (SEANF) shall include land conflict monitoring as a major action agenda of the said Forum.

Together with governments, NHRIs, and NHRCs, CSOs must redouble our efforts to overcome the challenges that stand in the way of our ultimate goal — land and resource reform, and the kind of development that millions of rural poor deserve yet remains out of their reach.



The **Global Land Tool Network (GLTN)** is an alliance of global, regional, and national partners contributing to poverty alleviation and the Sustainable Development Goals through increased access to land and tenure security for all. The Network's partnership of organizations is drawn from the rural and urban civil society, international research and training institutions, bilateral and multilateral organizations, and international professional bodies. GLTN takes a more holistic approach on land issues and improves on global land coordination through development, dissemination and implementation of pro-poor and gender responsive land tools. These tools and approaches contribute to land reform, good land governance, inclusive land administration, sustainable land management, and functional land sector coordination.



The **United Nations Human Settlements Programme (UN-Habitat)** helps the urban poor by transforming cities into safer, healthier, greener places with better opportunities where everyone can live in dignity. UN-Habitat works with organizations at every level, including all spheres of **UN-HABITAT** government, civil society, and the private sector to help build, manage, plan, and finance sustainable urban development. UN-Habitat envisions cities without slums that are liveable places for all, which do not pollute the environment or deplete natural resources.

This publication summarizes the discussions at the Asian regional workshop on “Monitoring of lands under conflict – incidence, drivers, and impacts” held on 26 to 27 February 2024 in Jakarta, Indonesia. Representatives of National Human Rights Institutions and Commissions and civil society organizations from Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines, and Timor Leste gathered to discuss six country reports on the incidence, drivers, and impacts of land conflicts involving poor communities. An action agenda was formulated towards the goal of reducing land conflicts and violations of human rights, and for recognition of the right to land as a human right.



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