

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 conflicts¹ in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines² 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,³ the participants developed common tools and a more systematic way of gathering data and reporting on land conflicts.

¹ 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/>

² 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.

³ 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.⁴

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.

⁴Based 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.⁵

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

⁵Under 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.⁶ 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

⁶ 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*⁷ 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

⁷ 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
Total	118	81	212	241	58	355	1,065	100

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
Total	34	28	128	241	49	211	691	100

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
Total	34	28	128	241	49	211	691	100

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
Total	10,823	23,299	129,820	638,188	5,590	749,844	1,557,564	100

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
Total	34	28	128	241	49	211	691	100

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

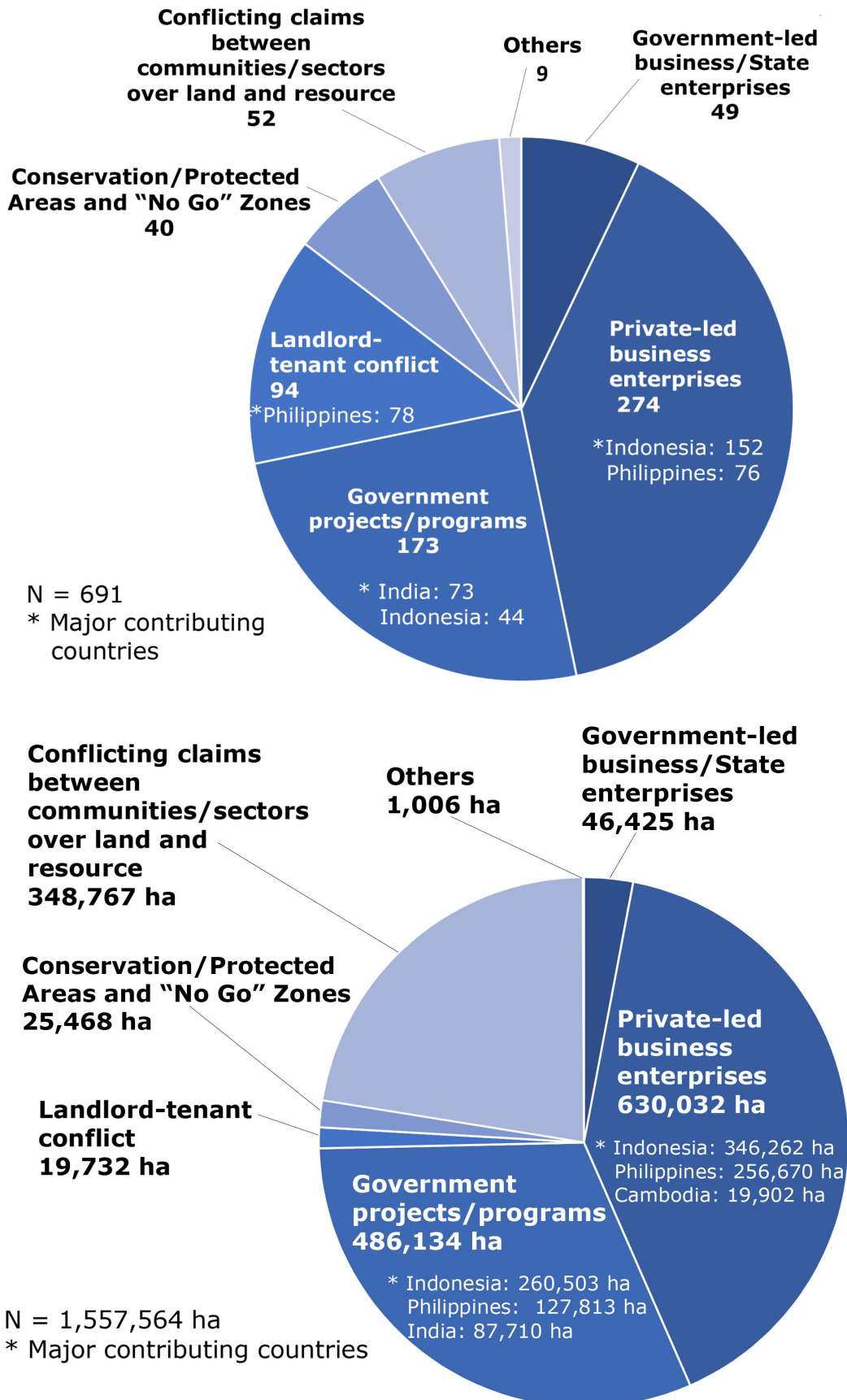
Adversarial claimants	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Private companies	9	3	14	160	1	73	260	38
Government agencies and State enterprises	9	9	88	53	14	29	202	29
Powerful individuals (e.g., politicians, businessmen, landlords, officials/ex-officials, ex-military)	15	4	3	0	14	65	101	15
Local 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
Total	34	28	128	241	49	211	691	100

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
Total	13		2		27		241		23		21		327	

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.

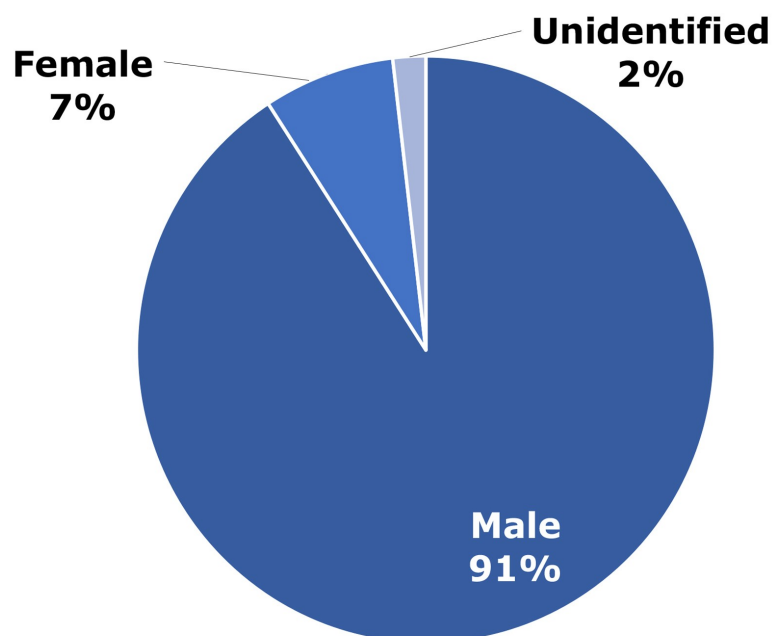
In terms of reported victims of HRVs, the highest number of victims suffered detainment/legal arrest or illegal detention, and "criminalization" (515 out of 654 victims or percent), followed by torture (92 victims or 14 percent); physical injury/assault (15 victims or two percent); murder (12 victims); 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
Total	6	6	nda	nda	4	4

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
Total	86	608	4	8	10	28	110	654

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
Total	6	nda	4	86	4	10	110	100

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

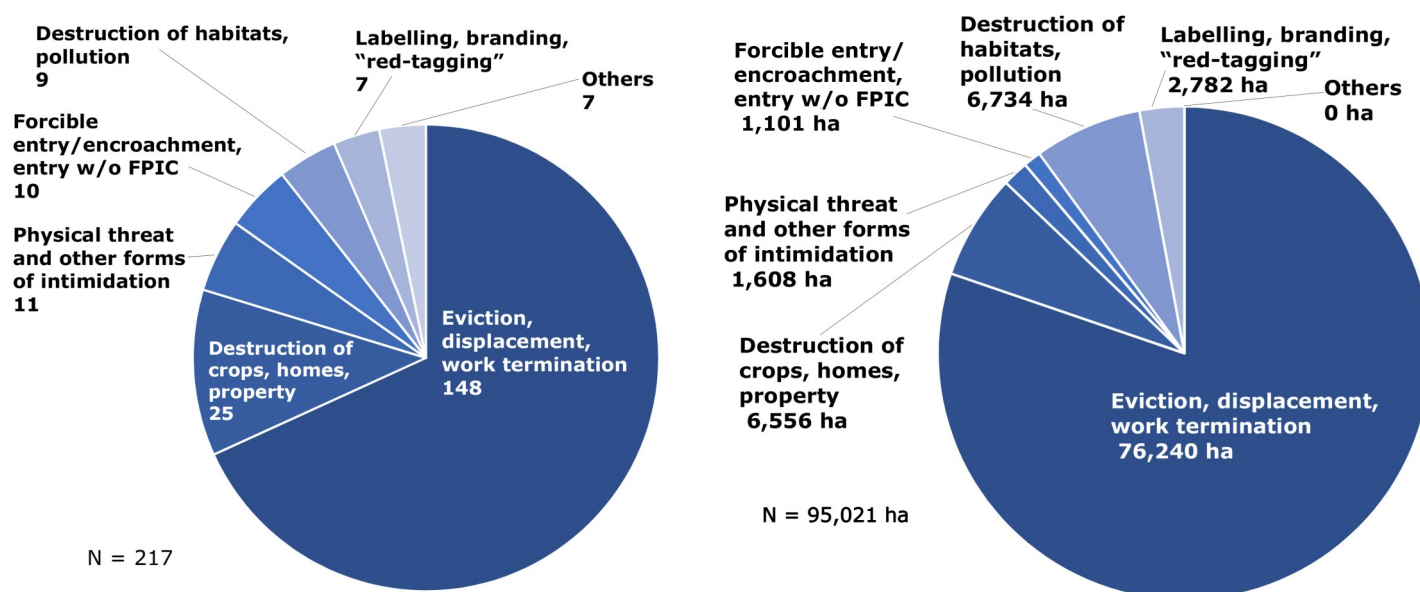
Communities affected by HRVs	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL
Farmers: peasants (landless smallholder farmers, sharecroppers, agricultural workers, tenants, lessees, small owners)	255	nda	dnr	54,159	789	158	55,361
Informal settlers/Slum dwellers	0	nda	9,502	7,558	2,749	540	20,349
Indigenous people (IP)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

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
Total	7	2	23	155	19	11	217	100

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
Total	34	28	128	241	49	211	691	100

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
Total	31	28	125	241	48	301	774	100

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	%
Yes	3	26	11	0	30	37	107	16
• <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
No/Not yet	16	1	117	241	17	121	513	74
No information available	15	1	0	0	2	53	71	10
Total	34	28	128	241	49	211	691	100

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.