

In Defense of Land Rights: Third Edition

Contested lands: incidence, drivers, and impacts of conflict

A monitoring report of land conflicts in six Asian countries, 2023





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 Alliance for Land, Indigenous and Environmental Defenders (ALLIED), 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).



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 activities 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 regional convener of LWA.

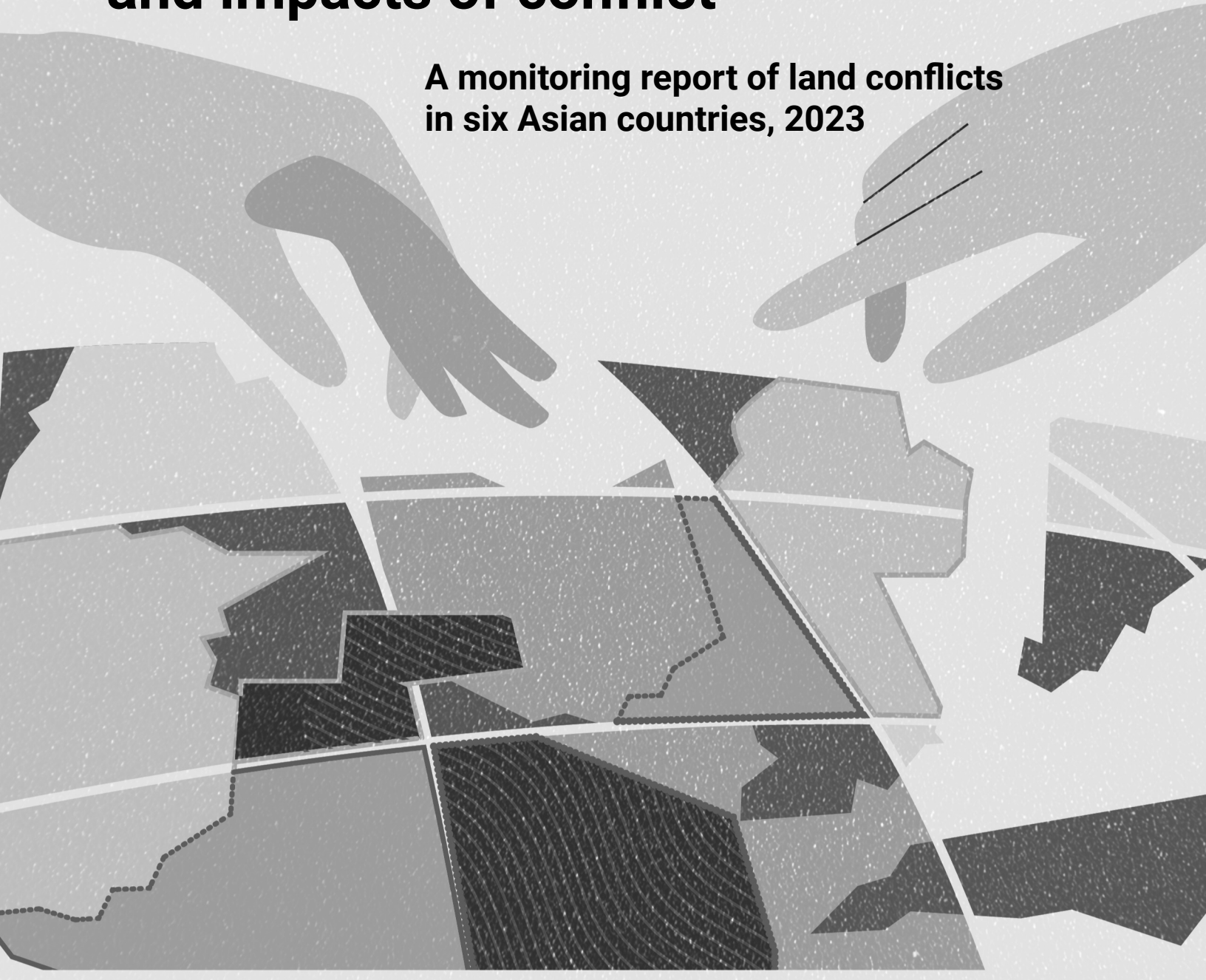
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Country land conflict monitoring reports

- Association for Land Reform and Development (ALRD) - Bangladesh
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Foreword

Land is a valuable and limited resource, often causing conflicts due to competing interests. For some, land generates financial wealth, while for many, especially the rural poor, land is essential for survival. Land conflicts often result from the unfair distribution, access, control, and ownership of land and resources, due to poor land governance. These land conflicts can lead to human rights violations, including the loss of lives and livelihoods, and require urgent action from governments and stakeholders.

In 2018, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA) partners from Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines initiated the monitoring of land conflicts. To improve visibility and advocacy, LWA partners adopted a common methodology and data-recording system for the 2020 monitoring reports. For 2023, the LWA partners refined the framework and methodology, to ensure greater relevance and applicability across the six countries.

ANGOC expresses its appreciation to the Association for Land Reform and Development (ALRD), STAR Kampuchea (SK), Land Conflict Watch (LCW), Konsorsium Pembaruan Agraria (KPA), and Community Self-Reliance Centre (CSRC) for preparing the country monitoring reports. Special thanks to Antonio Quizon for guiding the research process, and to Marianne Naungayan for providing technical assistance in the review and recording of data. ANGOC also acknowledges the financial contribution provided by the Global Land Tool Network (GLTN) and the United Nations Human Settlements Programme (UN-Habitat) in support of this initiative.

This third edition of the LWA Land Conflict Monitoring Reports covers ongoing structural land conflicts in 2023, including unresolved past conflicts. It also documents incidents of human rights violations (HRVs), both violent and latent, from 1 January to 31 December 2023.

For 2023, LWA partners recorded 691 land conflict cases covering 1,557,564 hectares in six Asian countries, and affecting some 454,497 households mostly farmers and indigenous peoples. Across all six countries, the main adversarial claimants in the land conflict cases were private companies, government agencies, and powerful individuals.

These land conflicts led to 110 incidents of HRVs, committed against 654 individuals, mostly in Indonesia and the Philippines. These include arrests and detainment, physical injury, and torture. Twelve of the victims were killed. Also, some 95,021 households experienced eviction, destruction of property, and other forms of HRVs.

It is imperative that governments undertake immediate action and resolution on these land conflict cases. More importantly, governments should address the roots of conflict by implementing land and resource tenure reforms, and by regulating private companies towards the practice of responsible business. Meanwhile, CSOs and National Human Rights Institutions and Commissions should intensify efforts on promoting human rights and land literacy among communities and governments.

Together with CSO partners, LWA and ANGOC will continue to support local communities, and raise public awareness of land issues. We will further refine our methodology and produce popular versions of land monitoring reports, to increase their visibility and access.

Dewi Kartika
Chairperson, ANGOC

Nathaniel Don Marquez
Executive Director, ANGOC

The 2023 Land Conflict Monitoring Initiative: Framework and methodology

Land is a valuable and limited resource, often causing conflicts due to competing interests. For some, land generates financial wealth, while for many, especially the rural poor, land is essential for survival. States play a crucial role in determining who controls and benefits from land and other resources. Oftentimes, however, State decisions favor capital-driven use of land, which benefits a few while leaving many in poverty.

Land conflicts usually arise from the unfair distribution of, access to, control of, and ownership of land and resources; they are generally the result of poor land governance. Land conflicts destroy livelihoods, and cause human rights violations, including loss of life, and thus demand urgent action from governments and stakeholders.

In 2018, the continuing upsurge in land conflicts prompted civil society organizations (CSOs) to conduct their own investigation. Partner CSOs of the Land Watch Asia (LWA) campaign from Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines produced land conflict monitoring (LCM) reports, modeled after the monitoring work that Indonesia's Konsorsium Pembaruan Agraria (KPA) had been undertaking since 2003.

The 2018 LCM reports used different methodologies, and thus, the resulting data could not be easily compared, analyzed, and aggregated at the national and regional levels.

In 2020, the LWA campaign launched a more systematic approach to monitoring land conflicts and their effects. The 2020 Land Conflict Monitoring Initiative included six country reports and a regional summary.¹

For 2023, the LWA partners applied further improvements on the common framework and methodology, making it more relevant and applicable across the six countries.

¹ "In defense of Land Rights: A Monitoring Report of Land Conflicts in Six Asian Countries, Second Edition." See <https://angoc.org/portal/in-defense-of-land-rights-a-monitoring-report-on-land-conflicts-in-six-asian-countries-vol-2/>

Objectives

The country land conflict monitoring reports aimed to: (1) describe the *prevalence and types* of land and natural resource conflicts; (2) examine the *nature and causes* of land and resource conflicts; (3) discuss the *human rights violations* on individuals and communities; and, (4) draw up *recommendations* based on the study findings and consultations.

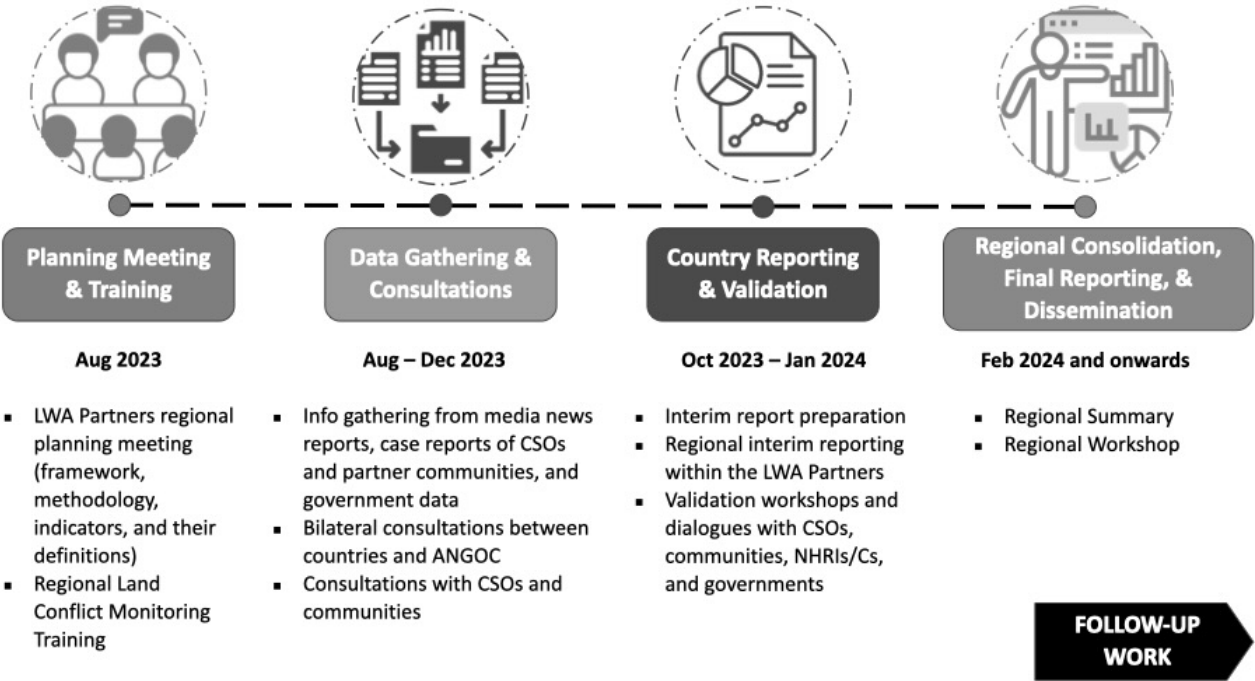
Overall research process

The overall research process is summarized in Figure 1.

In August 2023, the LWA partners took part in a regional planning meeting to discuss and refine the framework and methodology of land conflict monitoring. The partners agreed on a common set of parameters, indicators, categories, and definitions. Partners were oriented on the use of the common database template (in Excel format), pivot tables, and a case profile tool.

Countries then started the gathering of land conflict data for the 2023 initiative. Mentoring sessions were organized by ANGOC to acquaint the country researchers on the use of the tools and to provide guidance on how to proceed with data gathering and encoding.

Figure 1. Summary of the overall research process for the 2023 Land Conflict Monitoring Reports.



Interim reports, covering data collected on incidents from January to June 2023, were prepared by the research partners. These reports were discussed in an online meeting on 6 November 2023. Partners facilitated in-country dialogues and validation workshops from November 2023 to February 2024, with National Human Rights Institutions and Commissions (NHRIs/NHRCs), pertinent government agencies/institutions, CSOs, and communities. The aim was to present the preliminary findings and discuss ways forward and potential partnerships with various stakeholders, leveraging insights gleaned from the study's recommendations.

On 26 to 27 February 2024, ANGOC, LWA, and KPA, in partnership with NHRIs/NHRCs, including the Commission of Human Rights of the Philippines (CHRP), Commission of Human Rights of Indonesia (Komnas HAM), Provedoria dos Direitos Humanos e Justica (PDHJ), Southeast Asia National Human Rights Institution Forum (SEANF), and the Global Land Tool Network (GLTN) organized the regional workshop on land conflict monitoring in Jakarta, Indonesia. The regional workshop provided the platform to present and discuss the findings and recommendations of the land conflict monitoring reports in the six Asian countries, and the consolidated regional summary report. The participants of the regional workshop included NHRIs/NHRCs and partner-CSOs in Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines, and Timor Leste.

Research framework

What is a “land conflict”?

For the 2023 land conflict monitoring initiative, the LWA partners have agreed on operational definitions to standardize the scope of research and analysis of findings.

Adapted from Engel and Korf (2005), land conflict is defined as “a result of contradicting interests over the control, use, and management of land and resources, where the primary actors have differences in goals.”

Focus on structural land conflict. The land conflict monitoring includes cases where at least one of the stakeholders in the conflict is a sector or community. It focuses on so-called *structural* conflicts that may result from: (a) loopholes and contradictions in law; (b) differences in paradigms of competing tenure systems; (c) weak enforcement of legal and customary tenure systems; or, (d) use of positions of power and influence to gain control over land. This focus is intended to highlight social issues, and to raise discussions about public policy and development priorities.

The monitoring initiative also stipulates that conflicts involving *natural resources*, such as forests, minerals, and waters, are included in the research.

Approach to monitoring

Case approach. The monitoring focuses on “cases” or “storylines” of land conflict as the main analytical unit of monitoring. The key components of a case include: the presence of two or more competing stakeholders; a contested land or resource that could include minerals, crops, etc.; and, a manifested conflict over possession, control, and decision-making over the land or resource.

Looking at cases from a community perspective. The monitoring initiative adopts a community-based perspective; it examines the affected sectors and highlights their voices and narratives that are often overlooked when stories are reported by outside aggressors. For instance, the contested lands are described in terms of how they are actually used or valued by local communities, rather than by how they are seen by outside speculators or investors.

Adopting a community-based perspective is crucial when identifying the aggressors in a conflict and those allegedly responsible for incidents of violence and human rights violations. This perspective also includes the views of land rights-holders challenging State actions, especially when rights defenders, activists, or community leaders are unfairly labeled as rebels, communists, or terrorists.

What are we monitoring?

The monitoring initiative examines three primary facets: (1) cases; (2) relationships; and, (3) incidents. Cases detail the storyline of the conflict; basic information about the conflict (ex. type of land/resource contested, size of contested land, location). Relationships pertain to the stakeholders involved (affected communities, aggressors) and their actions. Incidents of human rights violation comprise events where violence against persons were reported, the victims and reported perpetrators, and their impacts and effects.

Parameters, indicators, and categories

Four key parameters guide the collection of land conflict information:

- (1) **Populations and areas affected by conflict.** How many households were affected? Which land or resource was being contested? Where was the conflict located? How long has this conflict been going on?
- (2) **Adversarial claimants and drivers/causes of land conflict.** Who were involved in the conflict? What were the causes and drivers of conflict?
- (3) **Incidents of human rights violations against individuals and communities.** Were there cases of violence and human rights violations? What were these? Who were the perpetrators and victims?
- (4) **Response to address land conflict.** Which responses has the community undertaken? What were the demands of the community? What were the responses to address the land conflict? By whom?

Each parameter is accompanied by a set of indicators and categories that were used in the previous LWA monitoring report for 2020, and further refined during the Land Conflict Monitoring Training cum Planning Regional Workshop in Bangkok, Thailand in August 2023.

Table 1 outlines the common parameters, categories, and indicators of the 2023 LWA land conflict monitoring, applied in the country and regional reports.

Table 1. Parameters, indicators, and categories of the 2023 LWA land conflict monitoring.

Parameters	Indicators	Categories
Populations and areas affected by conflict	Overview of land and resource conflicts <i>(Refers to the summary of land/resource conflicts in terms of their number, area affected or contested, and duration.)</i>	Number of land and resource conflict cases
		Area affected/contested (in hectares)
		Duration of land conflict cases
	Main type of land or resource contested, as used by the community <i>(Refers to the category of land and resource based on its primary use by the affected community.)</i>	Smallholder farming/agriculture
		Smallholder agroforestry and people’s plantations
		Indigenous people (IP)/adat/customary land
		Community forest/Social forest
		Common lands/Public lands managed by the community
		Water/fisheries resources
		Housing and settlements
	Primary sectors or communities affected by conflict <i>(Refers to households and communities that have a stake on the contested land and on the related services that the land provides. They may hold or claim rightful tenure over the land. They are identified by their sector, or by livelihoods that describe their use of the land.)</i>	Farmers: peasants (landless smallholder farmers, sharecroppers, agricultural workers, tenants, lessees, small owners)
		Indigenous people (IP)
		Non-IP forest users, pastoralists
		Fisherfolk
		Tenured residents
Informal settlers/slum dwellers		
Discriminated sectors (caste, religion, ethnicity)		

Adversarial claimants and drivers/ causes of land conflict	Adversarial claimants <i>(Refers to individuals or groups usually from outside the community, with a contested claim on the community land or resource. The conflict may also be between poor sectors with competing land claims in the same community.)</i>	External
		<ul style="list-style-type: none"> Private companies
		<ul style="list-style-type: none"> Government agencies and State enterprises
		<ul style="list-style-type: none"> Local government
		<ul style="list-style-type: none"> National government
		<ul style="list-style-type: none"> Military, police, armed forces
		<ul style="list-style-type: none"> Non-State group, insurgent group
		<ul style="list-style-type: none"> Powerful individuals (e.g., politicians, businessmen, landlords, officials/ex-officials, ex-military)
	Internal	
	<ul style="list-style-type: none"> Community vs. community (residents, settlers, migrants, refugees) 	
	Dominant driver/Cause of land or resource conflict <i>(Refers to the way the adversarial claimants use or intend to use the contested land or resource – in conflict with local communities.)</i>	Private-led business enterprises, specify type
		Government-led business/State enterprises
Government programs, specify type		
Landlord-tenant conflict/agrarian conflict		
Conservation/Protected Areas and “No Go” Zones		
Conflicting claims between communities/sectors over land and resource, specify who		
Incidents of human rights violations (HRVs)	Types of violence affecting individuals <i>(Incidents of human rights violations [HRVs] serve as markers for ongoing conflicts. These are violations committed against individuals. The most observable forms of HRVs are physical [killings, injuries, arrests, evictions, demolitions, and destruction]. Other forms of HRVs are equally destructive, yet are often unseen and unreported [threats, accusations, discrimination, and psychological abuse].)</i>	Killing
		Physical injury/assault
		Torture
		Sexual assault
		Disappearance, abduction
		Eviction, displacement, work termination

		Detainment/legal arrest or illegal detention; and “criminalization”
		Physical threat and other forms of intimidation
		Labelling, branding
	Types of violence affecting communities	Eviction, displacement, work termination
	<i>(Incidents of HRVs serve as markers for ongoing conflicts. These are violations committed against communities. The most observable forms of HRVs are physical – such as killings, injuries, arrests, evictions, and demolitions of houses and crops. Other forms of HRVs are equally destructive and have long-term effects, yet these are often unseen and unreported [threats, accusations, discrimination, psychological abuse].)</i>	Destruction of crops, homes, property
		Destruction of habitats, pollution
		Forcible entry/encroachment, entry without free, prior and informed consent (FPIC)
		Physical threat and other forms of intimidation
		Labelling, branding
	Perpetrators of violence – both against individuals and communities	Armed agents of the State (police, army, or military)
	<i>(Actors who reportedly committed violence against rights holders and land rights defenders, as identified by affected communities.)</i>	Government agencies, specify type
		Local government
		Powerful individuals, authorities (e.g., politicians, ex-bureaucrats, ex-military, landlords, etc.)
		Private companies, private armed groups
		Non-State group, insurgent group
	Unidentified assailants	
Response to address land conflict	Action(s) taken by the community to address the land/resource conflict	Seek conflict resolution
	<i>(Actions taken by different stakeholders to address or to respond to the land/resource conflict.)</i>	<ul style="list-style-type: none"> through local or direct negotiations
		<ul style="list-style-type: none"> through government administrative mechanism (including alternative dispute resolution mechanism)
		<ul style="list-style-type: none"> through judicial courts, NHRI/C, legal adjudication
		Peaceful demonstrations/non-violent acts
		Withdrawal/escape

		Retaliation
		No response
		No information available
	Corrective response or corrective actions taken to address the land/resource conflict <i>(If actions were taken by the non-community party [either by the State, the adversarial party, or other third party] aimed to rectify or address the land or resource conflict.)</i>	Yes
		<ul style="list-style-type: none"> by the Government/State
		<ul style="list-style-type: none"> by agreement with the adversarial party
		<ul style="list-style-type: none"> by third party, specify who
		No/Not yet
		No information available

Research methodology

Sources of data and validation

Both primary and secondary sources of information were utilized in the monitoring. Primary sources included testimonies and reports from affected families and communities, assisting people’s organizations (POs), community-based organizations (CBOs), and CSOs, as well as field staff and researchers. Interviews, focus group discussions (FGDs), field visits, and questionnaires (i.e., case profile form) were the tools used for primary data gathering.

Secondary sources included news reports, stories and articles from news media, CSOs, and other POs, as well as Government data, police reports, and judicial proceedings. For India, Indonesia, and the Philippines, databases of previously documented cases of land conflict were reviewed, updated, and validated.

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

In some instances, direct reports from field-based CSOs were considered as having been validated at the community-level. The KPA has a longstanding practice of gathering reports from partner communities, complemented by thorough on-ground field investigations.

Sets of conflict information from the existing database of Land Conflict Watch (LCW) in India were sourced through primary and secondary outlets, where details are verified using evidence from multiple

sources, including news sources, official government documents, and first-hand accounts of affected persons. In the Philippines, ANGO utilized a case profile form to collect community-level land conflict data, which are completed by community-based organizations or the community's partner-CSOs. In Nepal, the Community Self-Reliance Centre (CSRC) conducted field visits to the affected areas to gather and validate information on land conflicts. CSRC also utilized the case profile tool in gathering information from the field. In Bangladesh, the Association for Land Reform and Development (ALRD), gathered primary data through interviews, questionnaires (using the case profile tool), observations, FGDs, and the collection of oral statements.

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, CSOs, and partner-communities.

Scope/Coverage

The monitoring covered structural land conflicts that have been ongoing within the 2023 calendar year, including past conflicts that remain unresolved. Land conflicts predominantly occurred in rural areas, with some extending to urban areas, particularly in Cambodia, India, Nepal, and the Philippines. All countries, except for Nepal, covered water resources in their monitoring.

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

Storing and analyzing data

Data were stored and analyzed using a standardized Excel template across the six countries involved [Figure 2].

The template contains a database where information on the 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 incorporates the different indicators and categories used in land conflict monitoring.

Variances in approach – Implementing methodologies that are common, but not uniform

While the methods employed in the countries shared commonalities, they were not entirely uniform. Methods were also modified to suit the 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, the use of common summary tables.

Figure 2a. Snapshot of the Excel template on “affected population and areas”

CASE NUMBER <i>(assign a case number in sequence; e.g., 1, 2, 3, and so on)</i>	NAME OF COMMUNITY-OR COMMUNITY-BASED ORGANIZATION AFFECTED <i>(write "NA" if data is unavailable)</i>	LOCATION OF THE CASE	MAIN TYPE OF LAND OR RESOURCE AFFECTED BY CONFLICT <i>(choose one per case; leave blank if data is unavailable)</i>	TOTAL AREA CONTESTED (in hectares) <i>(write "NA" if data is unavailable)</i> <i>* Be conservative/cautious when providing the number. Rely on information from credible sources.</i>	START YEAR (when the case started) <i>(write "NA" if data is unavailable)</i>	DATE OF RESOLUTION <i>(if previous column is "Resolved," then indicate below)</i> <i>(Year, Month, Day)</i>	PRIMARY SECTOR OR COMMUNITY AFFECTED BY CONFLICT <i>(choose one per case; leave blank if data is unavailable)</i>	NUMBER OF HOUSEHOLDS DIRECTLY AFFECTED BY CONFLICT <i>(write "NA" if data is unavailable)</i> <i>* Be conservative/cautious when providing the number. Rely on information from credible sources.</i>

Figure 2b. Snapshot of the Excel template on “adversarial claimants and drivers of land conflict”

CASE NUMBER <i>(assign a case number in sequence; e.g., 1, 2, 3, and so on)</i>	CONFLICT NUMBER <i>(assign a conflict number under the corresponding case number; e.g., 1.1, 2.1, 3.1, 3.2, and so on)</i>	ADVERSARIAL CLAIMANT <i>(choose one per conflict)</i>	DOMINANT DRIVER OF LAND CONFLICT <i>(choose one per conflict)</i>	SPECIFIC TYPE OF DRIVER OF LAND CONFLICT			
				If "Government-led business / State enterprises," specify below <i>(if column "V" is "Government-led business / State enterprises," then cite name of government company or department)</i>	If "Private-led business enterprises," choose type below <i>(if column "V" is "Private-led business enterprises," then choose type below)</i>	If "Government projects/ programs," choose type below <i>(if column "V" is "Government projects/programs," then choose type below)</i>	If "Conflicting claims between communities/sectors over land and resource," choose type below <i>(if column "V" is "Conflicting claims between communities/sectors over land and resource," then choose type below)</i>

Figure 2c. Snapshot of the Excel template on “incidents of HRVs and reported perpetrators”

CASE NUMBER <i>(assign a case number in sequence; e.g., 1, 2, 3, and so on)</i>	INCIDENT NUMBER <i>(assign an incident number under the corresponding case number and specific conflict number; e.g., 1.1.1, 2.1.1, 3.1.1, 3.1.2, and so on)</i>	DATE OF THE INCIDENT <i>(year, month, day)</i>	Location of Incident <i>(write "NA" if data is unavailable)</i>	INDIVIDUAL OR COMMUNITY INCIDENT?	INDIVIDUAL INCIDENT					COMMUNITY INCIDENT			
					NAME OF VICTIM	GENDER OF VICTIM (as stated in the report) <i>(write "NA" if data is unavailable)</i>	SECTOR OF VICTIM (e.g., farmer, IP, urban poor, etc.) <i>(write "NA" if data is unavailable)</i>	TYPE/S OF VIOLENCE <i>(multiple answers may apply per incident)</i>	PERPETRATOR/S <i>(multiple answers may apply per incident)</i>	TYPE/S OF VIOLENCE <i>(multiple answers may apply per incident)</i>	TYPE OF DOMINANT HHs AFFECTED BY THE INCIDENT <i>(choose one per incident)</i>	NUMBER OF DOMINANT HHs AFFECTED <i>(write "NA" if data is unavailable)</i> <i>* Be conservative/cautious when providing the number. Rely on information from credible sources.</i>	PERPETRATOR/S <i>(multiple answers may apply per incident)</i>

Figure 2d. Snapshot of the Excel template on “responses of affected communities”

CASE NUMBER <i>(assign a case number in sequence; e.g., 1, 2, 3, and so on)</i>	ACTION/S TAKEN BY THE COMMUNITY TO ADDRESS THE LAND CONFLICT <i>(multiple answers may apply per incident)</i>	WERE THERE RESPONSE/S OR CORRECTIVE ACTION/S TAKEN? <i>(multiple answers may apply per incident)</i>	If "Yes, by third party," specify below <i>(if previous column is "Yes, by third party," then indicate type of third party below)</i>	DESCRIBE CORRECTIVE RESPONSE/S OR ACTION/S TAKEN	RESPONSE/S OR ACTION/S DEMANDED

However, variances existed in the main types of data sources used by the countries, the approaches for data gathering, and potentially in sub-categories developed within the general framework by individual countries, as shown in Table 2.

Table 2. Variances in data gathering and validation

Country/Institution	Main sources of data, and approaches to data gathering and validation
<p>Bangladesh Association for Land Reform and Development (ALRD)</p>	<p>Primary data were collected through interviews, questionnaires (using the case profile tool), observations, FGDs, and oral statements. Secondary data were gathered through desk research, primarily of online news portals, print media outlets, and a government report. A roundtable discussion was conducted with 122 representatives of the NHRC, academe, journalists, lawyers, national and local CSOs, and affected communities to validate the report's findings and recommendations.</p>
<p>Cambodia STAR Kampuchea (SK)</p>	<p>Main information sources were government agencies and institutions. A blended validation workshop (face-to-face and online) was organized with 37 representatives of the Ministry of Land Management, Urban Planning and Construction (MLMUPC), Cambodia Human Rights Committee (CHRC), NGOs, and community members to confirm the findings of the study and formulate recommendations.</p>
<p>India Land Conflict Watch (LCW)</p>	<p>LCW regularly collects information on land conflict, and updates its land conflict database (https://www.landconflictwatch.org/) using quantitative and qualitative parameters. Field researchers collect information from a mix of primary and secondary sources. These sets of information are verified using evidence from multiple sources, including regional and local news sources, official government documents, and primary sources. For the 2023 LCM initiative, LCW focused on 134 land conflicts recorded in 2023, including newly documented conflicts and previously recorded ones with significant updates. A secondary review process involved analyzing these conflicts with an additional 22 parameters established in consultation with ANGOC.</p>
<p>Indonesia Konsorsium Pembaruan Agraria (KPA)</p>	<p>KPA yearly collects and updates its land conflict database sourced from direct reports from local communities; from its members and networks; on-ground monitoring; mass media; conflict database in KPA's agrarian quick response and emergency program; and, results of field investigation and studies conducted for specific cases. To ensure the accuracy and reliability of the data, KPA employs cross-referencing of available information.</p>
<p>Nepal Community Self-Reliance Centre (CSRC)</p>	<p>The primary sources were mainstream newspapers and online platforms. CSRC also gathered data from partner communities across 24 districts, using the case profile tool, and conducted two field visits to gather quantitative and qualitative data on land conflict cases. CSRC conducted a comprehensive desk review of reports from various government agencies and NGOs. In addition, a validation workshop with 21 representatives of government line agencies, UN agencies, and CSOs was held to confirm findings and refine recommendations.</p>
<p>Philippines ANGOC and partner CSOs and POs</p>	<p>Primary data were sourced from partner-communities through the use of the case profile form. Secondary sources included mainstream media outlets and written accounts, platforms, and websites of POs and CSOs. Cases and reports of incidents found online were included only if they were published by credible sources. The data gathered were cross-checked against other (mainly online) sources. ANGOC also reviewed its database of previously recorded land conflict cases, to check for updates and to verify which cases were ongoing as of 2023. The interim report was presented in a workshop in November 2023 and a national workshop was organized on 6 May 2024 with participants from 54 representatives of basic sectors (i.e., farmers, fisherfolk, IPs, and urban poor) and CSOs.</p>

Limitations

Land conflict monitoring relies on the quality and scope of information gathered by CSO researchers and partners. Secondary sources are used heavily. Below are the limitations of the reports:

- Resource constraints make it difficult to send researchers to the field to gather data, and those who do so are able to visit only a limited number of areas.
- Partner CSOs have limited researchers and staff, and land conflict monitoring is just one of several tasks that they are engaged in. Most lack practical skills in investigative reporting.
- In some countries, there is limited access to government data; in other countries, government does not monitor land conflicts in an integrated way. Monitoring often involves multiple departments and agencies, and such work is hampered by the lack of resources, bureaucratic inefficiencies, and lack of coordination.
- The focus of news media is on events and incidents, rather than on sustained or in-depth reporting of land cases. News outlets prioritize stories that are interesting to its readers and viewers; land conflicts might not attract as much public interest compared to other news topics. Thus, stories that get to be reported are those where conflict is *manifest* and observed, such as incidents of violence and protests. On the other hand, conflicts that are *latent*, hidden, and suppressed are not reported at all.

Regarding methodology, the 2023 land conflict monitoring initiative introduced a common set of parameters, indicators, categories, and terminologies – to allow data to be stored, aggregated, and analyzed at the regional level. However, there are limits in regard to comparing figures across countries. The exhaustiveness of each country report varies, depending on references available, the skills of implementing partners, their resources, and networks.

Finally, many land conflicts are unreported or undocumented. Hence, the LWA monitoring initiative does not claim to give an accounting of all land conflicts. Rather, it attempts to show current trends, based on the available information.

Way Forward

The LWA recognizes that in order for the LCM initiative to be sustained, some areas need to be addressed:

On proper handling of sensitive information

Land conflicts can be a politically sensitive subject. Reporting on land conflicts can reveal underlying tensions and disputes; uncover vested interests of influential, political powers; and, expose corruption and favoritism in the allocation of land. Thus:

- Researchers need to be conscious in reporting sensitive data. Where necessary, they must protect the anonymity of their sources, and take into account the possible repercussions of exposes on land rights defenders and local communities.
- Digital security in storing and transferring data must seriously be considered and improved, given the sensitive nature of conflicts and out of respect for these conflicts' victims.

In relation to the methodology

- In 2023, the land conflict monitoring framework underwent significant changes to its parameters, categories, indicators, and respective definitions. These improvements aimed to achieve a shared method for monitoring and reporting on land conflicts that would be applicable to different countries and contexts. The continuing challenge will be how to implement a set of common indicators and methods that allows researchers to be flexible and innovative in monitoring and reporting on land conflict.
- Certain indicators may require the establishment of new categories to reflect current realities. For instance, under the indicator of “drivers of land conflict,” one could include the category of “government-led disaster mitigation and adaptation,” which pertains to the eviction or relocation of residents from “danger zones,” as seen especially in the Philippine context. One might also add a category of “government-led urban development projects,” such as in the establishment of Nusantara in East Kalimantan as the new capital of Indonesia.
- Meanwhile, CSO partners must work more closely together to refine the methods used. This action point includes the simplification of concepts and tools, to make their use and the analysis of data easier. This will consequently make the monitoring results more accessible to a wider audience.
- CSOs must also continue to improve their capacities for qualitative and quantitative research, and analysis.

In relation to using the LCM reports

- There is a need to increase the visibility of the reports, and produce popular versions of them to increase awareness and support among the broader public.
- Country networks must also be expanded beyond present community and civil society partners, in order to broaden the scope of future monitoring initiatives, while keeping them rooted in community experiences.
- Finally, CSOs must learn to maximize the use of LCM reports in policy work. ■

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Lands under conflict – incidents, drivers, and impacts

A summary of monitoring reports from six Asian countries

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Land is essential for the enjoyment of other rights, such as the right to food, adequate housing, freedom of movement, human dignity, and security. For many, land is a source of livelihood and is therefore central to economic rights. It is also often tied to culture and identities, linking it to social and cultural rights (UNOHCHR, 2015).

However, land is also the object of competition and aggression in several potentially overlapping ways. Firstly, it serves as an economic asset, providing resources and opportunities for livelihood and income. Secondly, it is deeply connected with identity and social legitimacy, as land often holds cultural and historical significance for communities, reinforcing their sense of belonging and heritage. Finally, land marks out political territory; control over land can translate into power and influence within a region, affecting governance and authority. These overlapping dimensions make land a highly contested resource, leading to various forms of competition and conflict.

Conflicts over land can profoundly impact the well-being, development, and identities of communities. Land conflicts are therefore a key indicator of the state of land governance, as well as of human rights. This article summarizes the main findings of a six-country monitoring study of land conflicts, examining their incidence and scope, causes and drivers, and impacts.

Introduction to the country studies

Land conflict. *Land conflict* is defined as “a result of contradicting interests over the control, use, and management of land and resources, where the primary actors... have differences in goals” (Engel and Korf, 2005). As used in these studies, “conflict” implies tension and the threat of violence, but does not necessarily involve violent incidents, unless specifically mentioned.

Focus on structural land conflicts. For purposes of the study, distinctions are made between two *main types* of “land conflict.” First are *land disputes* that involve conflicting claims over land by two or more parties, where there is “incompatibility of perceived interests, objectives, and future positions” over the land. Disputes are usually addressed within the existing legal framework. These include cases involving inheritance, boundaries, legal titles, commercial transactions, and the like. Such land disputes may or may not reflect some broader conflict over land.

The second type are *structural land conflicts*, which often involve communities, not just individuals or families. Structural conflicts are often characterized by contradicting interests of sectors or groups over the use, allocation, and governance of the land. These involve competing claims to larger areas of land and resources, and may involve questions about public policy and priorities. There is sometimes no consensus on the rules to be applied, and the parties may have different understandings of the nature of the conflict.

The country studies here focus on *structural land conflicts*. Many of these conflicts raise questions of land governance, as they relate directly to government policies and priorities, and to actions taken by public officials. As these conflicts involve entire neighborhoods and communities, they may involve underlying processes of economic marginalization, political exclusion, and social discrimination that cause physical and psychological harm, with extensive impacts on people’s lives, as the studies show.

Objectives and scope. This regional report provides a perspective and summary of six country reports on land conflicts, covering calendar year 2023. The studies aimed to improve understanding of land and resource conflicts by providing empirical data to help guide the formation of policies that could prevent and help resolve these conflicts. These studies were carried out by the following: Association for Land Reform and Development (Bangladesh), STAR Kampuchea (Cambodia), Land Conflict Watch (India), Konsorsium Pembaruan Agraria or Consortium for Agrarian Reform (Indonesia), Community Self-Reliance Centre (Nepal) and ANGOC and CSO partners (Philippines).

The country land conflict monitoring reports aimed to: (1) describe the *prevalence and types* of land and natural resource conflicts; (2) examine the *nature and causes* of land and resource conflicts; (3) discuss the *human rights violations* against individuals and communities related to land conflicts; and, (4) draw up *recommendations* based on the study findings and consultations.

The use of a *common monitoring and recording tool* has allowed data to be aggregated across countries, as presented in the sections that follow. The research approach and methodology are discussed in a separate article.¹

¹ Refer to the earlier article “The 2023 Land Conflict Monitoring Initiative: Framework and methodology” in this publication.

Use of a case approach. The country reports use "cases" of land and natural resource conflict as a key data indicator. Conflicts, in general, are defined as situations wherein "two or more stakeholders perceive their interests as incompatible, express hostile attitudes, or ... pursue their interests through actions that damage the other parties." In land conflict, interests can differ over: (a) access to and distribution of resources; (b) control of power and decision-making; (c) cultural, social, and political identity; and, (d) status, particularly those embodied in systems of government, religion, or ideology (as cited in Engel and Korf, 2005). In this paper, land conflict includes conflict over water bodies and natural resources like crops, trees, forests, and minerals.

Scope. All the studies are national in scope and cover documented land conflict cases that were active within the period of 01 January 2023 to 31 December 2023. The studies focus specifically on conflict cases where a community or group of households is involved as one of the parties.

Sources. Hundreds of land conflict accounts were collected and analyzed from both primary and secondary data sources. Majority of the cases came from secondary sources that include mainstream news media (print, online), written accounts, and online platforms and websites of peoples' organizations (POs) and civil society organizations (CSOs). Other secondary sources were government reports, judicial proceedings, and in a few cases, police reports. The cases were cross-referenced with other sources.

Some cases came from primary sources. These include oral testimonies and written accounts from affected communities, and interviews and focus group discussions (FGDs) with local people and field-based CSOs. In a few instances, investigative teams were deployed to gather or verify reports.

In addition, three country partners (in India, Indonesia, Philippines) utilized information from their existing databases on land conflict.² Nationwide CSO monitoring of land conflicts is regularly conducted in Indonesia and India, and occasionally by partners in other countries, under the ANGOC-LWA initiative. In Cambodia and Bangladesh, other CSOs also monitor land conflicts regularly, though these efforts are more focused on specific sectors or types of land conflict.³

It should be noted that many land conflict cases go unreported. There is no comprehensive data or estimation of land conflicts that occur annually in each country. Only a portion of the incidents are reported in media, litigated in court, or filed with authorities. Thus, the country monitoring reports are *indicative*, rather than *comprehensive*. This regional report thus provides a partial yet significant picture of the scope, drivers, and impacts of land conflict in six Asian countries.

² These institutions are *Konsorsium Pembaruan Agraria* (KPA, Indonesia), Land Conflict Watch (LCW, India) and Asian NGO Coalition (ANGOC, Philippines).

³ The *Konsorsium Pembaruan Agraria* (KPA) has been monitoring agrarian conflicts in Indonesia since 2008. *Land Conflict Watch* has mapped and analyzed land conflicts in India since 2016. Other monitoring initiatives are more specialized. In Cambodia, the *NGO Forum*, along with other CSOs such as LICADHO and ADHOC, monitors land conflicts arising from Economic Land Concessions (ELCs). In Bangladesh, the *Kapaeeng Foundation* produces annual reports on land conflicts involving indigenous peoples in the plains and the Chittagong Hill Tracts.

Also, the country studies here do not include land and resources conflicts arising from international boundary conflicts (e.g., fisherfolk in the West Philippine Sea), cross-country migrations of refugees (e.g., Rohingya people), or internal displacement arising from natural and ecological disasters and the longer-term impacts of climate change. These are important areas for future studies.

Figure 1 illustrates the distribution of data sources for all six country studies. In addition, Table 1 shows the varied sources of data for each country study.

Figure 1. Sources of information

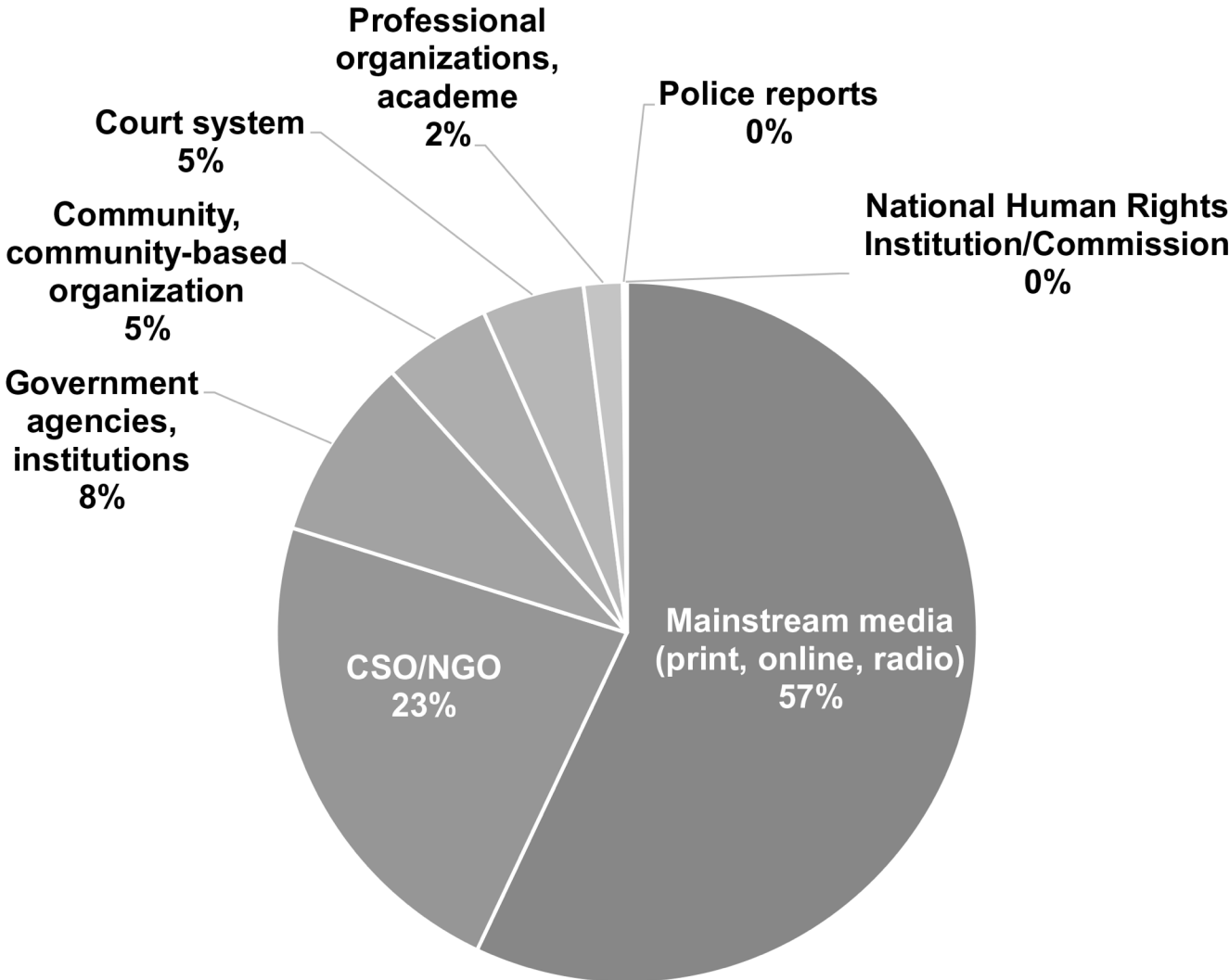


Table 1. Sources of information

Sources	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Mainstream media (print, online, radio)	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 system	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	0	0	0	0	0	1	1	0
Total sources	118	81	212	241	58	355	1,065	100
Total cases	34	28	128	241	49	211	691	

* Note: there may be multiple sources for each case

Country contexts of current land and resource conflicts

Although the exact extent of land conflicts in South and Southeast Asia is unknown, it is important to understand the contexts in which they occur, and the underlying factors that allow conflicts to flourish and persist.

Bangladesh. In Bangladesh, nearly 60 percent of legal disputes involve land. Land inequality persists, worsened by elite land grabs, corruption in the land sector, and ineffective enforcement of laws and land reforms, including land ownership ceilings, and the distribution of *khas* lands. Some 60 percent of all Bangladeshi households are functionally landless, owning only 4.2 percent of (private) lands (Barkat and Suhrawardy, 2018).

There is grabbing of indigenous people's land – both in the plains and in the Chittagong Hill Tracts (CHT). Indigenous people are often viewed by the Forest Department as threats to forest management, leading to conflicts. Government projects, plantations, and settler migration continue to exacerbate tensions in the CHT.

Increasing urbanization drives up demand for land, resulting in the conversion of agricultural land for industrial uses. Powerful individuals – including officials, influential people, and criminal gangs – are involved in a major portion of land conflicts, as they often encroach on public lands and water bodies and claim these as their own. And with its low-lying, riverine terrain, the country is highly vulnerable to natural hazards and to the effects of climate change that displace thousands of families each year.

Cambodia. From 1975 to 1979, the Khmer Rouge regime abolished private property and destroyed land records, wiping out the entire infrastructure of the land system. Decades of civil war and forced relocations displaced millions, and eroded property rights.

In the 1990s, as Cambodia transitioned to a free-market economy, land grabbing and power abuses led to widespread landlessness and insecurity, as public institutions were weak and ill-equipped to resolve disputes. The 2001 Land Law introduced a cadastral system and a central registry of titles. However, many landholders struggled to formalize their property rights due to limited resources and information, leaving them vulnerable to disputes with powerful entities.

Meanwhile, the government issued economic land concessions (ELCs) even before private land registration and titling were completed, and this became a major driver of land conflicts over the past two decades. Large areas of State land were leased to private investors for up to 99 years, resulting in forced evictions of local communities and violence. Many ELCs were issued to cronies, local elites, and foreign corporations. Reports indicate that 1.9 to two million hectares of ELCs have been granted to about 230 companies. Between 400,000 and one million people have been affected by land disputes, with 60,000 forcibly evicted from their homes (LICADHO as cited in The Guardian, 2012).

Another major driving force of land conflicts is the conduct of development projects (agriculture, urban development, and hydropower) without proper Environmental Impact Assessments (EIAs) and without Free, Prior and Informed Consent (FPIC) from affected communities. Communities are frequently not informed until a development project starts to affect their land and livelihoods.

Additional drivers include land grabbing of unregistered lands by powerful people and officials; evictions from city developments; establishment of Special Economic Zones (SEZs), government infrastructure projects (roads, railways); and, encroachment on community and indigenous peoples' lands.

India. As one of the world's fastest-growing economies, India has relied heavily on natural resources to fuel its growth. This reliance on natural resources creates conflicts over land and resource use between industry, the State, political entities, and citizens. Furthermore, market liberalization policies intended to boost private investment have further widened the gap between rich and poor, exacerbating land inequalities and discrimination against poor communities, women, and Dalits, or scheduled caste communities.

Past land reforms and land distribution schemes failed to address landlessness and social exclusion. While some States (West Bengal, Kerala) saw some success, reforms were poorly implemented in other States. This has contributed to much of the current situation.

India has some of the region's most progressive legislations, including many anti-discrimination and social protection acts, yet poor implementation undermines their effectiveness. For example, the 2006 Forest Rights Act that allows community stewardship to be granted over forest land, has not been effectively enforced, leaving forest resources inaccessible to indigenous communities.

In 2020, Land Conflict Watch (LCW) found that over 6.5 million people were affected by land conflicts across India (Worsdell and Sambhav, 2020).

The majority of conflicts stem from government-led programs like land reclamation and public infrastructure projects. Public infrastructure projects such as the building of roads, highways, and airports were significant drivers of conflicts. A recurrent issue is non-compliance with Indian land acquisition laws, which mandate prior public consultations and awarding of fair and just compensation. Meanwhile, land reclamation projects often target indigenous peoples near forests and slum dwellers in urban centers. Others involve large-scale evictions from protected areas and reserves such as wildlife sanctuaries and national parks.

Conflicts involving private companies usually arise from the State's handling of land transfers or acquisitions. Local governments play a significant role in conflicts, often due to actions by municipal or rural bodies. Large-scale eviction drives typically involve local government and State security agencies. Additionally, there are conflicts instigated by communities against other communities. These often involve State-border disputes or violence stemming from caste identity differences or land access issues.

Indonesia. Following independence, the Indonesian government inherited nearly 70 percent of the country's land from the previous colonial administration, and the State became the largest landowner by nationalizing foreign-owned plantations. Early efforts at land reform in the 1960s redistributed over a million hectares, but this was halted in 1966 when the military took power, and the elites reclaimed the lands. Indigenous peoples' lands were not given back, and forest sector reforms were not instituted. Instead, the government managed forests centrally, granting large concessions to local elites and

foreign corporations for agribusiness and industrial development, thereby displacing local communities and affecting the environment. By 2017, land concessions covered 68.7 million hectares, or 38 percent of Indonesia's land area. The government also continued the "colonization" policy, by resettling farmers from Java to less populated islands under the Transmigrasi Program, causing friction between migrants and indigenous peoples over *adat*, or customary, lands.

Today, significant agrarian conflicts arise around plantations, infrastructure development, and national strategic projects like the establishment of Nusantara as the country's new capital. Although the Constitution and Basic Agrarian Law recognize local land rights, the government has not registered lands in the name of their owners. Thus, people are not able to prove or formalize their land ownership, and they are often viewed as "illegal cultivators." Conflicts are worsened by land grabbing and evictions for development projects, while regulations meant to protect peasants and agricultural areas are being overturned by investment policies.

From 2015 to 2023, 1.75 million people fell victim to agrarian conflicts, faced eviction and forced to take on non-agricultural jobs. In 2023, private enterprises involved in mining, logging, tree plantations, agribusiness, real estate, and tourism caused 63 percent of conflicts. Government projects accounted for 18 percent of land conflict cases, involving public infrastructure, utilities, military facilities, social housing, SEZs, and land reclamation.

Nepal. As indigenous ethnic groups make up 36 percent of the population, custom and tradition continue to play an important role in the management of land, and in the exercise of tenure rights. However, this practice is being eroded by statutory laws that do not recognize land tenure that is not formally registered.

Historically, land was State-owned and granted by monarchs to favored individuals, creating a feudal system that led to socio-economic disparities and discontent among marginalized communities. These inequalities led to a decade-long armed conflict that later resulted in the monarchy's abolition in 2008 and in the adoption of new Federal Constitution in 2015.

Today, land disputes stem from unclear tenure systems, inadequate reforms, and unequal resource distribution. Migration to urban areas, and from hills to the plains (*terai*) has increased competition for land, leading to conflicts over informal settlements. Issues with land registration, recognition of indigenous people's rights, and lack of a comprehensive land-use policy further exacerbate tensions. State-supported infrastructure projects (roads, airports, and park expansion) have been a major driver of land conflicts. Conflicts also arise from private businesses evicting informal dwellers, and from ongoing landlord-tenant disputes in rural areas.

Philippines. Agriculture and fisheries are major drivers of the country's economy, yet poverty remains largely rural and agricultural. The lack of access to land continues to be a key driver of conflict.

Landlessness and poverty have fueled decades-long of communist insurgency, and a Moro rebellion in Mindanao. Along with typhoons, natural disasters, and environmental degradation, thousands of Filipinos face protracted displacement.

The 1987 Constitution laid the basis for land and social reforms. However, agrarian reform has been slow and cumbersome, due to landlord resistance, a weak bureaucracy, and the poor state of land records. Low production and the lack of government support have forced many farmers to pawn their lands, or to enter into long-term agribusiness deals with private corporations under problematic contractual arrangements.

The implementation of the Indigenous Peoples Rights Act (IPRA) of 1997 continues to be challenged by conflicting land claims, arising particularly from mining and affecting indigenous peoples (IPs). Others are migrant settlers, private plantations, logging concessions and State-sponsored projects (dams and power projects, infrastructure, and SEZs).

And despite reform efforts, an estimated 20 percent of people continue to live on public lands/ forestlands with no legal tenure.

Population and urban growth have led to the conversion of prime agricultural lands and destruction of forests. Rural and agricultural poverty drive migrants to cities, contributing to the growth of urban slums. Land conflicts are also driven by investments under public-private partnerships, including toll roads, airports, piers, and energy infrastructure.

Underlying these land conflicts are contradictory development policies that impact on land tenure and land use. Multiple government agencies issue land titles, licenses, and permits – which lead to overlapping claims among sectors and communities. There is lack of proper zoning, land records are outdated, and land data are unreliable. Moreover, there is no national land use policy, and no legislated permanent forest limits.

Overview of land conflict cases

There were 691 ongoing cases of land and resource conflict in six Asian countries in 2023. These include Bangladesh (BGD), Cambodia (CAM), India (INDI), Indonesia (INDO), Nepal (NEP) and the Philippines (PHI). The contested lands cover a combined area of at least 1,557,564 hectares, larger than the size of Timor Leste.⁴ These conflicts directly affect the lands, customary territories, fishing areas, settlements, and livelihoods of at least 454,497 households, or an estimated 2.27 million people.⁵ Three countries – Indonesia, India, and Philippines – account for 84 percent, or 580 cases out of the total 691 documented cases.

⁴ The land area of Timor Leste is about 1,487,000 hectares.

⁵ The estimate of 2.27 million people is computed based on an average household size of five people.

Figure 2. Land conflicts in six countries, 2023

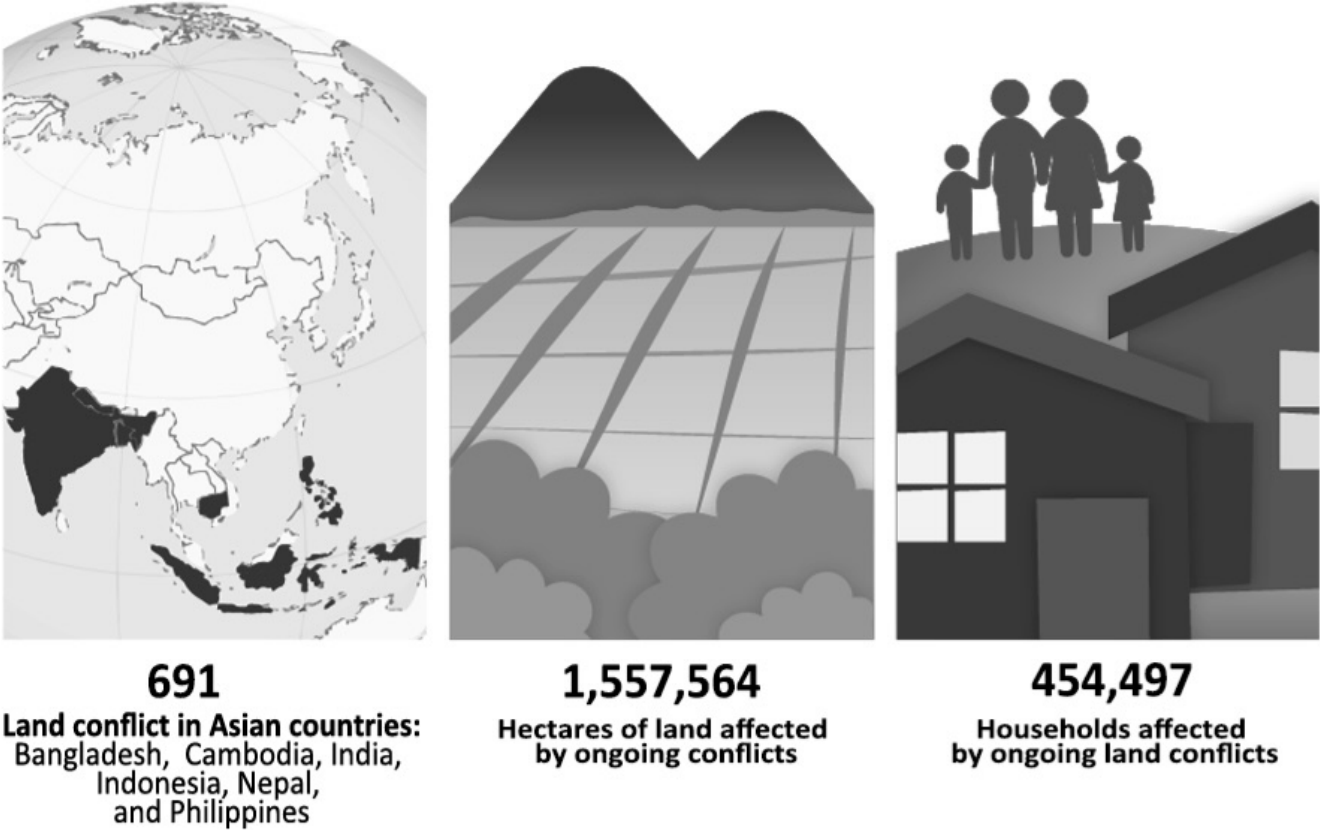


Table 2. Number of land conflict cases, area affected, and households affected in six countries, 2023

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

^{a/} "Total affected area" includes only 526 cases (or 76%) of the total 691 cases, for which this data is known.

^{b/} "Total number of affected households" includes only 413 cases (or 60%) of the total 691 cases, for which this data is known.

The Philippines accounts for 48 percent of the total land area affected by conflict, followed by Indonesia at 41 percent.

Meanwhile, India has the largest share of total households affected by land conflict, with 36 percent, followed by Indonesia at 30 percent. Together, India and Indonesia account for 298,000 (or 66 percent) of the total affected households.

Most of the land conflict cases have been going on for several years. The period of land conflict ranges from one to 27 years in Cambodia, four to 98 years in Indonesia, and one to 120 years in the Philippines.

Table 3 shows the duration of documented land conflicts by country. In Bangladesh, Cambodia, and Nepal, the onset of land conflict cases is *fairly distributed* over the past two decades. The pattern slightly differs for India where most land cases (92 of the 128 cases) are *relatively new*, having started within the last 10 years.

In contrast, a significant number of land conflict cases in Indonesia and the Philippines have been going on for *10 years or more* (81 cases and 100 cases, respectively). Both countries also account for many long-standing land conflicts lasting 20 years or more, and most of the cases have *unknown* durations. A majority of cases with unknown duration are agrarian conflicts that involve smallholder farms.

It is worth noting that 17 percent of all land conflict cases are less than two years old. There appears to be an emergence of new land conflict cases in India and Nepal (mostly on lands used for housing and settlements), as well as in Indonesia (involving smallholder farms).

Table 3. Duration of conflicts (in years), in six countries

Number of years	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	90	8
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

Types of land, and areas affected by conflict

By number of cases, the type of land most affected by conflict are *smallholder agricultural lands* (58 percent), *lands used for housing and settlements* (14 percent) and *lands of indigenous peoples/*

communal lands (12 percent). These categories refer to the *dominant* use of the land, as in most cases, multiple land uses may be involved (Figure 3-A).

However, in terms of area size or hectarage, *lands of IPs/communal lands* account for 63 percent of the total land area directly affected by conflicts (Figure 3-B). Most of these IP lands are in the Philippines, Indonesia, India, and Bangladesh – which are threatened by the expansion of plantations, mining, and extractive activities, by government projects, as well as by the influx of settlers and migrants.

Smallholder agricultural lands account for another 29 percent of the conflict areas. Together, these two types of land account for 92 percent of the total conflict area in the six countries.

Meanwhile, *lands currently used for housing and settlements* account for five percent of the total contested area.

The type and scope of lands affected by conflict varies slightly across countries (Table 4). In all countries, *lands of IPs* (except for Cambodia and Nepal) and *smallholder agricultural lands* are the two main types of land affected by conflict. The third type of land most affected by conflict are *housing and settlement lands*, most of which are in Indonesia, India, and Cambodia.

Figure 3-A. Type of land affected by conflict, by number of cases

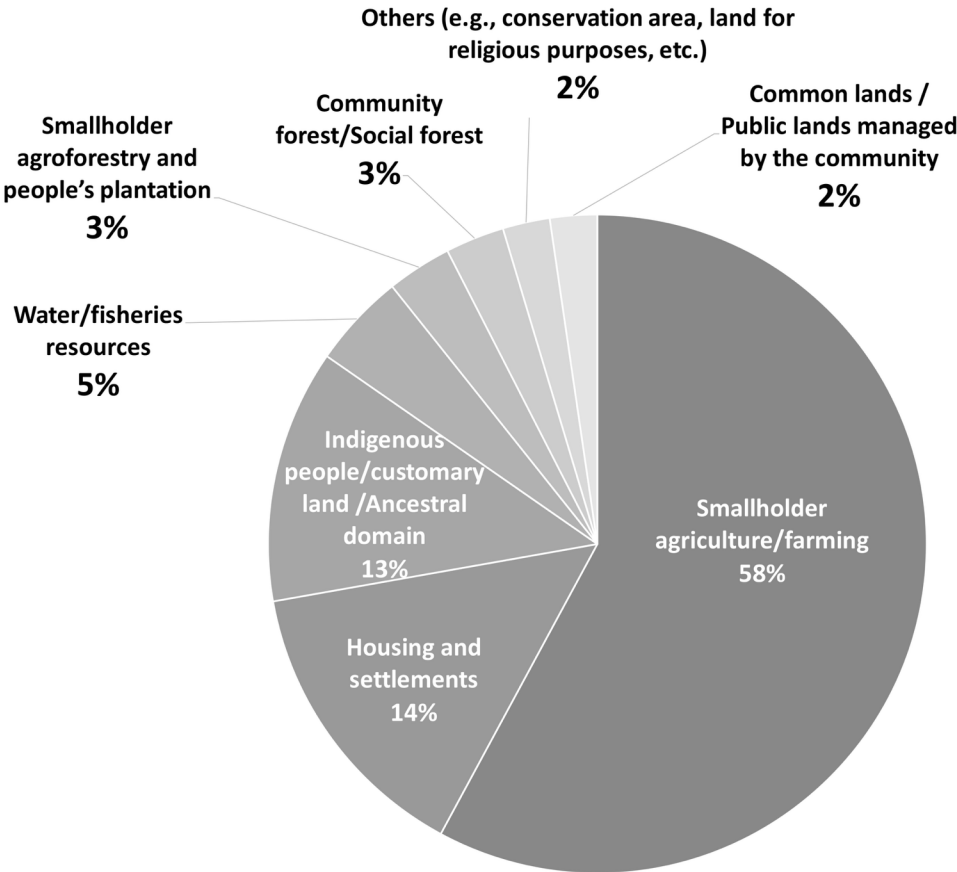
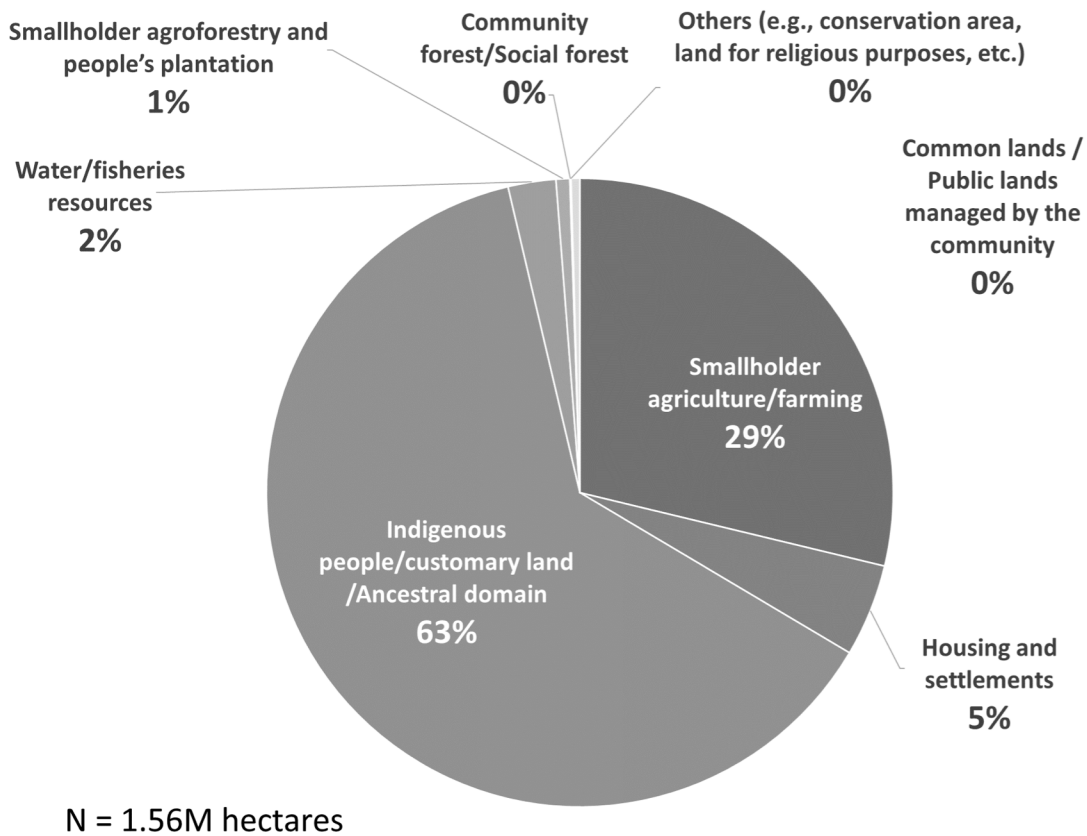


Figure 3-B. Type of land affected by conflict, by size of contested area (in hectares)



Conflict over *water and fisheries resources* is prominent in the Philippines and Indonesia, both archipelagos where artisanal fishing is a major source of livelihood. The data for the Philippines include *ancestral waters* that are part of the recognized ancestral domains of IPs.⁶

Conflicts over *smallholder agroforestry and people's plantations* are mostly found in Cambodia and the Philippines, while conflicts over *common lands and community-managed lands* are found mostly in India and Nepal.

Other types of land affected by conflict include small shops and commercial establishments where eviction drives were conducted (India).

Communities and sectors most affected by conflict

In majority of the conflict cases (59 percent), the affected sectors are *small farmers and peasants*, or *more specifically*, smallholders, tenants, leaseholders, landless tillers, and agricultural workers. In 15 percent of the cases, those affected are IP communities.

⁶ The Philippines' Indigenous Peoples Rights Act of 1997 defines ancestral domains to "include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, *bodies of water, mineral and other natural resources...*" (emphasis added)

Table 4. Type of land affected by conflict, per country, based on contested area (in hectares)

Type of land/resource	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							Area	%
Indigenous people/ customary land/ Ancestral domain	4,890	0	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	4
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	1
Community forests/ Social forests	0	220	326	10	0	nda	556	0
Others (conservation area, land for religious purposes, etc.)	79	0	341	0	37	0	457	0
Total area	10,823	23,299	129,820	638,188	5,590	749,845	1,557,564	100

The other affected sectors are *informal dwellers/slum dwellers* (13 percent), *tenured residents*, *fisherfolk*, *discriminated sectors*, *forest users and pastoralists*, and *others* (Table 5).

Adversarial Claimants

Adversarial claimants refer to outside parties with a contested claim to land that is held and used by local communities. Conflict arises when the land is claimed, taken, or converted to other external uses.

Private companies are the adversarial claimants in 38 percent of the documented land conflict cases across six countries. The land is contested by private investors through claims of land titles, sales,

Table 5. Primary sector affected by land conflict, based on number of cases

Primary sector/community	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
							No.	%
Farmers: peasants (agricultural workers, tenants, small owners)	19	22	36	174	22	133	406	59
Indigenous people (IP)	10	0	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	0	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 (tea workers, street vendors, shop owners)	1	0	13	1	1	0	16	2
Total	34	28	128	241	49	211	691	100

leases, government-issued concessions, or outright land grabbing. These investors include mining and logging companies, plantation and agribusiness operators, housing and property developers, tourism companies, and others (*Table 6*). Indonesia and the Philippines account for the highest number of cases where private companies are the adversarial claimants.

Government agencies and State enterprises are involved in 29 percent of the cases, with India and Indonesia having the highest number of cases.

Meanwhile, *local governments* are the adversarial claimants in seven percent of the cases; the *military, police and armed forces* in two percent of the cases; and both national and local governments in two percent of the cases. Taken all together, government institutions are the adversaries in 40 percent of the land conflict cases in the six countries.

Next are *powerful individuals* – mostly politicians, former government bureaucrats, ex-military personnel, political cadres, landlords, and influential people – who are the adversaries in 15 percent of land conflict cases. The Philippines, Bangladesh, and Nepal have the most cases where powerful individuals are the main adversarial claimants.

Worth noting is that seven percent of cases (49 cases) involve other communities as the adversarial claimants on the land. These involve competing land claims between farmers and indigenous communities, or between municipal fisherfolk and indigenous communities over traditional waters and fishing grounds. These cases represent horizontal conflicts (between communities or sectors of similar status), as opposed to vertical conflicts (between parties with different levels of power and influence). Most of these cases are found in the Philippines.

Figure 4 provides an overview of the stakeholders involved in the 691 land conflict cases. The left graph shows the composition of affected communities, and the right graph shows the adversarial claimants.

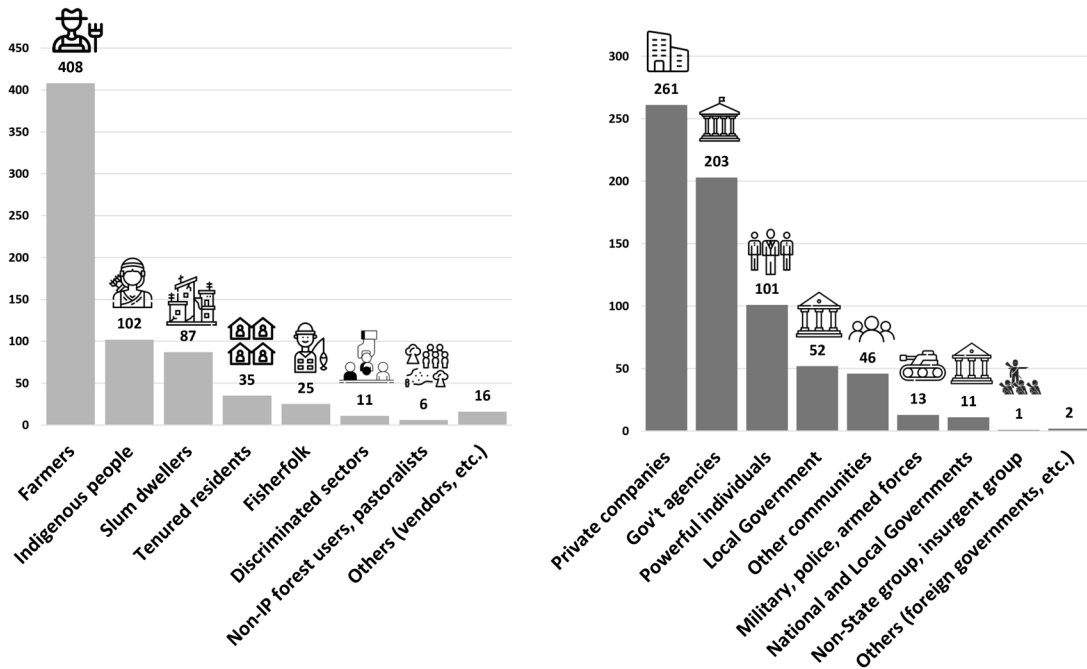
Primary drivers of land conflict

Table 6. Adversarial claimants, based on number of cases

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-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)	0	7	8	0	4	30	49	7
Military, police, armed forces	0	0	1	5	5	0	13	2
Both National and Local Governments	0	0	0	0	6	5	11	2
Non-State group, insurgent group	0	0	1	0	0	0	1	0
Others	0	0	0	0	0	2	2	0
Total	34	28	128	241	49	211	691	100

The primary driver of land conflict refers to the adversarial claimants, and how they intend to use the contested land or resource – which usually puts them in conflict with local communities. The driver

Figure 4. Stakeholders in conflict, by number of cases (N=691 cases)



Icons used are from freepik.com and flaticon.com

determines what benefits and resources are to be derived from the land, who controls the land, and how the benefits are expected to flow from its allocation and use.

Figure 5-A shows the drivers of land conflict based on their number of cases, while Figure 5-B shows the size of contested area involved.

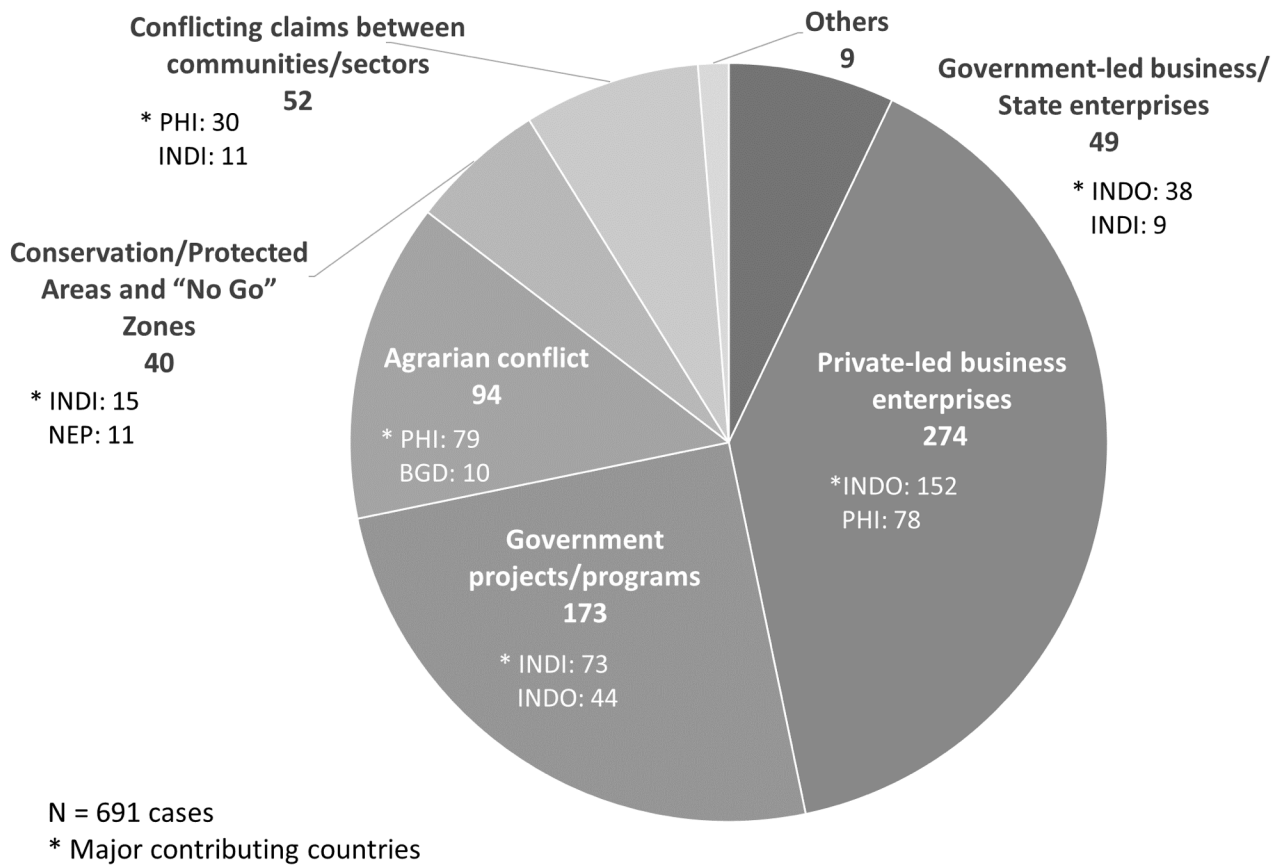
Nearly two-thirds of all land and resource conflicts in the six countries are driven either by private-led enterprises or by government projects.

Private-led enterprises and investments are the main drivers in 40 percent of cases (274 out of 691 cases), and affect 41 percent of the total contested land (630,032 out of 1,557,564 hectares). Private investments are the primary drivers, notably in Indonesia, the Philippines, and Cambodia. The specific types of private-led business enterprises involved in land conflicts are broken down according to the number of related cases (Figure 6-A), and by the size of their affected conflict areas (Figure 6-B).

Among the categories of private companies involved in land conflicts, most are engaged in agribusiness and plantations, mining, and property and real estate development. Even though the mining/quarrying companies account for 23 percent of the cases, they account for nearly half (49 percent) of the conflict area where private companies are involved.

Government projects are the main drivers of land conflict in 25 percent of the cases (173 cases), affecting 31 percent of the total land contested. Some 90 percent of the total land conflicts caused by

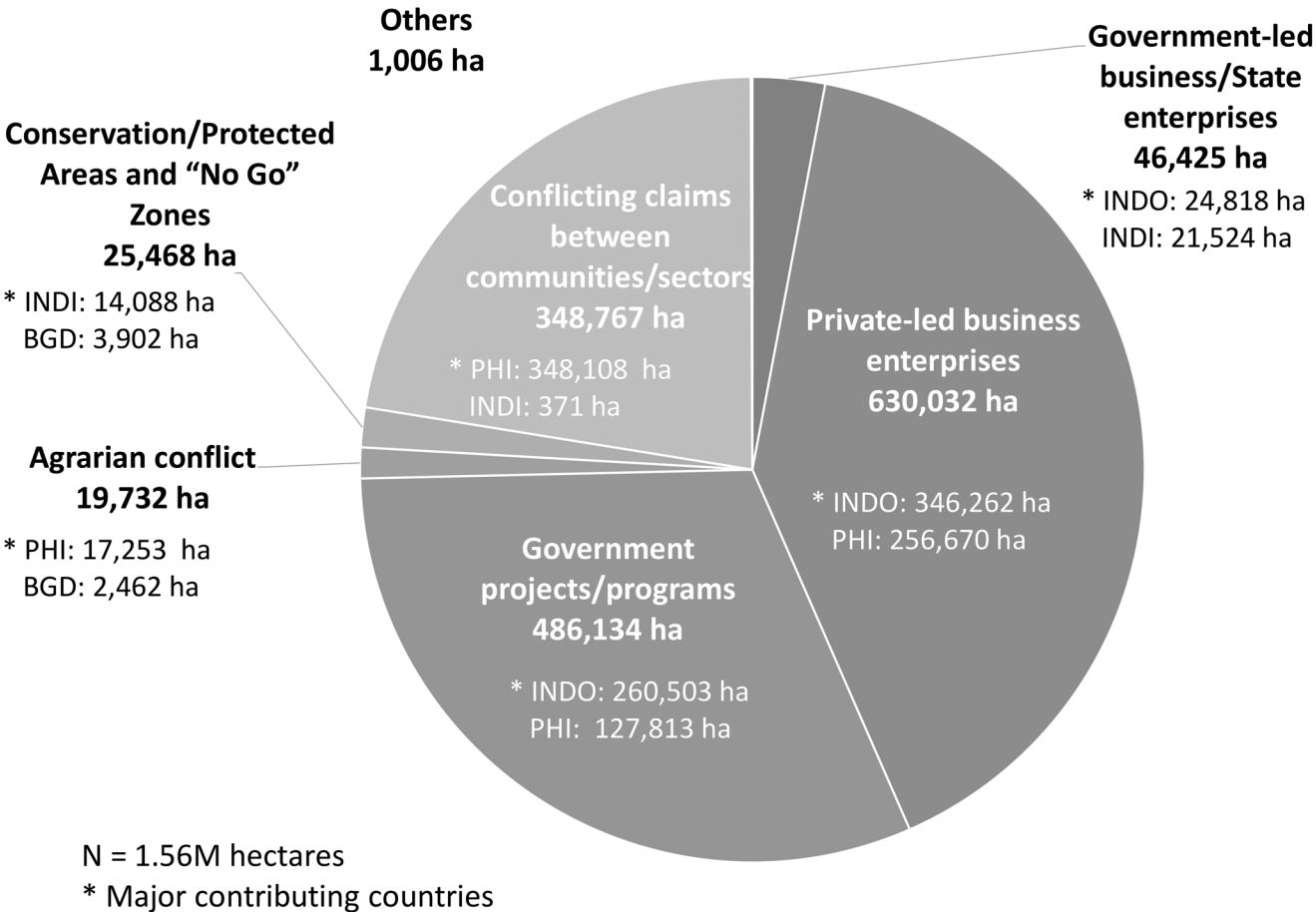
Figure 5-A. Drivers of land conflict and number of cases involved (691 cases)



government programs are in Indonesia. Next are the Philippines and India. The specific types of government projects involved in land conflicts are broken down according to the number of related case (Figure 7-A), and by percentage of the size of their affected conflict areas (Figure 7-B). This includes the land conflict caused by the creation of the Indonesian Capital City (Nusantara), which also contributed the largest area of conflict (235,751 hectares).

Other significant drivers of land conflict are: agrarian conflicts over farmlands (94 cases), conflicting claims between communities/sectors over land and resources (52 cases), government-led and State-owned enterprises, and establishment of conservation areas, protected areas, and "no-go" zones (40 cases). Those drivers listed as "Others" include cases of forceful occupation of land by the military, conflict over religious land, discrimination against castes, and competing national sovereignty claims over land and sea.

Figure 5-B. Drivers of land conflict and size of contested area involved (1,557,564 ha)



Individual victims of violence and human rights violations

In 2023, there were 654 individual victims of violence and human rights violations (HRVs) reported in the total 691 cases of land conflict in the six countries (Table 7). Ninety-one (91) percent of victims of HRVs whose genders are indicated are male (Figure 8).

Because a large part of the monitoring is based on media reports, information about the victims is limited. Many cases of violence go unreported, and victims may prefer not to be identified. Also, media reports often focus on physical violence and observable events, rather than on incidents of threats, intimidation, harassment, and discrimination – acts which often go unnoticed, but are equally destructive.

Many impacts on women are indirect, not easily visible, and often go unreported. Studies have shown that land conflicts affect domestic family relations, and many women experience some form of

Figure 6-A. Types of private-led business enterprises in land conflicts, by percentage of cases (N=274 cases)

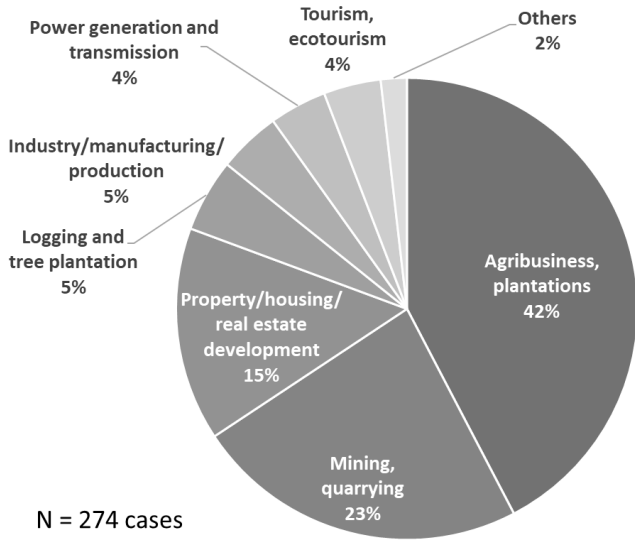


Figure 6-B. Types of private-led business enterprises in land conflicts, by percentage of affected area (N=630,032 ha)

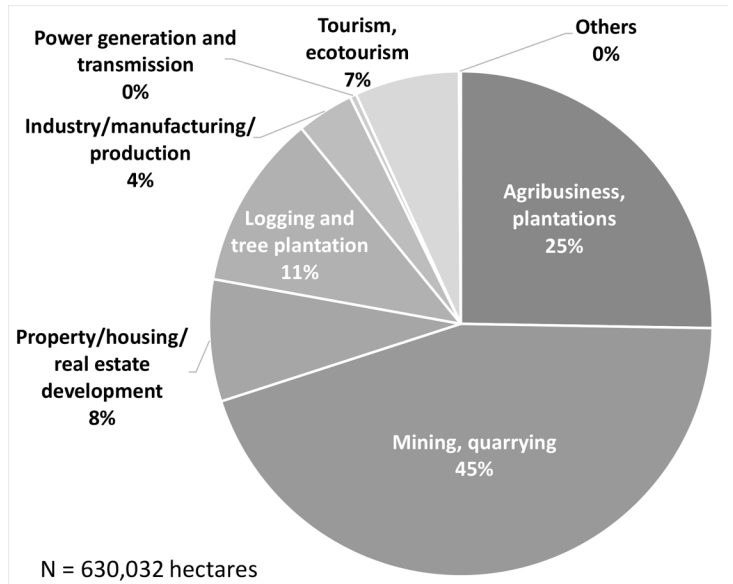


Figure 7-A. Types of government projects in land conflicts, by percentage of cases (N=173 cases)

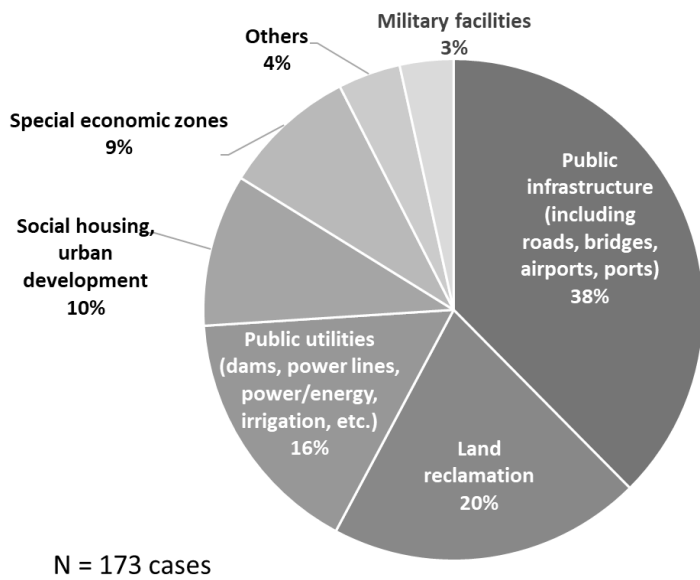
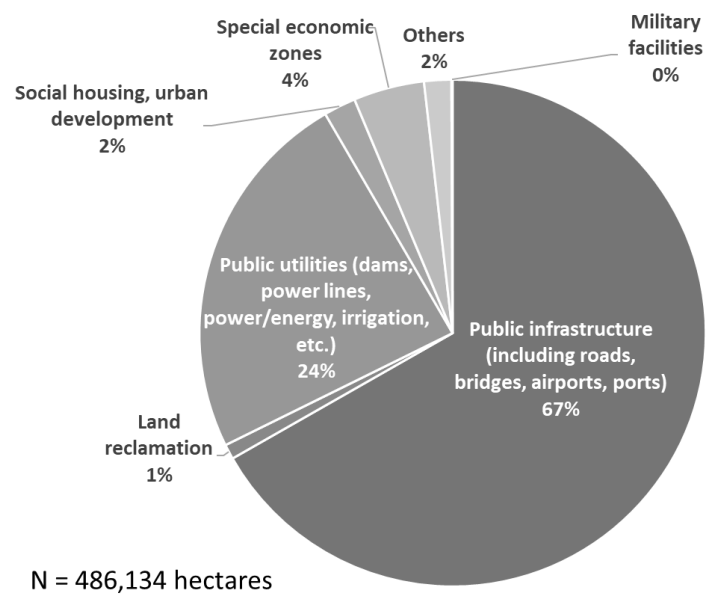
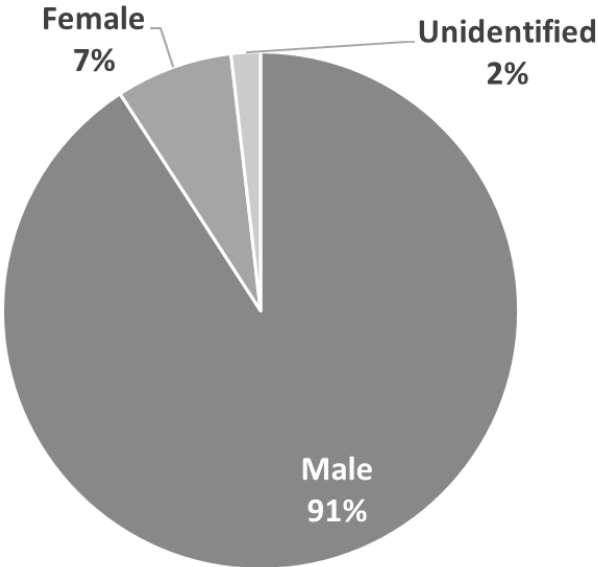


Figure 7-B. Types of government projects in land conflicts, by percentage of affected area (N=486,134)



domestic abuse. Moreover, in all countries, it has been observed that women tend to be particularly active in land disputes, as they involve potential threats to homes, families, and livelihoods.

Figure 8. Percentage of individual victims based on gender, in six countries



Among the six countries, Indonesia accounted for 93 percent of the reported individual victims (608 victims) and 78 percent of the reported incidents (86 incidents). The Philippines ranked second, with 28 victims followed by Nepal (eight victims), Bangladesh (six victims), and India (four victims). For Cambodia, the researchers were not able to gather verifiable data on the number of incidents and victims of HRVs, as much of the data used for the study came from government sources. Meanwhile, partners in the other five countries were able to record incidents and victim information only for selected types of HRVs.

Detainment/criminalization. The highest number of individual HRVs took the form of detainment/legal arrest or illegal detention, and

“criminalization” – with 62 incidents and 515 individual victims. Many were charged for resisting the takeover of community lands and properties by adversarial parties. Most of these cases were recorded in Indonesia.

Criminalization refers to “the process by which behaviors and individuals are transformed into crimes and criminals.” Previously legal acts are transformed into crimes by changing the law or the interpretation of policy. In this report, the term also refers to the filing of charges against community leaders and individuals as a form of intimidation, to get them arrested or to discredit them among the rest of the community.

One such case in Indonesia involved the PT Ranah Andalas Plantation (RAP) and two villages in South Solok Regency. In one incident, six farmers were arrested by the police and criminally charged with theft for harvesting crops on the oil palm plantation. The community claimed that they had not been paid the 40 percent share promised to them by the company, and thus, they were reclaiming their rights by harvesting on their respective lands. In another case in Garut Regency, four farmers were criminally charged for cultivating land that was abandoned, which they believed they had the right to use, according to the agrarian reform law. In East Nusa Tenggara province, police summoned seven residents of the Poco Leok Indigenous Community for protesting against the construction of a geothermal power plant on their traditional land.

Table 7. Types of HRVs committed against individuals based on number of individual victims, and number of incidents, in six countries, 2023

Type of Individual HRV	No. of Individual victims							No. of incidents
	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
Detainment/arrest or illegal detention; "criminalization"	0	nda	2	507	5	1	515	62
Torture	0	nda	0	91	1	0	92	20
Physical injury/assault	6	nda	2	6	1	0	15	13
Killing/murder	0	nda	0	3	0	9	12	6
Labelling, branding, "red-tagging"	0	nda	0	0	0	9	9	3
Disappearance, abduction	0	nda	0	0	0	7	7	3
Eviction, displacement, work termination	0	nda	0	0	1	1	2	2
Physical threat and other forms of intimidation	0	nda	0	1	0	1	2	1
Total	6	nda	4	608	8	28	654	110

***nda" means no data available, or the data was not collected*

In Indonesia, the most frequently used laws against villagers are the Plantation Law, Criminal Code, and the P3H Law on Prevention of Forest Destruction. Others are the Law on Conservation, the Law on Minerals and Mining, the Law on Sustainable Agricultural Cultivation, and the Omnibus Law (Wijaya, 2024). Under the P3H Law, people have been criminally charged for "cutting trees in forest areas." In the Philippines and other countries, criminalization also involves charging community leaders and land rights defenders with serious crimes under the Criminal Code, including murder, robbery, arson, kidnapping, illegal detention, and illegal possession of firearms (ANGOC, 2021).

Torture. There were 20 reported incidents of torture, with 91 victims in Indonesia, and one victim in Nepal.

In Saptari District, Nepal, a farmer was tied to a tree and beaten by thugs after a moneylender took his land as collateral for a loan and used this to extort additional payments. Many local farmers reportedly suffered similar abuses by the same moneylender.

In North Sumatra, Indonesia, hundreds of security officers hired by PT Perkebunan Nusantara III (PTPN III) attacked residents of Gurila Village in Pamatangsiantar City who were fighting against their eviction and destruction of their homes and farms. The security officers beat up the residents and pelted them with stones, wood and dirt, causing injuries and property damage. A 10-year-old child as well as several students who joined the community's fight against the eviction were likewise injured. The conflict arose when the Simalungun District Land Office extended despite protests PTPN III's cultivation rights over land that it had abandoned, without notification or resolution of the conflict with the farmers who had been working to secure the right to cultivate the land since 2004 (Nazwar, 2023).

Killing. In calendar year 2023, some 12 people were killed in six incidents in the Philippines and Indonesia. The deadliest case on record is the agrarian conflict in Himamaylan, Negros Occidental, Philippines, where six people were killed in three separate incidents between May and June 2023. Most of the victims were landless sugar workers and leaders of the Baclayan-Bito-Cabagal Farmers and Farmworkers Association, who were "red-tagged" before they were killed. News media blamed the killings on the military.

In another incident, a 35-year-old farmer in Central Kalimantan, Indonesia was shot and killed in a clash between residents and an oil palm plantation company over 443 hectares of community land that was taken and had not been compensated.

In summary, 654 victims of HRVs in 2023:

- **515 arrested/criminalized** (mostly in Indonesia)
- **92 tortured** (Indonesia/Nepal)
- **15 physically injured/assaulted** (Bangladesh, Indonesia, India)
- **12 killed** (Philippines, Indonesia)
- **9 "red-tagged"** (Philippines)
- **7 abducted** (Philippines)
- **2 evicted, displaced** (Nepal, Philippines)
- **2 physically threatened/intimidated** (Indonesia, Philippines)

Other HRVs. Other HRVs in 2023 include: 13 incidents of physical injury and assault (15 victims), three incidents of abduction/disappearance (seven victims), and three incidents of labelling, branding, red-tagging (nine victims). Moreover, there were two reported incidents of eviction/displacement/work termination and one case of physical threat and intimidation.

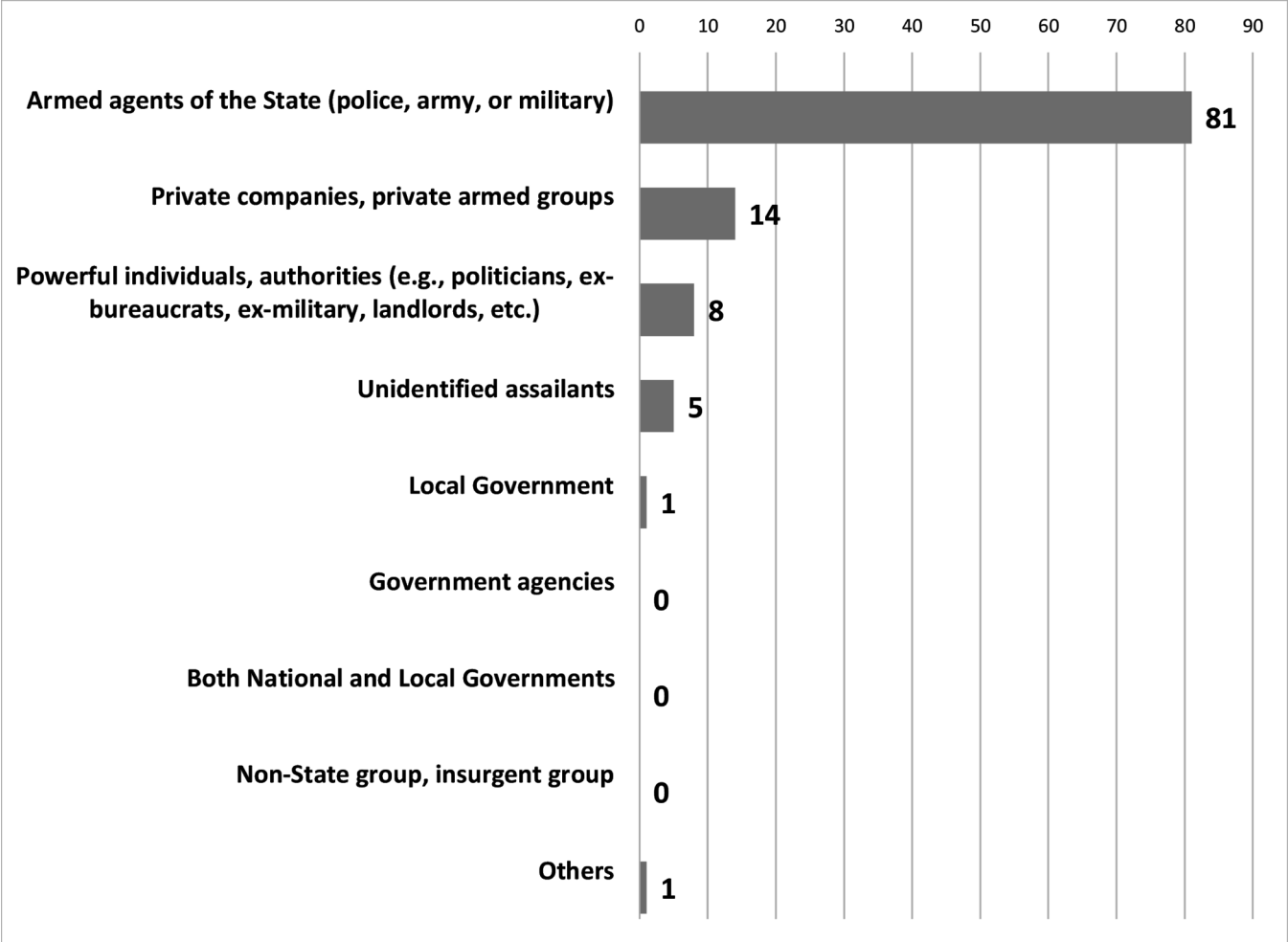
Perpetrators of individual violence

Armed agents of the State – including the police, army, and military – were reported as the main perpetrators of HRVs against individuals (Figure 9). State agents were blamed for nearly three-fourths of HRV incidents (or 81 of the 110 incidents) against individuals in 2023. These 81 incidents occurred in Indonesia (73), the Philippines (six), and India (two). Meanwhile, there were no reports involving armed agents of the State in Bangladesh and Nepal, and no such data was available for Cambodia.

Private companies and private security agencies were the second most reported perpetrators of HRVs against individuals, being involved in 14 incidents (or 13 percent of total). These occurred mainly in Bangladesh and Indonesia.

Powerful individuals and authorities (including politicians, ex-bureaucrats, ex-military, landlords and moneylenders) were the third most reported perpetrators, involved in eight incidents in Bangladesh, Nepal, and the Philippines. Unidentified assailants were involved in four incidents in India and an

Figure 9. Reported perpetrators of violence against individuals, with number of incidents, 2023 (N=110 incidents)



incident in the Philippines. A local government was implicated in one incident in Bangladesh. The number of reported perpetrators and the lack of specific identification by country researchers may be due to security concerns or restrictions on reporting. Also, this data is based mainly on media reports, and in some cases, gathered from consultations with local communities.

In the context of land conflicts, violence against individuals may also be viewed as offenses against communities. In most cases, they are aimed at intimidating entire communities and groups, and at creating distrust and division between the people and their leaders, and between communities and their supporters.

Violence against communities

Some 217 cases of violence against communities were recorded in calendar year 2023, directly affecting 95,021 households, or some 475,000 people (Table 8). These incidents occurred within the context of the 691 land conflict cases in the six countries.

Table 8. Types of HRVs committed against communities, number of incidents, and affected households, in six countries, 2023

Type of HRVs against communities	No. of household victims							No. of incidents
	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	
Eviction, displacement, work termination	60	nda	9,525	65,512	670	473	76,240	148
Destruction of crops, homes, property	107	nda	nda	6,209	0	240	6,556	25
Physical threat and other forms of intimidation	50	nda	nda	840	218	500	1,608	11
Forcible entry/ encroachment, no FPIC	205	nda	0	746	150	0	1,101	10
Destruction of habitats, pollution	0	nda	0	4,030	2,704	nda	6,734	9
Labelling, branding, "red-tagging"	0	nda	0	2,782	0	0	2,782	7
Others	0	nda	nda	0	0	0	0 ^{a/}	7
Total	422	0	9,525	80,119	3,742	1,213	95,021	217

^{a/} For "Other" types of HRVs, there are seven incidents in India; however, there was no data available in relation to the number of household victims

Most of the HRVs against communities occurred in Indonesia, affecting over 80,119 households (or 84 percent of the total households). Next were India (9,525 households), Nepal (3,742 households), Philippines (1,213 households), and Bangladesh (422 households).

Forcible eviction and displacement. Some 76,240 households became victims of forcible eviction and displacement. These households comprised 80 percent of the victims of violence against communities in 2023. In 148 separate incidents, families were driven out of their homes and lands, and many lost their work and sources of livelihood. Most of these incidents took place in Indonesia and India, although eviction and displacement were also experienced in other countries.

In Indonesia, some 10,693 families were displaced by a nickel mining company in South Halmahera Regency, North Maluku Province.

In February 2023, a joint team from the police and the Delhi Development Authority (DDA) entered the Ghousiya Colony slum area with a bulldozer and started demolishing three and four-storey structures that they claimed to be illegally occupying public land in Mehrauli, a neighborhood in South Delhi, Delhi, India. The DDA pursued the demolition as part of the further development of the nearby Mehrauli Archaeological Park (Hindustan Times, 2023).

In May 2023, a major eviction drive supposedly freed widespread areas of “encroached squatters” as part of the program to widen the Orang National Park – a major tiger reserve area in Assam, northeastern India – by 1,300 acres (526 hectares) for wildlife to thrive. However, this has come at the expense of some 3,000 Muslim families, most of whom are simple farmers evicted from their homes and the land that they had long been tilling (Hoque, 2023).

Destruction of property. In 25 recorded incidents, some 6,556 families had their houses damaged or demolished, crops uprooted, or property destroyed. These incidents often occurred alongside forcible eviction and land grabbing.

In Bangladesh, a group of 100 men attacked, vandalized, and looted at least 40 homes in Rupganj Upazila, Narayanganj District. This violent land grabbing, orchestrated by an influential person, forced 60 to 70 families to flee the area. In the northeast, a group wielding handmade weapons destroyed a betel leaf plantation of an indigenous Khasi community. The attack aimed to evict some 60 families, to make way for expansion of nearby tea plantations. In Bangladesh, small ethnic groups like the Khasi suffer from the lack of special laws protecting their identity and rights, such as customary and community land ownership.

Destruction of habitats. In nine incidents, some 6,734 families suffered from pollution and destruction of their natural habitats. Pollution often came in the form of emissions in the ground water, ponds and lakes, and river systems. Natural habitats were destroyed by mining, and forests were cleared to make

way for plantations and infrastructure. Also lost in such cases were access to important non-timber forest products, such as rattan, bamboo, fibers, resin, and honey, which indigenous and forest-dependent communities and dwellers depend on for their needs and livelihoods. Water runoffs and soil erosion increased as watersheds were destroyed.

Whenever community lands are seized or contested by outside claimants, it is usually with the intent of converting the land to other uses – whether it is for housing, plantations, mining, or construction. This shift in land use radically alters the landscape and the natural habitat, affecting the livelihoods of families who depend on the land.

Labelling, branding, and accusations. In Indonesia, 2,782 families were labelled and accused by private companies and public authorities of being “illegal loggers, illegal occupants, trespassers, and encroachers” – without due regard for the case history and the real cause of agrarian conflict. Labels serve to stigmatize, ostracize and harass communities, and to undermine their integrity. Communities are labelled as “law-breakers,” even though families merely rely on the land for shelter and livelihood. And because many land acquisitions were done under a “legal” framework, or else were tolerated by existing laws and authorities, these acts acquired the guise of “legitimacy.”

Meanwhile, any resistance by peasants and indigenous peoples is called “public disturbance” or “resistance to legal authority”.

Table 9. Communities affected by HRVs and number of affected households in six countries, 2023

Communities affected by HRVs	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	%
Farmers: peasants (landless smallholder farmers, sharecroppers, agricultural workers, tenants, lessees,	255	nda	nda	54,159	789	158	55,361	58
Informal settlers/Slum dwellers	0	nda	9,502	7,558	2,749	540	20,349	22
Indigenous peoples	67	nda	nda	18,252	0	15	18,334	19
Fisherfolk	0	nda	6	150	0	500	656	1
Tenured residents	0	nda	0	0	204	nda	204	0
Others	100	nda	17	nda	0	0	117	19
Total	422	nda	9,525	80,119	3,742	1,213	95,021	100

Other forms of HRVs committed against communities included: physical threat and intimidation (11 incidents, 1,608 families), and forcible entry/encroachment (10 incidents, 1,101 families).

The communities most affected by HRVs in the six countries were, in order: (1) small farmers/peasants, (2) informal settlers/slum dwellers, and (3) indigenous peoples (Table 9).

Farmers and peasants comprised most of the household victims of HRVs (58 percent). Nearly all of the affected farming households were from Indonesia; followed by Nepal, Bangladesh, and the Philippines.

Second were informal settlers/slum dwellers households (22 percent), with India accounting for the highest number of such cases, followed by Indonesia, Nepal, and the Philippines.

Others were indigenous community households (19 percent); fisherfolk households (one percent); resident households with tenure (204 households); and, other sectors (117 households). As much as 99 percent of all HRVs against IP communities were recorded in Indonesia, although attacks on IP households were also reported in Bangladesh and the Philippines.

Perpetrators of community violence

As with violence against individuals, State security forces (police, army, and military) were identified as the main perpetrators of violence against communities. They accounted for 129 incidents, or 59

Figure 10. Reported perpetrators of violence against communities, with number of incidents, 2023 (N=217 incidents)

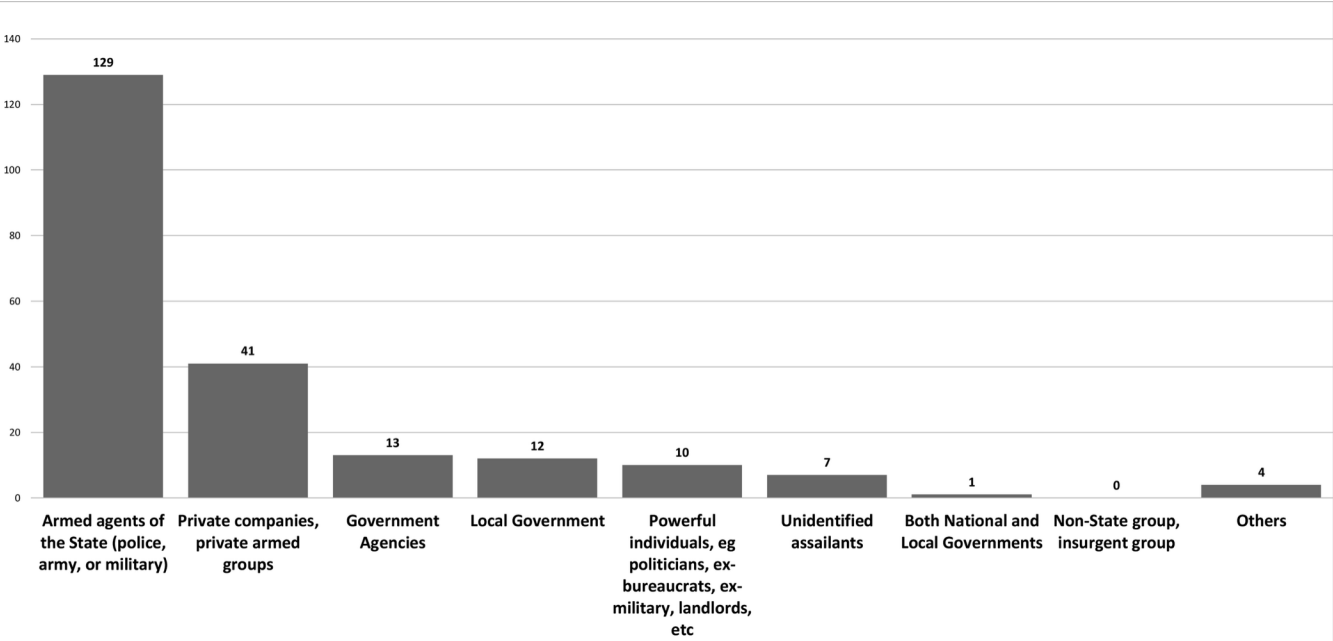
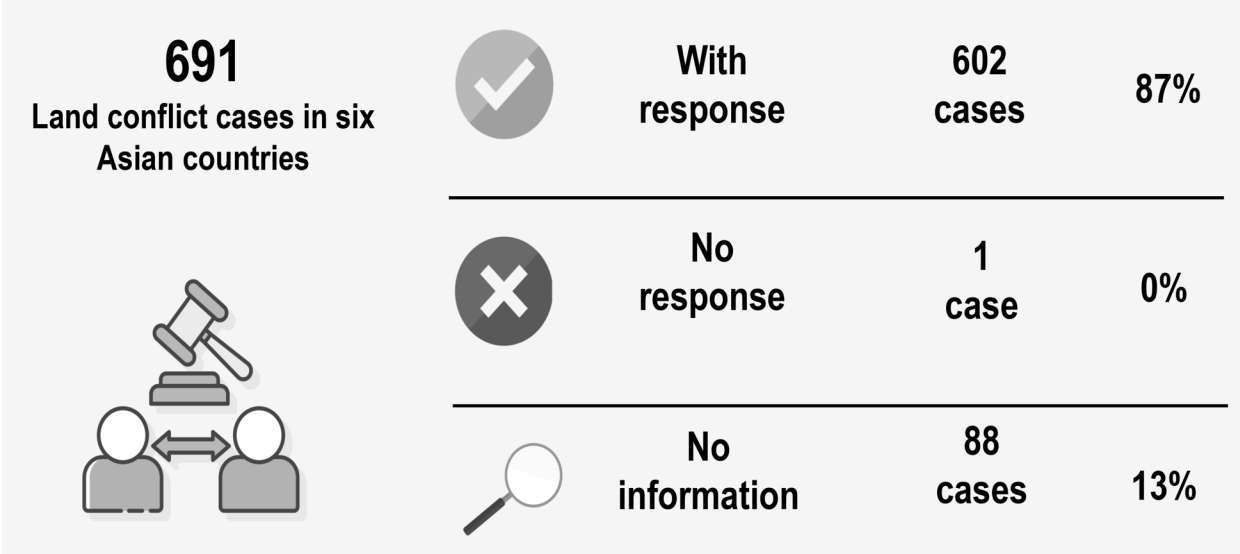


Figure 11. Whether communities took action in response to conflict



Icons used are from freepik.com.

percent of the total 217 documented cases of community violence. This information is based on media reports and recorded from consultations with affected local communities.

Private companies and their security groups were said to be responsible for another 41 incidents of community violence (19 percent). Other entities reported as perpetrators of community violence were government agencies (13 incidents, or six percent), local governments (12 incidents, or six percent), and powerful individuals (10 incidents, or five percent).

Community responses to land conflict

Of the total 691 cases in this study, some 602 cases (87 percent) contain some information regarding community responses to conflict. These communities sought to address land conflict by undertaking one or more types of responses, for example, by filing an administrative case while undertaking peaceful protest action. The types of community responses are shown in Table 10.

Meanwhile, one community had no response. Also, there is no information regarding community responses in 88 cases (13 percent).

A total of 774 community actions in response to land conflicts were recorded in the six countries. Some 613 responses (79 percent) focused on seeking conflict resolution which included: (a) engaging in direct negotiations with the adversarial claimant, usually with mediation or assistance from a third party (40 percent); (b) bringing community grievances and cases before government administrative mechanisms (24 percent); and, (c) resorting to judicial courts (16 percent).

Table 10. 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
• Local or direct negotiations	0	3	3	219	14	67	306	40
• Government administrative mechanism	5	23	22	20	32	84	186	24
• Judicial courts, NHRI/C, legal adjudication	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	0	0
Total	31	28	125	241	48	301	774	100

Some 20 percent of community actions consisted of engaging in peaceful demonstrations, public protests, and non-violent actions. Political action is usually taken to capture the attention of the media and the public, especially when existing laws or policies are seen as unfavorable, or when the adversarial claimant is seen to exert strong political influence on the issue.

Only one percent of the actions involved some form of retaliation, which included uprooting crops and destroying property.

Corrective actions

Out of the total 691 land conflict cases:

- No action was taken in 513 cases (74 percent);
- Corrective actions were taken in 107 cases (16 percent); and,
- No information was available in 71 cases (10 percent).

In the 107 land conflict cases where some corrective action was taken, the Government/State intervened in 84 cases (13 percent), while a Third Party intervened in 16 cases (two percent). Meanwhile, communities had an agreement with the adversarial party in seven cases (one percent).

Table 11. Corrective actions to address the conflict in six countries

Were corrective actions taken?	BGD	CAM	INDI	INDO	NEP	PHI	TOTAL	%
YES	3	26	11	0	30	37	107	16
• by the Government/State	3	20	11	0	13	37	84	13
• by a Third Party	0	0	0	0	16	0	16	2
• by agreement with adversarial party	0	6	0	0	1	0	7	1
NO/Not yet	16	1	117	241	17	121	513	74
NO INFORMATION	15	1	0	0	2	53	71	10
Total cases	34	28	128	241	49	211	691	100

Note that “corrective action” merely indicates that some steps were taken to address and resolve the conflict within the monitoring period of calendar year 2023. The data does not indicate what specific types of actions or steps were taken, or if the parties were satisfied with the outcomes.

Way forward and recommendations

Many land conflicts today stem from the unequal distribution of land and resources, unclear and insecure tenure rights for many, poor land governance, corruption, and policies that further marginalize the poor in pursuit of economic growth. This is exacerbated by the rising demands for food, housing, and livelihoods, urban growth, environmental degradation, and climate change that impacts on land, forests, and fisheries.

Poor governance undermines social stability and harms the environment. The loss of tenure rights to houses, farms, fisheries, and forests can condemn people to hunger and poverty, and even death, when situations lead to violent conflict.

Thus, there is need for responsible tenure governance that fosters sustainable social and economic development, helps eradicate poverty and food insecurity, promotes equitable access and opportunities, upholds human rights, protects the environment, and ensures responsible investments.

At the heart of the matter is the need to mainstream land rights as human rights. It is imperative that CSOs and National Human Rights Institutions (NHRIs) and National Human Rights Commissions (NHRCs) collaborate and foster coordination and joint activities towards the conduct of educational

programs and interactive sessions as well as the formulation of common advocacy statements on land rights as human rights.

The following recommendations are based on discussions at the regional workshop “Monitoring of Lands under Conflict – Incidence, Drivers and Impacts,” held in Jakarta, Indonesia on 26 to 27 February 2024. These also incorporate key recommendations from the country reports.

First, undertake immediate action and resolution on land conflict cases

Conduct independent field investigations of land conflicts, especially when human rights are violated. The causes and perpetrators of land conflict related violence and attacks must be exposed, and restitution to victims must be ensured. Immediate administrative and judicial relief must be provided to compensate individuals and communities for the harm they have suffered from human rights violations.

Provide immediate protection and welfare support to victims of land conflict, with special care for women, children, the elderly, and disabled. Educate affected families and communities of their rights, and provide them recourse for addressing their concerns.

Fast-track the resolution of land-related cases pending in administrative bodies and courts. In some countries, it may be necessary to establish independent land tribunals or special courts to deal with the backlog of cases. In Bangladesh, for instance, it may be necessary to establish an independent land commission to protect IPs in the plains; also, there is need to strengthen the CHT Land Dispute Resolution Commission.

Strengthen local mediation mechanisms for addressing land conflicts especially for those involving civil cases at community level. Land dispute mechanisms at the local or sub-national levels – whether formal, informal, or customary – can provide an effective and more expeditious alternative to administrative or judicial mechanisms, provided they are mandated by the parties, and have the capacity to ensure full and fair compensation to affected persons.

Provide viable alternatives, and ensure full and fair compensation to displaced communities in cases of eviction, and where returning to the land is no longer possible, it is imperative that people are restored to their condition prior to their displacement.

Evaluate and where necessary cancel State concessions, licenses and permits for natural resources exploitation and land use which have caused agrarian conflicts, evictions, and ecological degradation. Compliance reviews of land concessions must be regularly conducted

Amend or abolish laws that enable the government, law enforcement agencies, and business interests to criminalize local people, and infringe on their freedom of expression and right to organize. Human rights and land rights defenders must be protected from criminalization and trumped-up charges.

Stop State security forces (police, military) from acting as agents of business interests in repressing people who are fighting for and defending their land rights. Too many HRVs were purportedly committed by armed agents of the State in 2023; these cases must be investigated, and violators should be prosecuted.

Establish independent people's commissions to investigate large-scale land conflicts, including the conduct of businesses and the role of the State, to seek the truth, protect local community rights and to find lasting solutions that engage local communities and the government.

Second, implement effective land and resource tenure reforms

Fast-track the completion of land redistribution programs, and enforce existing land and agrarian reform laws in a transparent manner. In many Asian countries, land reform programs have not been fully implemented, or else have grown dormant over time from government mismanagement and neglect. Agrarian reform policies must be reviewed, and responsive reform legislation must be enacted, to eliminate inequality and social exclusion in land tenure rights.

Prepare land maps on tenure and land user rights covering natural lake lands, community lands, forest areas, protected areas, etc. Land registration must be undertaken to collect data on the tenurial structure, including the extent of landlessness and land inequality.

Develop and implement a national land registration system that is accessible, participative, affordable, pro-active, transparent, and accountable. Systematic land registration must be expedited, to secure individual land ownership for citizens, and collective ownership over indigenous lands.

Provide support services for agrarian reform beneficiaries, including access to capital, inputs, markets, technology, infrastructure, and facilities.

Enact enabling policies that support the poor's access and use of land and resources. Food security and agricultural strategies must support and strengthen local entrepreneurship and family farming systems. Artisanal traditional fishery areas and fish sanctuaries must be delineated to protect against encroachment, environmental damage, and pollution.

Recognize and protect local community rights in the allocation, management, and governance of public domain lands (also called State lands, forestlands). In many Asian countries, an estimated 30 to 70 percent of all land falls under the public domain. Large areas in countries like Indonesia and Cambodia have been granted by government to private companies under concessions and licenses, fueling land

conflicts. It is crucial to reassess and rectify the State's unilateral claims to forest areas, by resurveying boundaries to mark out village areas, hamlets, customary lands, community plantations, rice fields, fishery zones, and facilities maintained by local communities.

Institute and enforce laws that recognize and protect indigenous peoples' rights to their land and ancestral domains. Laws such as the Forest Rights Act (India) and the Indigenous Peoples Rights Act (Philippines) must be fully enforced.

Address discrimination. Discriminatory laws against marginalized sectors – such as laws against women's equal rights to land and inheritance, must be repealed.

Third, institute efficient land administration and governance

Ensure integrity, transparency, and public access in land administration and in the management of land records. There is a need to develop a publicly accessible information system to track and monitor land rights, use rights, and ownership rights; locations and business licenses; concessions over public lands and utilities; conservation areas; and, management rights.

Strictly implement social and environmental impact assessments (SEIAs), and adherence to free, prior and informed consent (FPIC) of affected communities – as preconditions for all private and public land-related investments and transactions. This includes, among others, programs that involve land acquisition, changes in land use, changes in tenure rights, and land reclamations.

Harmonize overlapping land laws and agency jurisdictions that often create confusion and conflict over land rights and entitlements, and breed corruption. More effective mechanisms must be put in place to resolve overlapping claims on land. Governments must stop issuing tenure and resource use instruments that encroach on indigenous peoples' lands.

Institute comprehensive land use plans, with demarcated boundaries to ensure security of land tenure. Mapping exercises must be done in tandem with communities in order to identify and to correct overlaps, e.g., between business concessions and community lands, and between community lands and public forests.

Curb corruption in all its forms within land agencies. Violators should be prosecuted along with the government officials engaged in bribery and extortion, preparation of fake documents, forgery, and crimes that facilitate land and property grabbing.

Fourth, ensure responsible and accountable businesses

Adopt the UN Guiding Principles on Business and Human Rights (UNGPs) as the benchmark for all business operations, and ***formulate National Action Plans*** giving due emphasis on land rights.

Governments must not prioritize economic gains over human rights. Instead, they should ensure that private businesses and their sub-contractors strictly adhere to the highest standards of environmental protection and social safeguards, and act with due diligence to avoid any adverse impacts on communities and the environment. Governments should take the lead by immediately implementing the principles of UNGPs in all State-owned enterprises, and public-private partnership arrangements.

Private businesses should publicly disclose master plans, environmental and social impact assessments (EIAs, SIAs), and arrangements where public concessions or government co-funding are involved. For projects that may potentially impact on communities, they should secure the communities' Free, Prior and Informed Consent (FPIC) without compromises.

Private businesses should ensure regular communication with affected communities on the progress of the project. If and when any harm is caused by company operations, compensation and redress measures must be quickly implemented. Compensation provided to affected families must undergo review to ensure proper compliance with national and international standards on adequate and fair compensation.

Fifth, enhance land literacy among communities and governments

Promote land rights as a human right. 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. NHRIs, NHRCs, and CSOs should conduct awareness-building on human rights and land laws to citizens, authorities, and stakeholders.

Monitor government's compliance with obligations under international human rights instruments, including the Universal Declaration on Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR), the International Convention on Economic, Social and Cultural Rights (ICESCR) and others.

Strengthen the authority, independence and integrity of key State institutions such as NHRIs and NHRCs, the Ombudsman, Anti-Corruption Commission, Witness and Victims Protection Institutions/ Programs, Cadastral Commissions, and Land Registration Authorities, so that they are insulated from the influence of the political elites and investment interests.

CSOs should continue to engage local authorities in resolving local disputes and conflicts.

Sixth, promote land conflict monitoring

Explore joint CSOs-NHRIs-NHRCs monitoring on land conflicts, including collaboration to improve case building and investigation, and to identify conflict response mechanisms. Improve monitoring systems

in cooperation with local communities, CSOs, human rights institutions, and media. Communities must be supported to document their land conflicts and to tell their own stories. Information and evidence-based analysis must be shared with relevant institutions, and with the public, through media.

National Human Rights Institutions/Commissions should conduct independent field investigations of cases of land conflict and violations of civil and political rights, and include land conflict monitoring reports in their periodic/annual reports.

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.

Continue multi-stakeholder dialogues and share data to aid in the identification and analysis of underlying policy and social issues that drive land conflicts and HRVs.

Protect political space for CSOs and communities. Efforts to protect freedom of speech, expression, assembly, and association must be reinforced. Laws and programs to protect human rights defenders, including those working on land rights, must be enforced and implemented to ensure that human rights defenders can continue to do their work without hindrance or intimidation. ■

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2023 BANGLADESH LAND CONFLICT MONITORING REPORT

Prepared by A.K.M. Bulbul Ahmed, Deputy Programme Manager; Supervised by Rowshan Jahan Moni, Deputy Executive Director, Association for Land Reform and Development (ALRD)

In Bangladesh, almost 60 percent of all legal disputes are related to land (TIB, 2015), in particular, land grabbing of indigenous people's land. Neoliberal development policies of the 1990s and the increasing power of local corporate firms have amped up this problem. As of 2008, close to 82,000 hectares of land belonging to 10 plain-land indigenous communities have been taken by outside groups either by fraud or by force (Barkat, 2016c).

Besides private interests, the Forest Department is another source of conflict in indigenous people's lands. The Forest Department, being the State agency responsible for forest management in Bangladesh, regards the indigenous people as a major threat to forest management (Roy, 2004). Thus, there has historically been an antagonistic relationship between indigenous people and this government agency. At the same time, "one-dimensional" development projects of the government, including eco-parks, reserved forests, construction of large dams, so-called "social forestry," construction of military installations and Special Economic Zones (SEZs), and open-pit mining, among others, have exacerbated the tensions between indigenous peoples and the government.

Migration by settlers to land held by indigenous people is another recurring source of conflict in indigenous people's lands in Chittagong Hill Tracts (CHT) (Roy, 2005; World Bank, 2010; CARE, 2003; Uddin and Haque, 2009).

Moreover, increasing urbanization is ramping up the demand for land, resulting in the conversion of agricultural land for industrial uses. This is increasing the frequency and intensity of land conflicts (Herrera, 2016; Hossain, 2015).

Land Conflict Monitoring Report on Bangladesh

The first conflict monitoring report on Bangladesh, authored by Md. Mahmudul Haque, was published in 2018 by the Community Development Association (CDA) and the Asian NGO Coalition on Agrarian Reform and Rural Development (ANGOC). A follow-up report, entitled "*Powerful Individuals as Top Aggressors, Smallholder Farmers Hardest Hit: 2020 Bangladesh Land Conflict Monitoring Report*," was produced by the same publishers in 2021.

This 2023 report, produced by the Association for Land Reform and Development (ALRD) and ANGOC, provides an update on the aforementioned reports.

Land reform in Bangladesh

Land inequality is a perennial problem in Bangladesh that is exacerbated by land grabs by elite groups and the government's failure to enforce laws on land ownership ceilings. The 1950 Act and the 1984 Ordinance provides 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 succeeded in circumventing 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 the succession of civilian governments, military coups, and military regimes.

Methodology and data sources

ALRD gathered both primary and secondary data to understand the nature and prevalence of land conflicts, their causes, and their implications in terms of violence or human rights violations in the country.

Primary data were gathered through interviews, questionnaires, observations, focus group discussions (FGDs), and the collection of oral statements. In a number of cases, data were gathered through phone calls.

News reports and feature articles from mainstream media were the main source of secondary data as shown in Table 1. At the same time, more secondary data were culled from online news portals of mainstream media outlets, and on one occasion, from a report by government. The collected data were then verified, summarized, and encoded.

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
Mainstream media (print, online, radio)	103	87
CSO/NGO	8	7
Community/community-based organization	6	5
Government agencies, institutions	1	1
Total	118	100

One roundtable discussion was organized on 19 February 2024 in Dhaka and had 122 participants, including the Chairperson of the National Human Rights Commission (NHRC), academics, journalists, lawyers, representatives of national and local civil society organizations (CSOs), and representatives of affected communities. The roundtable discussion was organized to validate the findings and recommendations of the draft report. Relevant inputs were taken from their comments and changes in the report were made accordingly.

Scope and limitations of the study

ALRD collected information and data on 34 cases of structural land conflicts that were reported all over Bangladesh in the year 2023. Data were collected mainly from secondary sources, i.e., mainstream media reports. ALRD was also able to gather information directly from communities and from partner CSOs.

The monitoring covered structural land conflicts in rural areas. Common conflict information collected may be classified as follows:

- Information about the case or the basic components of the conflict's storyline, e.g., type of land/resource contested, size of contested area, location;
- Information about the *relationships* or the stakeholders involved in a land conflict and their actions, e.g., affected communities, adverse claimants;
- Information about *incidents* or violent events that are markers for ongoing conflicts, e.g., victims and perpetrators of violence, types of violence; and,
- Most of the conflicts captured the attention of the media and the public when violent incidents occurred. Therefore, most of the conflicts that were included in the monitoring were *manifest* conflicts, or those marked by violent incidents.

There were also *latent* conflicts covered in the monitoring, such as communities actively challenging the ownership or control of other actors, or communities facing threats of dispossession or displacement due to the ongoing conflict. These conflicts also include instances where community discontentment remains even after the cases have been officially resolved.

The scope of monitoring may suffer due to lack of recent data and information. With the political strikes and turmoil that prevailed until the end of the year 2023 and even in the first half of the month of January 2024, field visits intended for gathering of primary data from communities and local CSOs have been limited.

Key findings of the study

Population and area affected by conflicts

The 34 land conflict cases affected 51,227 households, within a total area of 10,823 hectares of land (Table 2).

Information on these 34 cases were collected from:

Rangpur Division, 10 cases

- Dinajpur (3)
- Kurigram (2)
- Nilphamari (2)
- Thakurgaon (2)
- Gaibandha (1)

Rajshahi Division, 4 cases

- Sirajganj (2)
- Naogaon (1)
- Rajshahi (1)

Khulna Division, 6 cases

- Satkhira (4)
- Khulna (1)
- Kushtia (1)

Barishal Division, 3 cases

- Barishal (1)
- Bhola (1)
- Patuakhali (1)

Dhaka division, 5 cases

- Naryanganj (3)
- Munshiganj (1)
- Tangail (1)

Mymensingh Division, 1 case

- Jamalpur (1)

Sylhet Division, 2 cases

- Moulvibazar (2)

Chattogram Division, 3 cases

- Bandarban Hill District of CHT (2)
- Noakhali (1)

(See Figure 1 for the geographic location of the cases.)

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

Ongoing cases	Number
Total number of cases	34
Total number of hectares affected	10,823
Total number of households affected	51,227

Most of the land conflict cases have been going on for several years. Their duration ranges from one year to 61 years (the case of land conflict between the Garo/Mandi community and Forest Department in Modupur, Tangail). Over a fifth of all land conflict cases are 21 years or older.

The duration of one case is unknown -- that of Berenga Punji in Barolekha upazila of Moulvibazar district.

Documented conflicts with available information on duration have been summarized in Table 3.

Figure 1. Geographical location of the cases gathered in 2023

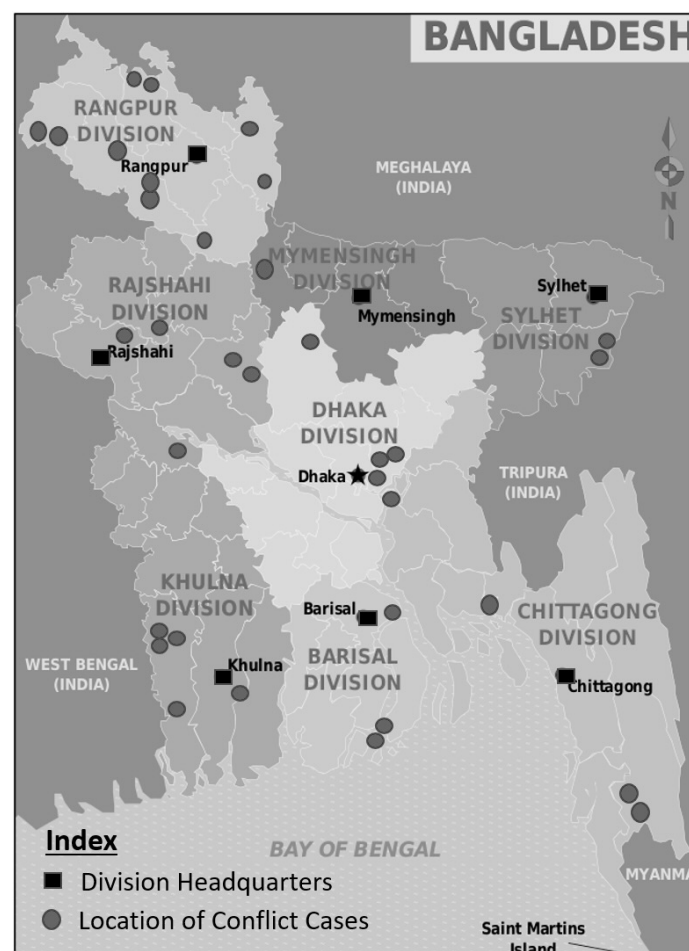


Table 3. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	5	15
2 to less than 5 years	9	26
5 to less than 10 years	4	12
10 to less than 15 years	3	9
15 to less than 20 years	4	12
20 years or more	8	23
Unknown	1	3
Total	34	100

Table 4. Type of land and resource affected by conflicts based on number and percent of cases and contested area (in hectares)

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Smallholder agriculture/farming	21	62	5,730	53
Indigenous people/customary land	10	29	4,890	45
Water/fisheries resources	1	3	124	1
Others	2	6	79	1
Total	34	100	10,823	100

Types of land and resources affected by conflict

Table 4 shows that the largest number of cases (21 cases, or 62 percent) took place on smallholder agricultural lands measuring 5,730 hectares (53 percent of total affected area). The second highest number of cases (10 cases, or 29 percent) were recorded on 4,890 hectares of IP or communal land. Together, these two types of land account for 98 percent of the conflict-affected areas. The least number of cases (one case, or three percent) happened in water and fisheries resources covering 124 hectares.

Communities and sectors most affected by conflict

Farmers and indigenous peoples comprised 85 percent of the communities affected by the land conflicts (Table 5).

Adversarial claimants

Table 6 shows that in the majority of cases (15 cases, or 44 percent), powerful individuals, including elected representatives such as the chairperson and members of the union or *upazila parishad* (council or assembly), former

Table 5. Primary sector or community affected by conflicts based on number and percent of cases

Primary sector/community	Number of cases	Percent of cases (%)
Farmers	19	56
Indigenous people (IP)	10	29
Tenured residents	2	6
Fisherfolk	1	3
Discriminated sectors (caste, religion, ethnicity)	1	3
Others	1	3
Total	34	100

government bureaucrats, ex-military personnel, political cadres, landlords, and other influential people were the adversarial claimants.

In nine cases (26 percent), private companies were involved. In particular, private investors made land claims through the use of land titles, leases, government-issued concessions, or outright land grabbing.

Government agencies and State enterprises were the adversaries in nine cases as well (26 percent), which involved government projects/

Table 6. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Powerful individuals	15	44
Private companies	9	26
Government agencies and State enterprises	9	26
Local Government	1	4
Total	34	100

programs or conservation/protected area declaration.

Local government made the adverse claim in one case (four percent), which was triggered by the construction of a water supply and treatment plant.

Drivers of land conflict

All of the cases pertained to vertical conflicts, or conflicts between parties with different levels of power and influence, as opposed to horizontal conflicts, or conflicts between parties or communities of similar status.

The major drivers of land conflict in the 34 cases were: (a) private-led business enterprises (13

Land conflict between forest dweller communities and the Forest Department in Madhupur Upazila

In 1962, the then government of East Pakistan declared the Madhupur forest, located in Madhupur upazila in Tangail District, as a national park. Over 3,500 Mandi (Garo) and Koch families lived in the forest. At the time, these indigenous families comprised the majority of the forest occupants. In 2016, the government declared 3,700 hectares of land in Madhupur upazila as a reserve forest. The Forest Department also arranged for the Bengalis to settle in the forest, to implement various activities, including social forestry projects. The Bengalis henceforth became the dominant community in the Madhupur Forest.

A door-to-door survey conducted in 2009 by the Bangladesh Environmental Lawyers Association (BELA) found that 4,129 Mandi families had staked a claim to 3,307 hectares of land. On the other hand, the non-IPs Bengali families occupied about 2,245 hectares of land in the forest. The creation of the reserve forest in 2016 has left about 6,000 people living in the area, among them Garo, Koch, Bormon, and Bangalee, in a state of anxiety and fear. Some members of the ethnic communities view the move as a conspiracy to evict them what they claim as their “ancestral land.”

Their claim is supported by various incidents that have taken place in recent years. In 2022, the government began to dig a lake in the agricultural land and forest area of Dokhla-Amtali Baid, located in the Madhupur forest area. Members of the Garo and Koch communities staged several marches and rallies protesting this move.

Earlier, on 14 September 2021, the Forest Department cut down a small-scale banana plantation owned by Basanti Rema, a Mandi indigenous forest dweller. Protesters formed human chains, declaring that the Forest Department authorities are using colonial legal tools to restrict indigenous communities’ access to the forest and its resources.

cases, or 38 percent), (b) agrarian conflicts i.e., conflicts between *jotdars*, wealthy individuals and landless families, peasants contesting mostly *khas* (public) lands (10 cases, or 29 percent), and (c) government projects (seven cases, or 21 percent).

The conflict between the Forest Department and communities figured in three cases (nine

percent), which started with the declaration or establishment of conservation/protected areas, and other attempts to restrict the land rights holders' access to the disputed land.

Responses of affected communities

In the 34 cases, communities sought to address the conflict through a variety of means (58

Table 7. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in ha)	Percent of contested area (%)
Private-led business enterprises	13	38	969	9
Agribusiness, plantations	5		277	
Property/housing/real estate development	3		68	
Industry/manufacturing/production	1		67	
Power generation and transmission	1		299	
Tourism, ecotourism	1		35	
Others	2		223	
Landlord-tenant conflict/agrarian conflict	10	29	2,462	23
Government projects/programs	7	21	3,366	31
Public infrastructure (including roads, bridges, airports, ports)	3		405	
Public utilities (dams, power lines, power/energy, irrigation, etc.)	3		2,215	
Special economic zones	1		746	
Conservation/Protected Areas and "No Go" Zones	3	9	3,902	36
Others	1	3	124	1
Total	34	100	10,823	100

Land conflict between Mro and Tripura families and a rubber company in the Chittagong Hill Tracts

On 2 January 2023, at least a dozen homes of members of the indigenous Mro community, living in the Bandarban's Lama upazila of the Chittagong Hill Tracts (CHT), were torched and vandalized. The victims alleged that the attack was carried out by persons associated with a rubber plantation company to drive them away from the area. The company, named Lama Rubber Industries Limited, was founded by some ex-bureaucrats. It has been trying since April 2022 to grab about 400 acres of cropland owned by 39 indigenous Mro and Tripura families in three small villages – Langkom Mro Karbari Para, Joychandra Tripura Karbari Para, and Rengyen Mro Karbari Para – in the Sorai union of Lama upazila. There had been a number of attacks attributed to the company in 2022. On 26 April 2022, the company set fire to about 400 acres of cropland, claiming that it had a right to the land by virtue of a lease agreement. On 6 September 2022, the company allegedly poured poison into a stream, which was the only source of water for the villagers. It then destroyed a banana garden belonging to a Mro family on 26 September 2022.

On 4 January 2023, the National Human Rights Commission expressed anger and concern over the arson attack and vandalism of the houses, saying that the attack on the Mro village was abetted by the lack of effective administrative measures. A high-powered delegation of the commission was sent to investigate the incident.

percent), including filing administrative cases, and seeking a response by submitting a memorandum or representation, while undertaking peaceful protest actions (Table 8).

It must be noted that the category, “Seeking conflict resolution,” was prioritized in the data entry for single, versus multiple, option.

Only three cases had corrective actions to address the conflicts (Table 9).

Incidents of human rights violations and perpetrators

Six individuals and 422 households fell victim to violence and human rights violations (HRVs) in 2023 (Table 10). All of the six individuals were men and suffered physical injury or were assaulted (Table 11).

Table 12 shows that the reported perpetrators were mostly powerful individuals (83 percent),

followed by private companies (17 percent). Similarly, the same kind of perpetrators were reported in the HRVs involving households (Table 15).

Table 8. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number	Percent of Responses (%)
Seek conflict resolution	18	58
• Through judicial courts, NHRC, legal adjudication	13	
• Through government administrative mechanism	5	
Peaceful demonstrations	13	42
Total	31	100

Table 9. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number
No/Not yet	16
No information available	15
Yes	3
• By the government/State	3
Total	34

Conclusion and Recommendations

In addressing the roots of land conflict, a fundamental shift in development thinking and approaches is necessary for more equitable, just, and sustainable outcomes, including:

- Developing food security and agricultural strategies based on smallholder farming and agrarian reforms;
- Recognition and protection of customary land rights;
- Delineation, allocation of rights and sustainable management of lands under the so-called “public domain” (e.g., State land, forest areas);
- Reviewing the scope and implementation of “public interest” and social protection policies (i.e., FPIC) in all State-led and State-supported land acquisitions;
- Questioning the role of the State and officials as “brokers” for large private land investments; and,
- Ending impunity for perpetrators of violence and land grabbing, and ensuring ethnic and religious minorities’ land rights and protection.

For Government:

- Formulate and enact a special law to protect agricultural land and lands of marginalized communities;
- Prevent land grabbing and ensure quick resolution of land disputes;

Table 10. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	6	6
Against communities	7	422 HHs
Total	13	

Table 11. Types of HRVs committed against individuals, by number of incidents, number of victims, and gender

Type of HRV	Number of incidents	Number of individual victims	Gender	
			Male	Female
Physical injury/assault	6	6	6	0
Total	6	6	6	0

Table 12. Reported perpetrators of HRVs against individuals based on number and percent of incidents

Perpetrators of HRVs against individuals	Number of incidents	Percent of incidents (%)
Powerful individuals	5	83
Private companies, private armed groups	1	17
Total	6	100

- Enact laws and formulate a mechanism to protect land rights defenders;
- Initiate the dismissal of false cases of land conflicts and stop police or administrative harassment immediately against land rights holders and defenders;
- Ensure people-centered and proactive land governance and digitalization of the land management system; and,
- Develop user-friendly, updated, disaggregated, decentralized, and publicly-accessible land database.

For the National Human Rights Commission (NHRC):

- Formulate a National Action Plan to resolve land disputes by engaging political parties, CSOs, and other stakeholders;
- Recommend to cancel the leasing of land to companies/corporations/political and non-political influential accused of violation of land-human rights; and,
- Monitor the cases of harassment in the Office of Land Administration, police stations, and relevant duty bearers.

For CSOs:

- Popularize land rights as human rights;
- Monitor land conflicts regularly and publish land conflict monitoring reports periodically and annually;
- Build up public solidarity and support, especially in cases of large-scale land grabbing and eviction due to land acquisitions that violate land-human rights;
- Empower affected communities and strengthen their organizations, particularly those of the landless and small producers;
- Mobilize media and citizens' platforms in association with grassroots people in the conflict sites to protest against the land grabbers;

- Advocate for the strengthening of local government to build a support/protection mechanism within the legal framework; and,
- Mobilize people to claim their rights collectively as there is strength in numbers. ■

Table 13. Communities affected by HRVs based on number of incidents and affected households

Communities affected by HRVs	Number of incidents	Number of affected households
Farmers	3	255
Indigenous people (IP)	2	67
Others	2	100
Total	7	422

Table 14. Type of HRVs committed against communities based on number of incidents and affected households

Type of HRVs against communities	Number of incidents	Number of affected households
Destruction of crops, homes, property	3	107
Physical threat and other forms of intimidation	2	50
Forcible entry/ encroachment, entry without free, prior and informed consent (FPIC)	1	205
Eviction, displacement, work termination	1	60
Total	7	422

Table 15. Reported perpetrators of HRVs against communities based on number and percent of incidents

Perpetrators of HRVs against communities	Number of incidents	Percent of incidents (%)
Powerful individuals, authorities	4	57
Private companies, private armed groups	3	43
Total	7	100

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2023 CAMBODIA LAND CONFLICT MONITORING REPORT

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Land conflicts in Cambodia are rife and have become a serious and persistent issue. From 2003 to 2022, the Ministry of National Planning, National Statistics and Construction received reports of 14,567 land disputes nationwide. Of these cases, 11,085 cases have been solved by the ministry, while the rest – 3,482 cases – remain unsolved (ODC, 2023). Between 2019 and 2023, Cambodia’s media reported on 120 land disputes, including 260 incidents of petitions, protests, arrests, and government interventions (Kamnotra, 2023). As there are different reports of the number of land conflicts, the writer is not able to say exactly how many land conflict cases have taken place in the country.

A major contributory factor to the increasing incidence of land conflicts has been the granting by the government of many Economic Land Concessions (ELCs) while land registration and titling remained unfinished. Through an ELC, the Government leases State-owned land to private investors for a maximum of 99 years (Sun, 2017). “An ELC allows its holder to clear land for industrial-scale agriculture, and to undertake various activities, including large-scale plantations, animal rearing and building factories

to process agricultural products” (ODC, 2015). Cambodian businessman Khit Meng’s company, Royal Group, obtained a lease for 9,968 hectares of land in the Botum National Park, Koh Kong province. Another company that was associated with the son of businessman Lee Yongphat was able to take out a lease on 6,234 hectares of land in Butum Sakor National Park.

It is difficult to determine exactly how many ELCs have been approved. Initial reports indicate that a total 1,934,896 hectares of ELCs have been granted to a total of 230 companies. However, some NGO reports have claimed that the figure is closer to two million hectares (ODC, 2015).

Since 1998, an average of 105,000 hectares of land has been added to the ELC system each year. This is reported to have contributed directly to the 40 percent loss of Cambodia’s forests (Flynn, 2023).

The “ELC system [has] failed to bring about the promised prosperity, instead leading to widespread ecological destruction as Cambodia’s forests were cleared at record rates to make way for agricultural plantations, many of

which never came to fruition” (Flynn, 2023). Moreover, the economic development under the ELC regime has led to land rights abuse and environmental degradation, including harmful impacts on land occupied by the indigenous peoples (CCHR, 2017).

The land concessions have major potential consequences for both economies and livelihoods (Scoones et al., 2013). Their social and economic impacts on local communities could be disastrous, especially when combined with forced evictions, displacement without fair and just compensation or prior public consultation, involuntary resettlement, or poorly planned relocation of people from their homes and farm lands.

Many ELCs have resulted in forced evictions and violent protests all over the country (Sun, 2017). Some 400,000 to one million people have been personally affected by land disputes and among them, 60,000 people have been forcibly evicted from their homes (DANDC, 2017).

Most land conflicts have not been solved immediately. Villagers from Koh Kong and Kampong Speu provinces have been engaged in protesting long-running land conflicts. They have claimed that local authorities have refused to help them solve the conflict (RFA, 2022).

Another major force driving the conflicts is related to agriculture, urban development, manufacturing industries, mining rights, and the construction of hydropower dams (Ill Oeun et al., 2018). Environment Impact Assessments (EIAs) are not properly conducted (Sun, 2017), and lack the affected communities’ free prior and informed consent (FPIC). Communities are frequently not informed until a development project starts to affect their land and livelihoods (CCHR, 2017).

Other major drivers of the conflicts include private land grabbing of unregistered lands by powerful people, public officials; ELCs (plantations, mining, hydropower dams, etc.); evictions from city developments (property markets and establishments); establishment of Special Economic Zones (SEZs); government infrastructure projects (roads, railways); and, encroachment on community forest lands, communal forests, and IP land (ANGOC, 2019).

In response to the increasing number of conflicts, the Government stopped leasing large plots of land to private-sector investors in 2012 and limited the duration of future leases to 50 years (Sun, 2017). Then Prime Minister Hun Sen issued Directive 01 which set up a land-titling program named after him. He sent scores of students across the country to investigate conflicts and to provide land titles to smallholders with lands under concession (Sun, 2018). “Following the issuance of Directive 01, the number of newly granted ELCs has dropped dramatically between 2012 and 2015” (NGOF, 2016).

Land Conflict Monitoring Report on Cambodia

Methodology and data sources

STAR Kampuchea collected information on a total of 28 cases that took place between 1 January and 31 December 2023, using different information sources. Government agencies and institutions were the main sources (46 percent); followed by civil society organizations (CSOs) and non-government organizations (NGOs) (28 percent); community-based organizations (20 percent); mainstream media outlets (four percent); and, the courts (two percent) (Table 1).

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
Government agencies, institutions	37	46
CSO/NGO	23	28
Community, community-based organization	16	20
Mainstream media (print, online, radio)	3	4
Court	2	2
Total	81	100

Data gathered included who were involved in the conflicts, the number of persons killed and harassed, the types of conflict, and the status of the conflicts. The database system analyzed the causes and impacts of land conflicts.

To confirm the results of the research as well as to formulate recommendations, a face-to-face and online validation workshop was conducted on 6 February 2024. The workshop was participated in by 37 (15 women, 22 men) representatives of the Ministry of Land Management, the Urban Planning and Construction (MLMUC), Cambodia Human Right Committee (CHRC), non-profit organizations (NGOs), community members, including affected indigenous (IPs) and non-IPs from Phnom Penh, Kampong Chhnang, Pursat, and Prah Vihear provinces. Their inputs have been valuable in making this report more reliable, and useful for evidence-based advocacy.

Limitations of the study

The first limitation is that individual interviews were not conducted to collect primary data

because of budget and human resource constraints. The number of the cases documented was small, at 28 cases, compared to the 2020 land monitoring report, which was based on 78 cases. Focus group discussions (FGDs) were conducted, involving 37 people from the government, CHRC, NGOs, and communities. These FGDs were conducted during the validation workshop.

The second limitation is that, in terms of the case collection, not all areas of the country could be covered. The data is scattered in different places, for example some were with government institutions, some were with NGOs and communities, some were available on social media, and two were kept in the court. Moreover, the data collected were not able to answer some of the questions, including number of effected households; incidents of human rights violations; corrective actions taken by the government; and, actions taken by the communities to address the land conflicts, among others.

The third limitation is that most of the available prior researches/studies used the term *land dispute* instead of *land conflict*, although on the basis of the concepts and definitions adopted for this report, the cases would be considered as land conflict.

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

Ongoing cases	Number
Total number of cases	28
Total number of hectares affected	23,299
Total number of households affected	4,385

Table 3. Number of cases and area affected, by province

Province	Number of cases	Percent of cases (%)	Contested area (hectare)	Percent of contested area (%)
Prah Sihanuk	12	43	2,451	10
Kampong Chhnang	7	25	113	1
Pursat	6	21	2	0
Koh Kong	2	7	19,533	84
Svay Rieng	1	4	1,200	5
Total	28	100	23,299	100

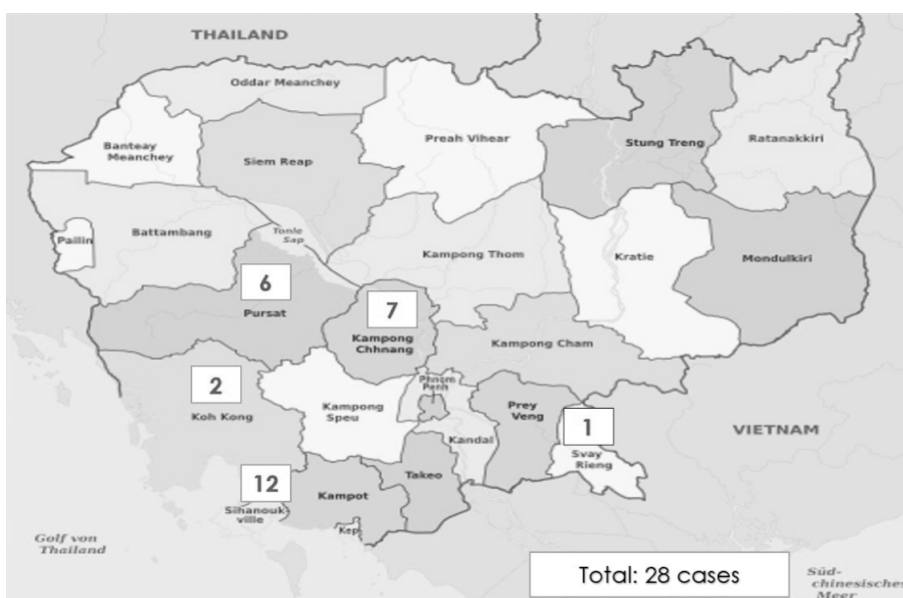
Key Findings

Affected population and area

Land conflict is an ongoing issue in Cambodia, and affects all parts of the country and almost all sectors of the population. The 28 cases documented involved 23,299 hectares of land and affected 4,385 households (Table 2).

As shown in Table 3, 12 cases (43 percent) took place happened in Prah Sihanuk province, involving 2,451 hectares (10 percent); seven cases (25 percent) happened in Kampong Chhnang province, involving 113 hectares (one percent); six cases (21 percent) were located in Pursat province, involving two hectares; two cases (seven percent) happened in Koh Kong province, involving 19,533 hectares (84 percent); and, one case (four percent) happened in Svay Rieng province, involving 1,200 hectares (five percent).

In terms of duration, Table 4 shows that of the 28 cases, seven cases were ongoing for less than two years; four cases were ongoing from

**Figure 1. Location of land conflict cases gathered in 2023**

two to five years; four cases, between five and 10 years; three cases between 10 and 15 years; nine cases, between 15 and 20 years; and, one case, more than 20 years.

A variety of land and resources were affected by conflict. Table 5 shows that the most contested type of land were smallholder farms, which were involved in 15 cases (53 percent), covering 21,612 hectares (93 percent) of all land and resources affected. The second most-contested lands were smallholder agroforestry and people's plantation areas, which were involved in

Table 4. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	7	25
2 to less than 5 years	4	14
5 to less than 10 years	4	14
10 to less than 15 years	3	11
15 to less than 20 years	9	32
20 years or more	1	4
Total	28	100

four cases (14 percent) and covering 1,040 hectares (four percent). The other types of affected land and resources, including common lands and public lands managed by the community; community and social forests; housing and settlement areas; and, water and fisheries resources, were each involved in under 11 percent of cases and less than three percent of contested lands.

Land and resources conflicts affected various types of population and sector. Table 6 shows that farmers were affected in 22 cases (79 percent); tenured residents, in three cases (11 percent); non-IP forest-users in two cases (seven percent); and, informal settlers/slum dwellers, in one case (three percent).

Adversarial claimants and drivers

The parties in the land and resource conflicts cases varied across the 28 cases. Table 7 shows that in the most number of cases (nine, or 32 percent), government agencies and State enterprises were the adverse claimants. The second highest number of cases (seven, or 25 percent) involved intra-community conflicts (residents, settlers, migrants, refugees).

In five cases (18 percent), local government was the adversarial claimant; in four cases (14 percent), powerful individuals were the claimants; and in three cases (11 percent), private companies were the claimants.

Table 5. Type of land and resource affected by conflicts based on number and percent of cases and contested area (in hectares)

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Smallholder agriculture/farming	15	53	21,612	93
Smallholder agroforestry and people's plantation	4	14	1,040	4
Common lands/Public lands managed by the community	3	11	26	0
Housing and settlements	3	11	401	2
Community forest/Social forest	2	7	220	1
Water/fisheries resources	1	4	0	0
Total	28	100	23,299	100

Land and resource conflicts were attributed to various and sometimes multiple drivers.

Table 8 shows that the main driver of conflict in terms of number of cases was government projects and programs, with nine cases (33 percent). Of these nine cases, seven involved

Table 6. Primary sector or community affected by conflicts based on number and percent of cases

Primary sector/community	Number of cases	Percent of cases (%)
Farmers	22	79
Tenured residents	3	11
Non-IP forest users	2	7
Informal settlers/slum dwellers	1	3
Total	28	100

Table 7. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Government agencies and State enterprises	9	32
Community vs. community (residents, settlers, migrants, refugees)	7	25
Local Government	5	18
Powerful individuals	4	14
Private companies	3	11
Total	28	100

SEZs, and two cases involved social housing and urban development.

In seven cases (25 percent), the conflict stemmed from conflicting claims between communities or sectors. Encroachment was the cause of five of the seven cases, while overlapping tenure use were the cause of the other two cases.

In four cases (14 percent), the conflict arose from the use of a conservation/protected area and “No Go” Zones.

The largest contested area (19,902 hectares) belonged to private-led business enterprises, primarily used by industries and manufacturing operations. Other private-led business interests controlled 400 hectares; while property/housing/real estate development held a hectare.

“Other” drivers accounted for the remaining two cases on 120 hectares of land: private farming (20 hectares), and an agrarian reform-related issue (100 hectares).

Responses of affected communities

Table 9 shows that in 23 of the 28 cases, the communities sought to resolve conflict through government administrative mechanisms. In three cases, they resorted to local or direct negotiations, and in two cases, they filed charges in court.

In land and resource conflicts, corrective actions are usually taken. Table 10 shows that in 20 of the 28 cases, the government took corrective actions. In six cases, corrective actions were taken by agreement together with the adversarial party. In one case, no corrective action was taken. There is no information available on the remaining case.

Incidents of human rights violations and perpetrators

Human rights violations (HRVs) have been reported in many land conflicts, especially prior to 2023. However, for the year 2023, data on HRVs against individuals are not available. Meanwhile, there were two incidents of HRVs against communities.

Data on HRVs against individuals was not available.

On the other hand, two incidents of HRVs against communities were reported to have affected farmers.

There was one report of an accident related to eviction, displacement and work termination, and another accident related to the destruction of crops, homes, and property. In both incidents, the reported perpetrators were private companies.

Table 8. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Government projects/programs	9	33	3,183	14
Special economic zones	7		3,133	
Social housing, urban development	2		50	
Conflicting claims between communities/sectors over land and resource	7	25	1	0
Encroachment (e.g., migrants, settlers, refugees)	5		0.9	
Overlapping tenure and use	2		0.1	
Private-led business enterprises	6	21	19,902	85
Industry/manufacturing/production	2		19,500	
Agribusiness, plantations	1		1	
Property/housing/real estate development	1		1	
Others	2		400	
Conservation/Protected Areas and “No Go” Zones	4	14	93	0
Others	2	7	120	1
Private farming	1		20	
Agrarian reform-related issue	1		100	
Total	28	100	23,999	100

Recommendations

During the validation workshop organized by STAR Kampuchea last 6 February 2024 in Phnom Penh, the 37 participants proposed the following recommendations:

In relation to the Royal Government of Cambodia and related institutions:

- Address the land dispute cases so that communities can engage in agriculture;
- Expedite systematic land registration; implement land reform and register indigenous land under ownership (belief forest and collective land) as soon as possible;
- Demarcate land boundaries to ensure land tenure security;
- Prepare State land maps, showing natural lake lands, community lands, forest areas, and protected areas;
- Conduct awareness-raising sessions on the Land Law and Citizens' Rights for citizens, competent authorities, and other stakeholders;
- Encourage and strengthen the implementation of mechanisms from the national to sub-national levels, such as the National Authority for Land Dispute Resolution, the Cadastral Commission, the Dispute Resolution Groups from national to commune level, and the non-judicial land dispute resolution committees;
- Open space for CSOs to take action to promote quick and fair conflict resolution;
- Disseminate information on the types of land that are stated in the law, such as usable land, residential land, etc.
- Thoroughly research cases before making an arrest or detaining individuals;
- Strengthen effective and transparent law enforcement;

Table 9. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number
Seek conflict resolution	28
<ul style="list-style-type: none"> • Through government administrative mechanism 	23
<ul style="list-style-type: none"> • Through local or direct negotiations 	3
<ul style="list-style-type: none"> • Through judicial courts, legal adjudication 	2
Total	28

Table 10. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number
Yes	26
<ul style="list-style-type: none"> • By the government/State 	20
<ul style="list-style-type: none"> • By agreement with the adversarial party 	6
No/Not yet	1
No information available	1
Total	28

- Set up a judicial committee to investigate land disputes;
- Research the location of the land, conduct data collection from all angles before clearing the land or granting ELCs to investors or before taking measures or resolving any disputes; and,
- Assign relevant ministries to update community forest protection areas and fishing areas, and inform stakeholders.

Table 11. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	No data available	No data available
Against communities	2	No data available
Total	2	

Table 12. Type of HRVs committed against communities based on number of incidents and affected households

Type of HRVs against communities	Number of incidents	Number of affected households
Eviction, displacement, work termination	1	No data available
Destruction of crops, homes, property	1	No data available
Total	2	

In relation to Cambodia Human Rights Committee (CHRC):

- Urge the Royal Government of Cambodia to register land and provide land titles to communities and people as soon as possible;
- Provide capacity-building on human rights and Land Law to citizens and stakeholders;
- Provide legal assistance to people affected by land disputes;
- Raise awareness on duties, rights of citizens and communities, compensation, and related laws to citizens so they can take part in the preservation of community resources;

- Conduct monitoring on land conflict regularly and directly; and,
- Prepare monitoring reports regularly and disseminate them to relevant people and institutions.

In relation to civil society and community organizations:

- Establish and strengthen a strong network of CSOs to enable them to participate in resolving land disputes;
- Cooperate with the competent authorities to promote land registration; provide land titles to the community; strengthen the knowledge of land activists; strengthen and monitor the implementation and procedures for resolving land disputes in a transparent and open manner; and, provide alternative livelihoods;
- Support the advocacy of communities affected by land evictions;
- Continue to engage with local authorities to increase communities' knowledge of land laws, relevant laws, procedures, and experience in resolving disputes through various workshops and training programs;

Land conflicts happen because of “unclear legal framework; weak institutions, lack of land titles; unclear boundaries between land concessions; and, lack of concern for public, private State land and community land.” Conflicts over land, combined with the systematic violation of land rights, is one of the most prominent human rights problems faced by Cambodians. The root of this problem can be traced back to the abolition of private land ownership by the Khmer Rouge in 1975.

- Strengthen the capacity of local and relevant authorities on dispute resolution mechanisms and relevant laws at the sub-national level;
- Disseminate information on land disputes to the people and relevant institutions;
- Conduct joint research on land disputes; and, share land information on social media and among civil society so that the information is known to stakeholders and the public;
- Strengthen network collaboration among civil society and communities and share experiences with each other;
- Create opportunity for consultation among government, private sector, civil society, media, and affected communities towards the development of common solutions to land conflicts;
- Help communities to document their land conflicts; and,
- Support and cooperate with State actors to raise people's knowledge regarding land tenure.

In relation to the private sector:

- Stop providing loans to companies involved in land disputes;
- Conduct Environmental Impact Assessment (EIA) before deciding to invest;
- Respect the law and comply with its duties in accordance with the investment law in Cambodia;
- Allow citizens to participate in evaluating/monitoring all investments in Cambodia;
- Provide information on the investment process to all victims and stakeholders, either directly or through social media; and,
- Participate in community development with local people. ■

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2023 INDIA LAND CONFLICT MONITORING REPORT

Prepared by Anmol Gupta; Data review and inputs by Priyansha Chouhan; Edited by Anupa Sagar Kujur and Kumar Sambhav; Land Conflict Watch (LCW)

Spanning about 3.2 million square kilometers, India has just 2.4 percent of the world's land area. However, it supports 17 percent of the world's population and is home to some eight percent of the world's biodiversity.

India is also one of the world's fastest growing economies, and it relies heavily on natural resources to fuel this growth. This sets up contests between industry, the State, the political class and citizens over the use and ownership of land and natural resources.

Furthermore, divisions based on class and caste in India have led to increasing inequality in the use of and access to natural resources. The failure to implement agrarian reform and land distribution schemes (Chacko, 2020) has also contributed to the problem in the long term.

This inequality of access to resources exacerbates poverty and pushes a large section of society to the socio-economic margins, making them increasingly vulnerable to emerging threats, such as climate change, food and water shortages, disasters, and pandemics. Marginalized communities that are involved in conflicts over resources have often been subjected to excessive or arbitrary administrative actions. Protesters at the

forefront of land conflicts have been arrested, detained, or imprisoned (Joshi, 2022).

Land Conflict Monitoring Report on India

In the past seven years, Land Conflict Watch (LCW) has been documenting issues in India's complex land governance system. In 2020, LCW found that over 6.5 million people were affected by land conflicts across India (Worsdell and Sambhav, 2020). A closer look at some of these conflicts revealed patterns, such as communities being invariably the victims of land conflicts. For instance, informal settlers with no formal housing rights were displaced en masse when the capital New Delhi underwent renovations in 2022 to 2023 (Rupavath and Joshi, 2023). Other commonly affected groups include indigenous people (Joseph, 2023) and agrarian communities (Rupavath, 2022).

In 2022, LCW found that the highest number of conflicts were concentrated in the infrastructure sector (Mrinali et al., 2022). At the same time, forestry and conservation schemes were a major trigger for land conflicts.

This report looks at systemic issues and processes that shape land conflicts in India, in

an empirical and aggregated manner with a view towards proposing effective solutions. By looking at the causes of land conflicts and the affected populations, LCW aims to record the driving factors of these conflicts as well as the most vulnerable stakeholders.

Methodology and data sources

LCW regularly collects data on over 70 quantitative and qualitative parameters for every land conflict that it maps. These parameters include information on the people impacted; investments on projects associated with the land conflict; area affected by conflict; type of economic activity undertaken on the land; land tenure systems; the parties involved and their demands and contentions; the significance of the land to communities; the legislations and judicial pronouncements involved; legal loopholes and procedural violations associated with the conflict; and, other location-specific characteristics.

Over 40 researchers from across the country regularly update the database with the latest data as conflicts emerge over time. Field researchers collect information from a mix of primary and secondary sources. They are encouraged to verify details about conflicts using evidence from multiple sources, including regional and local news sources, official government documents, and primary sources, such as first-hand accounts of affected persons.

Table 1 shows the different types of information sources used by LCW in the recording of land conflicts. The primary source used for nearly all land conflicts in the LCW database is mainstream media. At the same time, researchers are instructed to verify details of the conflicts using information from multiple media publications. Official documents from government and judicial records are also often utilized.

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
Mainstream media (print, online, radio)	127	60
Courts	48	23
Government agencies, institutions	33	16
Community, community-based organization	2	1
CSO/NGO	1	0
Police reports	1	0
Total	212	100

The reviewer verifies and cross-references all the data and citations that the researcher provides and edits the case summaries. The reviewer can raise queries about the data, and the researcher responds through a workflow built into Airtable. Airtable is a cloud collaboration platform. It features a spreadsheet-database hybrid, which has the features of a database but applied to a spreadsheet. The fields in an Airtable table are similar to cells in a spreadsheet, but have types such as “checkbox,” “phone number,” and “drop-down list,” and can reference file attachments like images.

After verification, the conflict is published and uploaded onto the LCW website. Following data collection, verification, and updating, a team of data analysts conduct quantitative and qualitative analysis. Data from Airtable can be exported to other software for analysis.

The database reveals not only macro trends and statistics about disputes at scale, but also presents a micro picture of each dispute, with granular data and documents. Each case study also tells the story of people, communities, organizations, and other actors at the frontline of the conflicts.

For the 2023 Land Conflict Monitoring Report on India, LCW has taken a closer look at 128 land conflicts which were recorded in 2023. This collection includes land conflicts which were recorded for the first time in the LCW database in 2023, or previously recorded conflicts for which a significant update was added in 2023.

This secondary review involved re-analyzing the conflicts with 22 additional parameters decided in consultation with the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).

Key findings of the study

Population and area affected by conflicts

The 128 land conflicts recorded by LCW in 2023 covered 129,820 hectares of land and affected 162,716 households (Table 2).

Table 3 shows the distribution of cases in terms of duration. The majority of cases (52 cases, or 41 percent) have been going on for less than two years. Twenty-four cases (19 percent) have lasted less than five years; 16 cases (13 percent), less than 10 years; seven cases (five percent), less than 15 years; and, nine cases (seven percent), less than 20 years.

The longest-running cases (13 cases, or 10 percent) have been ongoing for more than 20 years, and of these, the oldest case involves

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

Ongoing cases	Number
Total number of cases	128
Total number of hectares affected	129,820
Total number of households affected	162,716

Table 3. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	52	41
2 to less than 5 years	24	19
5 to less than 10 years	16	13
10 to less than 15 years	7	5
15 to less than 20 years	9	7
20 years or more	13	10
Unknown	7	5
Total	128	100

indigenous and agrarian communities in Arunachal Pradesh, a State in the north-east region of India, who have been protesting against multiple hydropower projects since 1972 (East Street Journal Asia, 2023).

Types of land and resources affected by conflict

The conflicts have been categorized based on the significance of the land for the affected communities, whether or not they have a legal claim over the land. In India, land is largely classified as either owned by private individuals or owned by the government. At the same time, a large share of the population is dependent on the use of common lands or common property resources for agriculture, agroforestry, or settlement.

Table 4 shows that the largest number of cases (42 cases, or 33 percent) are related to housing and settlements. Other notable categories which involve large swathes of land include smallholder agriculture/farming land (31 cases, or 24 percent), social/community forests (16 cases, or 13 percent) and IP (indigenous

peoples) land/ancestral domain (12 cases, or nine percent).

The 12 conflicts involving IP land generally occurred on forest land. The legal framework in India allows forest land to be put under the stewardship of the community. However, such legal provisions are plagued by poor implementation, rendering forest resources inaccessible to IP communities. These 12 cases represent the largest contested area, with over 58,000 hectares of land affected.

In the cases involving community/social forests, forest land was being utilized by non-IPs and communities, even though the land is considered as “government land.” In the 16 cases in this category, communities protested against the use of forest land for non-forest purposes. A notable example is that of indigenous communities that are protesting against a proposed iron ore mine (Neurekar, 2023) in Goa, a State in western India, which

would affect over 70 hectares of forest and agricultural land (Gokhale, 2023).

The category of housing and settlements involved only 14,778 hectares of land. This is largely because the majority of these conflicts took place in small and congested urban slums and informal settlements.

Twelve cases which involved miscellaneous types of land were categorized as “Others.” These largely included shops and commercial establishments, where eviction drives were conducted in 2023.

Table 5 lists the sectors or groups that were significantly affected by land conflicts. Farming communities were the most affected (36 cases, or 28 percent). Typically, in such conflicts, farming communities were pushed out of land that they had been cultivating for generations because they lacked proof of land ownership.

Table 4. Type of land and resource affected by conflicts based on number and percent of cases and contested area (in hectares)

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Housing and settlements	42	33	14,778	11
Smallholder agriculture/farming	31	24	49,405	38
Community forest/Social forest	16	13	326	0.5
Indigenous people’s land/ancestral domain	12	9	58,308	45
Common lands/Public lands managed by the community	8	6	5,558	4
Water/fisheries resources	7	6	1,104	1
Others (shops, commercial establishments)	12	9	341	0.5
Total	128	100	129,820	100

Other notable categories include informal settlers/slum dwellers (30 cases, or 23 percent). In one case, over 200,000 slum dwellers were affected by a new draft master plan proposed by municipal authorities in Maharashtra, a State in western India (Kothari, 2023).

IPs fought for their land rights in 19 of the cases. The second largest conflict in the dataset involved over 110,000 IPs that were displaced or affected by a multi-purpose irrigation project in Andhra Pradesh, a State in South India (Khan, 2016).

The category of tenured residents was applied to 15 cases where revenue villages or towns were involved. These included instances where communities, which owned the land privately, protested against large-scale public infrastructure or utility projects.

Table 5. Primary sector or community affected by conflicts based on number and percent of cases

Primary sector/community	Number of cases	Percent of cases (%)
Farmers	36	28
Informal settlers/Slum dwellers	30	23
Indigenous people (IP)	19	15
Tenured residents	15	12
Fisherfolk	6	5
Discriminated sectors (caste, religion, ethnicity)	6	5
Non-IP Forest users, pastoralists	3	2
Others (shop owners, street vendors)	13	10
Total	128	100

Thirteen cases, classified as “Others,” involved various groups, such as village residents, shop owners or street vendors, who do not fall under the other named categories and groups. A notable example in this category was the eviction of 3,500 households from a colony in New Delhi, the national capital, leading to the displacement of thousands of folk artistes (Fanari, 2023).

Adversarial claimants and drivers of land conflict

As LCW largely records conflicts involving communities’ existing interests and claims over land, the adversarial claimants in the cases are by default the parties that have competing interests or claims. In 69 percent of the cases, these parties were government agencies, and in

Table 6. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Government agencies and State enterprises	88	69
Private companies	14	11
Local Government	13	10
Community vs. community (residents, settlers, migrants, refugees)	8	6
Powerful individuals	3	2
Military, police, armed forces	1	1
Non-State group, insurgent group	1	1
Total	128	100

11 percent of the cases, private companies. Even where projects were undertaken by private companies, conflicts were triggered by the manner in which the State carried out the transfer or acquisition of land.

In conflicts where local governments played a role (10 percent), activities by either municipal bodies or elected rural bodies, such as *panchayats*, caused the land conflict. Conflicts which involved large-scale eviction drives implicated local government and often State security agencies that aided the land reclamation, among others. Conflicts in which other communities (six percent) were the catalyst usually involved State-border disputes, or violence arising from a difference in caste identity or access to land.

Table 7 shows the distribution of conflicts based on the main cause of the land conflict. For instance, the largest share of conflicts resulted from government-led programs, such as land reclamation (28 cases) and public infrastructure (27 cases).

In the case of public infrastructure, projects such as the building of roads, highways and airports were significant drivers of conflicts. A recurring legal issue in such cases was the lack of compliance with procedures laid out in Indian land acquisition laws, which require prior public consultation and the awarding of fair and just compensation to affected persons.

In the case of land reclamation projects, large swathes of land were cleared of “encroachment.” These projects targeted either IPs residing near forested areas, or slum dwellers in urban hotspots. Some of the most notable examples of such conflicts included land reclamation undertaken for the renovation of the national capital, New Delhi.

Similar kinds of conflicts were recorded on reserved land, including conservation/protection areas. Such cases involved large-scale eviction drives to remove “encroachment” from wildlife sanctuaries, national parks and other protected areas.

Responses of affected communities

Table 8 shows the distribution of cases based on the response of communities to the land conflict. The majority of these cases involved inter-community disputes over land, primarily border disputes between different States.

In a large number of conflicts (49 cases), communities approached judicial courts for resolution of the conflict. It is significant to note that (34 percent) all of the cases involved mass protests. However, 58 percent (74 cases out of 128), communities were able to engage with the administration directly, either through local or direct negotiation, formal government mechanisms, and judicial courts.

In just six cases, retaliation was the community’s response to conflict.

Table 9 shows the distribution of cases based on the corrective action taken by the government to address the land conflict. The overwhelming majority of cases did not see any action being undertaken by the government (117 cases, or 91 percent). In the remaining 11 cases (nine percent), the government or the courts recognized that corrective action was required. However, communities continued to protest as the action taken was inadequate or was not fully carried out.

Incidents of human rights violations and perpetrators

In the 128 conflicts documented, LCW recorded at least four instances of violence or human

rights violations (HRVs) against individuals. Incidents of HRVs against individuals were recorded only where the particular conflict that

triggered the incident has a larger underlying public interest (e.g., if a member of a protected community faced violence or a local activist was

Table 7. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Government projects/programs	73	57	87,710	68
Land reclamation	28		1,360	
Public infrastructure (including roads, bridges, airports, ports)	27		64,730	
Public utilities (dams, power lines, power/energy, irrigation, etc.)	8		14,206	
Social housing, urban development	5		1,565	
Special economic zones	2		5,833	
Military facilities	1		4	
Others	2		12	
Private-led business enterprises	19	15	6,126	5
Power generation and transmission	7		2,232	
Mining, quarrying	4		461	
Agribusiness, plantations	3		46	
Industry, manufacturing, production	3		2,927	
Property, housing, real estate development	1		460	
Tourism, eco-tourism	1		no data available	
Conservation/Protected Areas and "No Go" Zones	15	12	14,088	11
Conflicting claims between communities/sectors over land and resource	11	9	371	0
Overlapping tenure and use	8		360	
Encroachment (e.g., migrants, settlers, refugees)	3		11	
Government-led business/State enterprises	9	7	21,524	16
Total	128	100	129,820	100

threatened with arrest as a result of an ongoing land conflict). In all four instances, either an activist or a member of a marginalized community was targeted due to ongoing protests.

LCW also recorded 23 instances of violence or HRVs against communities. These instances included forms of violence – including physical threats, large-scale evictions and mass arrests/detention – against communities that were involved in land conflicts. At least 9,525 households were affected in these 23 instances.

Tables 11 to 12 contain details of the HRVs that individuals were subjected to. Two instances involved physical injury/assault due to an ongoing border conflict in the north eastern region of the country (Yanthan, 2023). Both of these assaulted individuals were males. The other two instances involved arrests of individuals known for activism. No information was provided on the gender of these two individuals.

Tables 13 to 15 contain details of communities that experienced HRVs. Approximately 43 percent (10 cases) of these incidents involved informal settlers/slum dwellers while 34 percent (eight cases) involved farming communities. Because the cases took place in densely populated cities, such as New Delhi, the number of informal settlers affected by instances of HRVs is the highest in the dataset with over 9,502 households. Indigenous communities were the victims in three instances. The “Others” category included shop owners/vendors that were affected by anti-encroachment eviction drives (Table 13).

In at least 11 incidents, communities were subjected to forced evictions, that is, eviction was carried out without following procedural norms or with the use of excessive and disproportionate force. Moreover, in at least four

Table 8. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number	Percent of Responses (%)
Seek conflict resolution	74	58
• Through judicial courts, NHRC, legal adjudication	49	
• Through government administrative mechanism	22	
• Through local or direct negotiations	3	
Peaceful demonstrations/non-violent acts	45	34
Retaliation	6	5
No response	1	1
No information available	2	2
Total	128	100

Table 9. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number
Yes, by the Government/State	11
No/Not yet	117
Total	128

incidents, crops of community members were destroyed. There were seven cases classified as "Others," with data not recorded in terms of number of households affected (Table 14).

In the majority (48 percent) of the cases, State security agencies were blamed for the HRVs (Table 15). It is significant to note that these instances involved police arresting, detaining, or allegedly inflicting brutality on protesting communities.

Table 10. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	4	4
Against communities	23	9,525 HHs
Total	27	

Table 11. Types of HRVs committed against individuals, by number of incidents, number of victims, and gender

Type of HRVs	Number of incidents	Number of individual victims	Gender		
			Male	Female	Unidentified
Physical injury/ assault	2	2	2	0	0
Detainment/ legal arrest or illegal detention	2	2	0	0	2
Total	4	4	2	0	2

There were multiple instances of the police allegedly engaging in "lathi-charge" -- a form of baton charge used to disperse crowds. Police presence was also used to maintain law and order in eviction drives. The victims of such conflicts were primarily poor farmers, IPs, and informal settlers.

Unidentified assailants were involved in incidents of violence against villages, such as in border disputes. In such cases, unknown parties either destroyed property or attacked resident villagers following a larger conflict over tenurial rights in the area.

Table 12. Reported perpetrators of HRVs against individuals based on number and percent of incidents

Perpetrators of HRVs against individuals	Number of incidents	Percent of incidents (%)
Armed agents of the State	2	50
Unidentified	2	50
Total	4	100

Table 13. Communities affected by HRVs based on number of incidents and affected households

Communities affected by HRVs	Number of incidents	Number of affected households
Informal settlers/ slum dwellers	10	9,502
Farmers	8	No data available
Indigenous people (IP)	3	No data available
Fisherfolk	1	6
Others	1	17
Total	23	9,525

Conclusion

Land conflicts tend to impact not only poor and marginalized communities that are dependent on the land, but also other stakeholders who seek to utilize the land for larger projects. Policies promoted by the government have often prioritized “ease of doing business” over consultation with all stakeholders. Processes which bypass resident communities' demands adversely impact both the communities as well as the project proponents.

Conflicts on the ground show that simply securing the land by force does not guarantee that the government agencies or private entities that are taking over the land will gain unfettered access to it. This has been observed in industrial projects for which land has been acquired, as well as in land reclamation projects where informal settler communities have been evicted en masse.

Table 14. Types of HRVs committed against communities based on number of incidents and affected households

Type of HRVs against communities	Number of incidents	Number of affected household
Eviction, displacement, work termination	11	9,525
Destruction of crops, homes, property	4	No data available
Physical threat and other forms of intimidation	1	No data available
Others	7	No data available
Total	23	9,525

In the 128 conflicts studied for this report, one of the most frequent complaints by the communities has been about procedural violations, i.e., where the prescribed law has not been followed. Laws such as the Land Acquisition Act, 2013, and the Forest Rights Act, 2006 (FRA), mandate that resident communities must be consulted prior to embarking on development projects or taking over their land. Such protections are based on a constitutional rights framework which recognizes the autonomy and dignity of individuals. Government agencies must follow the letter of the law to ensure that the fundamental rights enshrined in the Constitution are respected.

In the case of common lands, the most frequent demand put forth by communities has been to retain access to such land. For indigenous forest-dwelling communities, protections such as the FRA can help communities seek legal recourse. However, no such formal protections exist over the use of non-forested common lands, such as *nazul* land (non-agricultural

Table 15. Reported perpetrators of HRVs against communities based on number and percent of incidents

Perpetrators of HRVs against communities	Number of incidents	Percent of incidents (%)
Armed agents of the State	11	48
Unidentified assailants	5	22
Government agencies	4	17
Local government	3	13
Total	23	100

common land) or *poramboke* land (unassessed revenue land), especially in urban areas. Even when such conflicts are likely to go to court, without formal rights, communities can only contest on the grounds of established procedure – often leading to adverse judgments which prioritize development over their rights. Without the recognition of formal rights to live off the land, communities are constantly at risk of being evicted despite having lived on the land for generations.

The labelling of communities as “encroachers” subjects them to stigmatization by the government and in the media. When the most common land use by such “encroachers” is for the purpose of shelter, it is necessary to discuss the fundamental rights of every citizen to housing and shelter when considering their cases.

Lastly, the alleged use of police force in land conflicts indicates a pattern of repressive practices. Multiple reports of lathi-charge and arbitrary arrests indicate that poor and

marginalized communities may be subject to excessive force when exercising their right to free speech. It is necessary to highlight these instances to ensure that communities have access to legal aid and representation. By identifying these macro level trends, this report is expected to be beneficial to policymakers, including stakeholders responsible for training police, magistrates, and legal aid lawyers.

As the LCW database grows, it will serve as an effective tool in fostering a comprehensive understanding of broad trends and in promoting a better understanding of land and natural resource uses. In the past couple of years, our research has focused on understanding the economic impact of land conflicts at different levels, and for various stakeholders, as well as the evolving legal issues, jurisprudence and dispute settlement practices. We hope that the findings of this research will help inform a more holistic approach to addressing land conflicts. ■

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2023 INDONESIA LAND CONFLICT MONITORING REPORT

Prepared by Benni Wijaya, Head Department of Campaign and Knowledge Management; Supervised by Dewi Kartika, Secretary General; Konsorsium Pembaruan Agraria (KPA)

Land conflicts in Indonesia have nearly doubled under President Joko Widodo as his administration pursued an investor-first economic agenda that has sidelined local communities and the environment. In the nine years of Widodo's administration, 2,939 pending disputes affecting 1.75 million households have been reported.

The breakneck speed of development projects and investments during Widodo's time in office matched the escalation of agrarian conflicts in various parts of Indonesia. Widodo presided over an agrarian crisis, marked by: (1) ever-increasing agrarian conflicts that were not resolved in favor of the poor; (2) rampant and seemingly unhindered land expropriation facilitated by investment-friendly policies; and, (3) greater inequality of land ownership, such that land used for agriculture, mining, plantations, as well as forest land and coastal areas, became concentrated in the hands of political elites.

The highest number of agrarian conflicts has been clustered around particular sectors, namely: plantations, infrastructure development, and accelerated national strategic projects. The latter represented an emerging sector of

conflict. In four years, from 2020 to 2023, the KPA recorded 115 related incidents in different regions in the country.

The problem could be traced not to development and investment themselves, but to the approach taken by the government which ignores people's rights.

Local land rights systems are recognized by Indonesia's Constitution and by the Basic Agrarian Law (UUPA) of 1960. However, because the government has not registered lands in the name of their owners, people are not able to prove or formalize their land ownership. They are thus often viewed as illegal cultivators.

A number of factors have been cited to explain the escalation of agrarian conflicts in the last decade:

First, development and investment which are very pro-market and pro-capital do not respect citizens' rights to land, thus making it easy for the government to abrogate citizens' rights in favor of the interests of investors and big businesses.

Second, the increasing inequality of land rights, which pits community members against each other, and against the government and business interests.

Third, overlapping claims and the accumulation of agrarian conflicts that are never solved and aggravated by new conflicts resulting from land grabbing and eviction to make way for development and investment projects.

Fourth, the use of violence, criminalization, and manipulation of compensation schemes in the process of allocating land for development and investments.

Fifth, overlapping policies and regulations, such that regulations that meant to protect peasants and agricultural areas can be overturned by policies that accommodate investments and development projects; and,

Sixth, a positivistic legal perspective in the matter of agrarian resources management makes it easy for the government to readily dismiss people, especially peasants, small fishermen, customary communities, rural communities, and urban poor, who have no means of proving their land property right before the law, despite decades of living therein.

According to data collected by KPA, some 1.75 million people had been victims of agrarian conflicts in the period 2015 to 2023. In particular, these people had been evicted or were about to be evicted, and thus had to find jobs other than agriculture.

The BPS reported that from 2013 to 2023, the number of landless peasants, or farmers who

owned less than half a hectare of land has skyrocketed. In 2023, 17.24 million peasant families were classified as landless. This is an increase of 18.54 percent, or 2.62 million more landless peasants, compared to 2013, when 14.25 million landless peasants were reported.

The same BPS census cites a worrying decline in the number of farmers in Indonesia in the last decade. In 2013, there were 31 million farmers in the country; by 2023, farmers numbered 29.34 million, or five percent fewer farmers in Indonesia. Furthermore, of the figure for 2023, 19.49 million were aging farmers and peasants.

KPA's data for 2015 to 2023 also showed that the 10 provinces where landlessness was particularly rife were the same places where agrarian conflicts were most numerous. These provinces were Aceh, North Sumatra, Riau, Jambi, South Sumatra, Lampung, East Java, West Java, East Java, and South Sulawesi.

Land Conflict Monitoring Report on Indonesia

Methodology and data sources

The Consortium for Agrarian Reform or Konsorsium Pembaruan Agraria (KPA), gathered data on agrarian reform conflicts that took place within the period 1 January to 31 December 2023. Cases that had started in 2022 but had recurred in 2023 were also included in the study.

Mainstream media, including print, radio and online news portals, comprised 91 percent of the data sources.

The other sources, which supplied about nine percent of all data, included: (1) direct reports from the community that was involved in the agrarian conflict; (2) reports from members and networks of KPA; (3) results of KPA monitoring during the year; (4) the conflict database on agrarian quick response and emergency; and, (5) results of field investigation and studies conducted for specific cases that require more depth.

All of the data were reassessed, investigated, and validated prior to consolidation and analysis. KPA also used comparative information to assure data quality and accuracy.

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
Mainstream media (print, online, radio)	220	91
CSO/NGO	17	7
Community, community-based organization	4	2
Total	241	100

It must be noted that the data presented here are not fully representative of agrarian conflict cases that occurred in 2023. This is due to the fact that KPA has limited capacity to investigate conflict hotspots throughout the country. Furthermore, KPA cannot fully verify conflicting data from various sources, especially mass media.

Key Findings

A total of 241 land and resource conflicts were covered by this study. This figure is 12 percent higher than that in 2022.

The 2023 cases involved 638,188 hectares, distributed across 346 villages, and affected 135,606 households (Table 2).

Seventeen percent of these cases have been ongoing for 20 years and longer. Only 12 percent of the cases were fairly new, lasting less than two years (Table 3).

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

Ongoing cases	Number
Total number of cases	241
Total number of hectares affected	638,188
Total number of households affected	135,608

Table 4 shows that areas under smallholder agriculture and farming comprised 48 percent of the total contested areas, followed closely by customary land, at 42 percent.

These data are supported by the sectors most affected by land conflicts, namely, farmers, in 72 percent of cases; and IPs in 11 percent of cases (Table 5).

Adversarial claimants

Table 6 indicates that private companies were identified as the adversarial claimants in the

highest number of cases (66 percent); followed by government agencies and State enterprises (22 percent), local government (10 percent), and the military/police/armed forces (two percent).

Stakeholders and drivers of land conflict

In 63 percent of the cases, private business enterprises were reported to have caused the conflict. These private businesses were involved

in mining/quarrying, logging and tree plantations; agribusiness and related plantations; property/housing/real estate development; and tourism (Table 7).

Government projects and programs set off 18 percent of the cases, specifically with the building of public infrastructure, public utilities, military facilities, social housing, Special Economic Zones (SEZs), and land reclamation projects, among others.

Table 3. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	29	12
2 to less than 5 years	11	5
5 to less than 10 years	20	8
10 to less than 15 years	12	5
15 to less than 20 years	27	11
20 years or more	42	17
Unknown	100	42
Total	241	100

Responses of affected communities

In almost all (99 percent) of the cases, the affected communities sought formal/informal modes of conflict resolution. Local or direct negotiations were the most preferred (91 percent or 219 out of 240 cases), followed by resolution by means of a government administrative mechanism (eight percent), and through the national human rights institution (one percent).

Table 4. Type of land and resource affected by conflicts based on number and percent of cases and contested area (in hectares)

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Smallholder agriculture/farming	197	82	307,659	48
Housing and settlements	25	10	58,653	9
Indigenous people/customary land	11	5	270,737	42
Water/fisheries resources	5	2	447	0.1
People's plantation	2	1	682	0.8
Community forest/Social forestry	1	0	10	0.1
Total	241	100	638,188	100

However, Table 8 does not refer to successful community response, rather, it provides only attempts at resolving the land conflicts.

At the same time, Table 9 indicates that no corrective action, whether by the government, the adversarial party, or any third party, was reported to have been taken.

Human rights violations

In 2023, at least 608 individuals suffered human rights violations (HRVs) in 86 reported incidents (Table 10). The highest number of incidents of HRVs (69 percent or 59 out of 86) involved detainment/legal or illegal detention and affected 84 percent of the victims (507 out of 608). Torture was the next most prevalent form of HRVs (22 percent or 19 out of 86), and was experienced by 15 percent of all victims (91 out of 608), 80 individuals of whom were male, and 11 were female. Six men were shot, and three men were murdered (Table 11).

Table 5. Primary sector or community affected by conflicts based on number and percent of cases

Primary sector/ community	Number of cases	Percent of cases (%)
Farmers	174	72
Informal settlers/Slum dwellers	38	16
Indigenous people (IP)	26	11
Fisherfolk	2	1
Others	1	0
Total	241	100

Table 6. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Private companies	160	66
Government agencies and State enterprises	53	22
Local Government	23	10
Military, police, armed forces	5	2
Total	241	100

The KPA noted a significant increase in the number of cases of beating in 2023, compared to 2022. The level of brutality of the beatings has also escalated.

The cases of shooting, numbering three in 2023, still represents a 100 percent increase from 2022.

Table 12 indicates that in the 86 reported incidents, 85 percent of the reported perpetrators were armed agents of the State while the remaining 15 percent were from private companies.

In 2023, sixty-one percent of incidents of HRVs affecting communities (95 out of 155) were committed against farmers. Informal settlers and slum dwellers were involved in 25 percent of the HRVs, followed by IPs (12 percent) (Table 13).

Table 13 shows that in terms of affected households, 68 percent (54,159 out of 80,119) were farming households, followed by IP households (23 percent), and households of informal settlers (nine percent).

Eviction, displacement and work termination comprised the highest number of HRVs, at 80 percent of all incidents (124 out of 155) and 82

percent of all affected households (65,512 out of 80,119). Destruction of crops, homes and property was reported in close to nine percent of HRVs and by almost eight percent of all affected households (Table 14).

Table 15 indicates that armed agents of the State, including the police, the army, and the military were by far the most frequently reported

Table 7. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Private-led business enterprises	152	63	346,262	54
Mining, quarrying	34		127,525	
Logging and tree plantation	10		70,883	
Agribusiness, plantations	82		100,203	
Property/housing/ real estate development	23		47,095	
Tourism, ecotourism	2		472	
Others	1		84	
Government projects/programs	44	18	260,503	41
Public infrastructure (including roads, bridges, airports, ports)	19		241,722	
Public utilities (dams, power lines, power/energy, irrigation, etc.)	7		1,337	
Social housing, urban development	7		8,328	
Military facilities	5		328	
Land reclamation	2		169	
Special economic zones	1		197	
Others	3		8,422	
Government-led business/State enterprises	38	16	24,818	4
Conservation/Protected Areas and "No Go" Zones	7	3	6,605	1
Total	241	100	638,188	100

Table 8. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number	Percent of Responses (%)
Seek conflict resolution	240	99
<ul style="list-style-type: none"> Through local or direct negotiations 	219	
<ul style="list-style-type: none"> Through government administrative mechanism 	20	
<ul style="list-style-type: none"> Through judicial courts, NHRIC, legal adjudication 	1	
Peaceful demonstrations/non-violent acts	1	1
Total	241	100

perpetrators of HRVs, at 74 percent of all incidents. Private companies and private armed groups were implicated in 22 percent of incidents.

Recommendations

Opportunities for meaningful agrarian reform under the incoming administration

During Indonesian President Joko Widodo's tenure, there has been a significant increase in land conflicts, as his administration has prioritized investments and job creation over protecting local communities and their rights.

As Prabowo Subianto, the president-elect, begins building his administration, the government must find a pathway to resolve the increasing land conflicts. The following steps must be taken to promote meaningful land reform: (1) Undertake land registration to collect data on the

Table 9. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number
No/Not yet	241
Total	241

tenurial structure in the country, including the extent of land inequality; (2) Resolve conflicts immediately; (3) Redistribute land to rationalize the use and ownership of land and other agrarian resources; (4) Strengthen land rights, namely, by providing legal guarantees for the ownership of land and other agrarian resources; and, (5) Provide support services for agrarian reform beneficiaries, including access to capital, technology, infrastructure and knowledge.

Indonesia requires a firm legal basis for nationwide implementation of agrarian reform, in line with the Constitution. The president-elect must immediately design and enact a new agrarian reform law that aims to eliminate inequality and to institutionalize the implementation of agrarian reform. The new president must take the reins of agrarian reform implementation. He cannot delegate it to a minister. This new law must also evaluate, correct, and harmonize all regulations concerning agrarian reform and natural resources.

New mechanism for implementing agrarian reform

In 2019, during the celebration of Peasants Day in Indonesia, President Widodo vowed to take direct charge of the agrarian reform program. The Agrarian Task Force, or *Gugus Tugas Reforma Agraria* (GTRA), is a government body that was intended to accelerate conflict resolution and land redistribution in the

Table 10. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	86	608
Against communities	155	80,119 HHs
Total	241	

framework of agrarian reform. However, the KPA noted that throughout Widodo's administration, the GTRA has focused on land certification rather than on advancing the mandate of the Basic Law and of the presidential regulation 86/2018 to address agrarian and land inequality, resolve agrarian conflicts, and promote economic empowerment.

The GTRAs at the provincial and district levels did not seriously implement the mandate of the agrarian reform program. Not enough people's organizations (POs) and agrarian reform

activists have been able to participate in the provincial and district GTRAs. In fact, some GTRAs were exclusive and elitist, composed of people who had no track record in agrarian reform or worse, had a history of obstructing agrarian reform.

In place of the GTRA, the KPA is advocating for another body to implement agrarian reform – the *Badan Otorita Reforma Agraria* (BORA). If properly funded, and led by the incoming administration of Prabowo Subiyanto, the BORA should be able to take the lead in preparing for and implementing agrarian reform in a systemic way.

Institutional reform in the domain of agrarian and natural resources

For the BORA to function effectively, the government must harmonize the work of ministries in charge of forest and non-forest resources. The government must promote

Table 11. Types of HRVs committed against individuals, by number of incidents, number of victims, and gender

Type of HRVs	Number of incidents	Number of individual victims	Gender		
			Male	Female	Unidentified
Detainment/legal arrest or illegal detention; and "criminalization"	59	507	473	24	10
Torture	19	91	80	11	0
Physical injury/assault	4	6	6	0	0
Killing/Murder	3	3	3	0	0
Physical threat and other forms of intimidation	1	1	1	0	0
Total	86	608	563	35	10

synergy in the functions and programs of ministries currently in charge of village administration, agriculture, environment, and forestry, sea and fisheries, cooperatives, and State-owned business enterprises. At the same

time, the government must ensure that regional governments act collaboratively in support of agrarian reform. Lastly, the police and the military must support the implementation of agrarian reform, by helping the government to

Fighting erupts over oil

Indonesia produces millions of tons of palm oil each year, much of it destined for supermarket shelves in Europe and the U.S., where it goes into everything from frozen pizza to laundry detergent.

When the industry began to take off in Indonesia in the 1980s, communities were supposed to benefit by getting a share of large-scale plantations, a portion known as “plasma.” Initially the government encouraged and incentivised this through policies, and it became routine for companies to promise villagers a share of their plantation, sometimes as much as 80 percent. From 2007, it became a legal requirement for companies to share a fifth of any new plantation with communities.

Independent analysis of government data suggests that companies have failed to provide hundreds of thousands of hectares of legally required plasma to Indonesian communities, costing them hundreds of millions of dollars each year in lost profits. In Central Kalimantan province alone, it has been estimated that villagers are collectively losing more than US\$90 million each year.

Over the past decade, at least 155 palm oil companies have been accused of failing to provide plasma, according to a database compiled of local media articles, academic papers, NGO reports, and other publicly available sources. These include subsidiaries of almost every major palm oil conglomerate operating in the Southeast Asian country.

As a result, dozens if not hundreds of rural communities have turned to protest or other forms of direct action, marching in the streets, massing outside government offices, blockading roads and occupying plantations. Many villagers involved in such actions have faced violence at the hands of police or been sentenced to prison time.

This exact type of conflict has been playing out in Seruyan Regency, which is located in the Central Kalimantan Province, in Indonesia. The company, PT Hamparan Massawit Bangun Persada (HMBP) — an affiliate of BEST Group, which supplies Wilmar, the world’s largest processor and merchandiser of palm and lauric (palm kernel) oils — entered into Bangkal village, accompanied by security forces and without complying with the requirement of Free, Prior and Informed Consent (FPIC). They brandished what is called a location license or right of cultivation. Subsequently, local community members, including customary people and peasants, lost their land, and became plantations workers. They were consoled by the promise of receiving their plasma share from the company.

Unfortunately, as in other areas in Indonesia where similar schemes were imposed, the community in Seruyan waited far too long, without receiving what was promised to them, specifically HMBP’s commitment to deliver the 20 percent plasma obligation. On 21 September 2023, Bangkal villagers were shot with tear gas, setting off a chain reaction in the neighboring area that resulted in arson on business buildings. The second altercation took place on the evening of 23 September 2023, when two individuals were hurt in a skirmish with the police. On 7 October 2023, law enforcers engaged in a repressive action against the protesters. This ended with a shooting that killed one of the protesters and injury to another.

Table 12. Reported perpetrators of HRVs against individuals, by number of incidents and percentage

Perpetrators of HRVs against individuals	Number of incidents	Percent of incidents
Armed agents of the State	73	85
Private companies	13	15
Total	86	100

Table 13. Communities affected by HRVs based on number of incidents and affected households

Communities affected by HRVs	Number of incidents	Number of affected households
Farmers	95	54,159
Informal settlers/ slum dwellers	38	7,558
Indigenous people (IP)	19	18,252
Fisherfolk	2	150
Others	1	Data not available
Total	155	80,119

protect the land rights of peasants, customary communities, marginal groups, as well as the fishing grounds of small fisherfolk.

Other recommendations to improve agrarian reform implementation

- Develop a national, systematic, participative, pro-active, transparent, and accountable land registration system, in

accordance to the mandates of Indonesia's Constitution and the UUPA;

- Evaluate and correct the one-sided claims of the State to forest areas, by resurveying forest boundaries that recognize village areas, hamlets, and customary areas, people's plantations, rice fields, land fishery areas, and food storage facilities maintained by communities;
- Evaluate, and where necessary cancel licences for natural resources exploitation and land use which have caused agrarian conflicts, inequality, eviction, poverty, and ecological degradation;

Table 14. Type of HRVs committed against communities based on number of incidents and affected households

Type of HRVs against communities	Number of incidents	Number of affected households
Eviction, displacement, work termination	124	65,512
Destruction of crops, homes, property	13	6,209
Forcible entry/ encroachment, entry without free, prior and informed consent (FPIC)	8	746
Labelling, branding, "red-tagging"	7	2,782
Physical threat and other forms of intimidation	2	840
Destruction of habitats, pollution	1	4,030
Total	155	80,119

Table 15. Reported perpetrators of HRVs against communities based on number and percent of incidents

Perpetrators of HRVs against communities	Number of incidents	Percent of incidents (%)
Armed agents of the State (police, army, or military)	116	74
Private companies, private armed groups	34	22
Government agencies	1	1
Powerful individuals, authorities	1	1
Unidentified assailants	1	1
Others	2	1
Total	155	100

- Develop a publicly accessible information system on land rights, such as HGU, HGB, use rights, and ownership rights; location licenses and business licenses, such as HTI, conservation area, IUP; and, management rights (HPL);
- Delineate, affirm, and protect the traditional fishing grounds of customary communities;
- Undertake a national land mapping exercise in tandem with the communities in order to identify and correct overlaps between business concessions and community land;
- Reorient the agrarian reform program such that it priorities not the distribution of land certificates but rather the attainment of equality, gender justice, and the regeneration of peasants, among others;
- Amend or abolish laws that enable the government, law enforcement agencies, and business interests to criminalize local people, infringe on their freedom of expression and right to organize. Examples of such laws are the Law of Conservation, Law of P3H, Plantation Law, Law of Minerals and Mining, Law of Sustainable Agricultural Cultivation, Law of ITE, KUHP, and Omnibus Law;
- Stop the police and the military from acting as agents of business interests in repressing people who are fighting for and defending their land rights. The Law on ASN, which allows the police and military personnel to be employed by public and business institutions, must be revoked. Land grabbing to facilitate the development of military facilities must stop;
- Accelerate the completion of the bill on indigenous people; this bill was proposed by CSOs to protect, recognize, and restore the rights of customary communities to their ancestral domains;
- Advocate for the enactment of a climate justice bill that ensures that participation of all sectors of society, but especially those who have been marginalized because of agrarian conflicts;
- Correct the conservation law to ensure that peasants, customary communities, fishermen, and women will not be discriminated and evicted in the process of implementing the law; a human rights-based approach to managing land and agrarian resources must be adopted to ensure that policies on the regulation of the use of agrarian and natural resources do not violate human rights;

- Strengthen the structure and authority of State institutions and committees like the National Committee of Human Rights, Ombudsman RI, Judicial Commission, National Police Commission, Public Information Commission, Indonesian General Attorney Commission, Witness and Victims Protection Institution, so that they may be insulated from the control of the political elite and investment interests, but rather, support the implementation of genuine agrarian reform;
- Restore the Constitutional Court to its original mandate of defending the Constitution, and put an end to ethical infringements, corruption, conflicts of interest, government and parliament intervention, and all practices which destroy the integrity of this Court; and,
- Restoring the independence of the Anti-corruption Commission, or *Komisi Pemberantasan Korupsi* (KPK), by freeing it from the undue influence of government agents. ■

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2023 NEPAL LAND CONFLICT MONITORING REPORT

Prepared by Jagat Basnet, Community Self-Reliance Centre (CSRC)

Land conflict in Nepal has been a long-standing and complex issue rooted in historical, social, economic, and political factors. The country's diverse geography and rich cultural tapestry contribute to the complexity of land-related disputes (ANGOC, 2019). Understanding the intricacies of land conflict in Nepal requires an exploration of the historical context, the impact of socio-economic changes, and the evolving political landscape in Nepal.

Nepal has witnessed various forms of land-related disputes, often stemming from issues such as unclear land tenure systems, inadequate land reforms, and unequal distribution of resources (Basnet, 2009). The feudal landownership system that prevailed for centuries had entrenched socio-economic disparities, leading to widespread discontent among marginalized communities.

In the mid-twentieth century, a political transformation started to take hold in Nepal, signalled by a series of socio-political changes, including the abolition of the feudal system and the initiation of land reforms. However, the implementation of these reforms was fraught with challenges, and issues like landlessness, tenancy problems, and land grabbing persisted. The post-conflict era, which was marked by the end of the Maoist insurgency in 2006 and the

subsequent Comprehensive Peace Agreement in November 2006 brought a wave of optimism for the resolution of long-standing issues, including land conflicts (IOM, 2016). However, the transitional period was also characterized by increased complexities as new political dynamics unfolded.

Several factors contribute to contemporary land conflicts in Nepal. Rapid urbanization, population growth, migration from rural hill to plain (Terai) area, and changing agricultural practices have intensified the competition for land. Moreover, issues related to land registration, documentation, and the rights of indigenous communities further complicate the situation. The lack of a comprehensive land-use policy and effective implementation mechanisms exacerbate tensions (IOM, 2016).

In recent years, the impact of climate change has further exacerbated land conflicts. Changing weather patterns, natural disasters, and environmental degradation affect agricultural practices and contribute to disputes over resource utilization.

Efforts to address land conflicts in Nepal have involved a combination of legal reforms, community-based initiatives, and government interventions. However, the path to resolution is

Land Reform in Nepal

The Constitution of Nepal has established fundamental rights to safeguard, respect, and address land rights for all individuals. The Right to Equality (Article 18) explicitly ensures that all citizens are equal before the law, emphasizing equal treatment for everyone. Similarly, the Right to Property (Article 25) asserts that the State shall not, except in the public interest, acquire, requisition, or encumber the property of any person. The Right of Women (Article 38) guarantees equal rights for both spouses in property and family affairs. Furthermore, the Right to Dalit (Article 40) mandates the government to provide land to landless Dalits in accordance with the law. These fundamental rights, embedded in the Constitution, are universally guaranteed to all citizens, irrespective of their caste, ethnicity, or access to natural resources. Additionally, Article 51 (E) of the Constitution outlines a Policy Regarding Agriculture and Land Reform, calling for scientific land reform to abolish dual land ownership and ensure tenure security for landless and land-poor families.

Similarly, Members of Parliament have passed eight amendments to the Land Act of 1964, incorporating provisions to allocate land to the landless and informal settlers residing in public spaces for more than 10 years. Thus, the amended law facilitates the issuance of land certificates in regions where landless and informal settlers have established long-term residency. The Land Related Rules (18th Amendment) also play a pivotal role in safeguarding the land rights of landless and informal settlers, particularly those residing in unregistered land. The rules explicitly outline the relocation to safer zones of informal settlers residing in vulnerable locations, such as disaster-prone areas, forests, near roads, and other high-risk areas. Additionally, the Right to Food and Food Sovereignty Act of 2018 and the Right to Housing Act of 2018 are instrumental in ensuring land for landless and land-poor families.

hindered by bureaucratic hurdles, political instability, and the persistence of deep-seated socio-economic inequalities.

In conclusion, the land conflict in Nepal is a multifaceted issue that is deeply embedded in Nepal's history and in its social and political experience. Addressing these challenges requires a comprehensive approach that considers the diverse needs of the population, ensures equitable distribution of resources, and promotes sustainable development.

Land Conflict Monitoring Report on Nepal

Methodology and data sources

The Community Self-Reliance Centre (CSRC) used predominantly secondary information on land conflict cases that were reported from 1 January 2023 to 31 December 2023. The cases

pertain to situations involving the displacement of individuals due to land conflicts.

CSRC gathered land conflict data from 24 districts: Achham, Bajhang, Kanchanpur, Kailali, Bardiya, Banke, Surkhet, Dang, Rupandehi, Kaski, Nawalparasi Purba (East), Chitawan, Bara, Rautahat, Sarlahi, Mahottari, Siraha, Saptari, Sunsari, Morang, Jhapa, Kavre, Sindhupalchok, and Kathmandu. For this study, CSRC collaborated with members of District Land Rights Forums (DLRFs) and the Nepal Mahila Ekta Samaj, Kathmandu. Before selecting specific land conflict cases, a basic database system was created, putting together cases reported by the mainstream media (print, radio, and online), community and community-based organizations, civil society organizations (CSOs) and non-government organizations (NGOs), and government agencies. Table 1 lists the sources of information for the cases.

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
Mainstream media (print, online, radio)	33	57
Community, community-based organization	12	21
CSO/NGO	12	21
Government agencies	1	1
Total	58	100

Media monitoring

The primary source (57 percent) of land conflict data were mainstream newspapers. In particular, four national daily newspapers, including Kantipur, Nagarik, Nayapatrika, and Annapurna Post, were monitored. Additionally, three online news portals – setopati.com, onlinekhabar.com, and nepalpress.com – were accessed to obtain essential secondary data, particularly news related to land conflicts in the specified districts of Nepal.

Information gathering from District Land Rights Forums and CSOs

Essential primary information regarding the affected population, including the names of victims, their ages, types of violence, perpetrators, and causes of conflict, were gathered from members of District Land Rights Forums (DLRFs) and Village Land Rights Forums (VLRFs) (21 percent). Most of these cases were not covered by the mainstream media. The same number of cases (21 percent) was sourced from CSOs/NGOs, while one case came from a government agency.

Document review

A comprehensive review of both published and unpublished study reports from diverse government agencies and NGOs was conducted to extract required information. The representative cases of land conflict were further validated through an examination of these reports and publications.

Field visits

The CSRC team conducted two visits to the affected areas, including Banke, Bardiya, Kailali, Kanchanpur, Dang, and Nawalparasi Purwa (East), to observe the situation and to gather both quantitative and qualitative data on land conflict cases. At the same time, consultations were held during these field visits with members of affected households, representatives of local governments, and delegates from land rights forums.

Report validation workshop

A validation workshop that was participated in by government line agencies, United Nations (UN) agencies, and CSOs was conducted on 3 February 2024 in order to validate the findings and to refine the recommendations presented in this report. The insights, suggestions, and comments gathered during the validation workshop have been incorporated into this report for a more comprehensive and robust presentation.

The data gathered were entered into a standardized database system that was developed with input from ANGOC. The information stored in the database was analyzed and rendered in various data presentation formats.

Key findings of the study

Population and area affected

Between 1 January and 31 December 2023, a total of 49 land conflict cases were documented in 24 districts. Information on these cases, most of which focused on conflicts in Terai (plain areas) in 16 of the 24 districts, was sourced from media reports as well as from reports by DLRFs and CSOs/NGOs.

Table 2 shows that in these cases, 18,713 households on 5,590 hectares of land were affected. The biggest number of affected households was recorded in the Suklaphanta National Park, Kanchapur (1,480 households on 250 hectares), the Swargadwari Guthi land Dang (1,768 households on 711 hectares) and in Tagiya Basti Bara, where an international airport was constructed (1,476 households on 2,597 hectares).

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

Ongoing cases	Number
Total number of cases	49
Total number of hectares affected	5,590
Total number of households affected	18,713

The duration of the 49 cases of land conflicts ranged from one year to 20 years. Table 3 showed that 20 cases (41 percent) were less than two years, and eight cases (17 percent) persisted for over 20 years. The latter took place in the Suklaphanta National Park (over 20 years); Kanchapur (22 years); Bardiya National Park (28 years); Bardiya Krishna Saar/Black Buck (34 years), Rangpur Katani Rautahat (28 years), Banara tole, Mahottari (36 years), and Bhumlu

Kavre (36 years). Six documented cases (12 percent) were between 15 and 20 years.

Table 3. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	20	41
2 to less than 5 years	6	12
5 to less than 10 years	2	4
10 to less than 15 years	7	14
15 to less than 20 years	6	12
20 years or more	8	17
Total	49	100

Types of land and resources affected by conflict

Table 4 shows that the largest number of cases (20 cases, or 41 percent of the total) took place in housing and settlement areas, measuring 86 hectares (two percent). The least number of cases (two cases, or four percent) happened in public and common land covering 37 hectares (one percent).

The largest area of conflict was composed of smallholder agriculture/farming areas covering 3,207 hectares (57 percent). The second-largest area of conflict was common land/public land managed by community members, covering 1,319 hectares (23 percent). The third largest area consisted of smallholder agroforestry areas and people's plantation, covering 670 hectares (12 percent).

The most significantly affected groups included peasants, landless individuals, smallholders, agricultural workers, tenants, and sharecroppers,

Table 4. Type of land and resource affected by conflicts based on number and percent of cases and contested area (in hectares)

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Housing and settlements	20	41	86	2
Smallholder agriculture/farming	15	31	3,207	57
Indigenous people/customary land	6	12	271	5
Common lands/public land managed by the community	3	6	1,319	23
Smallholder agroforestry and people's plantation	3	6	670	12
Others	2	4	37	1
Total	49	100	5,590	100

who were involved in 22 cases (45 percent). The second most impacted communities were informal settlers and slum dwellers, who were involved in 12 cases (25 percent). Tea workers, who were involved in one case, comprised the lowest number of cases (two percent) (Table 5).

Adversarial claimants and drivers of land conflict

Table 6 shows that the adversarial claimants in 14 (29 percent) of the 49 cases were influential individuals, such as businessmen, landlords, and political leaders. Government agencies and State enterprises were the adversarial claimants in another 14 cases. Private companies were the adversarial claimants in one case (two percent), making them the smallest group of adversarial claimants. In the meantime, government agency claimants included those that administered five national parks (Sujlaphnta, Bardiya, Banke, Chitawan, and Saptakoshi), *Guthi* (Trust) Corporation of Dang (Swargadwari), Sagarnath

Table 5. Primary sector or community affected by conflicts based on number and percent of cases

Primary sector/community	Number of cases	Percent of cases (%)
Farmers	22	45
Informal settlers/slum dwellers	12	25
Tenured residents	7	14
Discriminated sectors (caste, religion, ethnicity)	4	8
Indigenous people (IP)	3	6
Others (tea workers)	1	2
Total	49	100

Forest Programme, and Tagiya Basti (airport) Bara, among others.

Table 7 provides uniform information on the causes of land conflicts. Land and resource conflicts, which accounted for the highest number of cases stemmed primarily from government projects and programs, accounting for 15 of the 49 cases, and spanning an area of 3,559 hectares (64 percent). Following closely are conflicts related to conservation projects, numbering 11 cases, and encompassing 780 hectares (14 percent). Private-led business enterprises were involved in eight cases, covering 103 hectares (two percent), while conflicts arising from landlord-tenant disputes were found in six cases, covering an area of 17 hectares. Lastly, high- and low-caste discrimination was the least prevalent, with just one case, and encompassing 0.02 of a hectare.

Responses of affected communities

Table 8 lists the responses taken by communities to conflicts: in 32 cases (65 percent), they sought resolution through government mechanisms; in 14 cases (29 percent), they opted for local direct negotiations; and, in one case, they resorted to legal adjudication. Another case relied on peaceful collective efforts. The data suggests that a significant number of people preferred to engage with government mechanisms. Ironically, however, in numerous instances, the government was implicated as a perpetrator.

Direct negotiations often involve power dynamics. Thus, community-level negotiations are more likely to succeed if community members possess the necessary influence.

Table 9 outlines the corrective actions taken in response to the land conflicts. The government took corrective actions in 13 cases (27 percent),

Table 6. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Powerful individuals	14	29
Government agencies and State enterprises	14	29
Both national and local governments	6	12
Military, police, armed forces	5	10
Local governments	5	10
Community vs. community	4	8
Private companies	1	2
Total	49	100

while the adversarial party took corrective action in one case (two percent). Third-party entities, such as CSOs/NGOs, played a role in addressing the conflict in 16 cases (32 percent). There are 17 cases (35 percent) that are still pending, indicating a lack of authentic information on the resolution of these land conflicts. Information on two cases (four percent) could not be obtained.

In Nepal, the process of filing cases in court is often time-consuming and expensive. This poses challenges for marginalized communities who may not have the resources to pursue legal action. Consequently, many individuals seek support through direct negotiations and government mechanisms to secure their rights.

Incidents of human rights violations and perpetrators

Table 10 lists the 23 human rights violations (HRVs) incidents in the year 2023, including violations against individuals (four incidents, affecting eight individuals, constituting 17

percent of incidents) and against communities (19 incidents, impacting 3,742 households, accounting for 83 percent of incidents). It is noteworthy that both individuals and communities affected by these violations were poor and marginalized, and were actively advocating for their rights.

Table 7. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Government projects/programs	15	31	3,559	64
Public infrastructure (including roads, bridges, airports, ports)	10		3,361	
Public utilities (dams, power lines, power/energy, irrigation, etc.)	2		27	
Social housing, urban development	2		51	
Special economic zones	1		120	
Conservation/Protected Areas and “No Go” Zones	11	23	780	14
Private-led business enterprises	8	16	103	2
Property/housing/real estate development	7		96	
Industry/manufacturing/production	1		7	
Landlord-tenant conflict/agrarian conflict	6	12	17	0
Conflicting claims between communities/sectors over land and resource	4	8	286	5
Government-led businesses/State enterprises	2	4	83	1
Cotton Development	1		71	
Industrial gram	1		12	
Others	3	6	762	14
<i>Guthi</i> Land (Religious Land/trust land)	2		762	
High- and low-caste discrimination and domination	1		0	
Total	49	100	5,590	100

Five local landless squatters from the Bagmati embankment in Kathmandu were detained for an extended period, and faced numerous challenges, including the threat of eviction from their living spaces. In response to this, human rights activists and lawyers filed a case in court, resulting in the issuance by the court of a stay order, which stopped the eviction in the absence of suitable alternatives. Additionally, a *Dalit* house in Bajhang was reportedly demolished, amid threats against *Dalits* and landless individuals in Kailali and Surkhet. It is important to note that bulldozers were deployed in various locations, though specific details could not be accounted for in this summary.

Table 11 presents an overview of HRVs, involving six men and two women. Out of the six men, five were detained, and one suffered physical injuries. In the case of the women, one experienced displacement, while another was subjected to torture. Across various locations, government entities, particularly forest offices and local governments, reportedly subjected numerous households, landless individuals, and tenants to torture. Owing to intimidation from government offices and landlords, many victims refrained from reporting these incidents. It is crucial to note that undocumented cases of torture were not included in this report.

Table 12 lists the reported perpetrators of HRVs, with powerful individuals having been involved in two cases (50 percent); local government, in one case (25 percent); and a moneylender, in one case (25 percent). Notably, both local government and District Forest Offices used bulldozers in numerous instances to displace landless and squatter populations. Many women, elderly persons, and children experienced torture

Table 8. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number	Percent of Responses (%)
Seek conflict resolution	47	96
<ul style="list-style-type: none"> Through government administrative mechanism 	32	
<ul style="list-style-type: none"> Through local or direct negotiations 	14	
<ul style="list-style-type: none"> Through judicial courts, NHRC, legal adjudication 	1	
Peaceful demonstrations/ non-violent acts	1	2
No information available	1	2
Total	49	100

Table 9. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number	Percentage (%)
Yes	30	61
<ul style="list-style-type: none"> By third party 	16	
<ul style="list-style-type: none"> By the government/ State 	13	
<ul style="list-style-type: none"> By agreement with the adversarial party 	1	
No/Not yet	17	35
No information available	2	4
Total	49	100

at the hands of these authorities. It is notable that several cases were not included in this summary because they could not be authenticated.

Table 13 lists the groups of persons that made up the 3,742 households affected by 19 incidents of HRVs. The most heavily affected group, who were involved in nine incidents (47 percent), consisted of informal settlers/slum dwellers, numbering 2,749 households (74 percent). The second-most affected group, who were involved in six incidents (32 percent), included landless peasants, tenants, sharecroppers, and smallholder farmers, who numbered 789 households (21 percent). The least-affected group, who were involved in four incidents (21 percent), was composed of tenured residents, numbering 204 households (five percent).

Table 14 shows that, while the highest number of incidents (eight, 42 percent), were related to eviction/displacements, the most significant impact was seen in the destruction of habitats, which affected 2,704 households (72 percent). This indicates that a substantial number of people's homes were demolished and destroyed. Additionally, there were three incidents related to physical threats/intimidation and one incident related to non-observance of Free, Prior, and Informed Consent (FPIC),

Table 10. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Percent of incidents (%)	Number of victims
Against individuals	4	17	8
Against communities	19	83	3,742 HHs
Total	23		100

Table 11. Forms of HRVs committed against individuals, by number of incidents, number of victims, and gender

Type of HRVs	Number of incidents	Number of individual victims	Gender	
			Male	Female
Detention/legal arrest or illegal detention; and "criminalization"	1	5	5	0
Eviction, displacement, work termination	1	1	0	1
Physical injury/assault	1	1	1	0
Torture	1	1	0	1
Total	4	8	6	2

affecting 218 households (six percent) and 150 households (four percent), respectively.

The incidents of eviction and destruction of habitats numbered 15 (79 percent), impacting 3,374 households (90 percent).

Table 15 shows that government offices were implicated in seven incidents (38 percent), the highest number; local government, in five incidents (26 percent); and local and national government, in one incident (five percent). Powerful individuals were reportedly involved in five incidents (26 percent), and unidentified assailants, in one incident (five percent).

Incidents involving the government numbered 13 (69 percent). The list of the government agencies is found in Table 15.

There was more than one national park office involved, but due to the lack of authentic sources, these could not all be included in Table 15.

Table 12. Reported perpetrators of HRVs against individuals based on number and percent of incidents

Perpetrators of HRVs against communities	Number of incidents	Percent of incidents (%)
Powerful individuals	2	50
Local Government	1	25
Others (money lender)	1	25
Total	4	100

Recommendations

The following areas of action are proposed:

- The Nepalese government must expedite the implementation of the Land Act 1964 (8th Amendment). This law distinctly outlines the

Table 13. Communities affected by HRVs based on number of incidents and affected households

Communities affected by HRVs	Number of incidents	Percent of incidents (%)	Number of affected households	Percent of affected households (%)
Informal settlers/slum dwellers	9	47	2,749	74
Farmers	6	32	789	21
Tenured residents	4	21	204	5
Total	19	100	3,742	100

Table 14. Type of HRVs committed against communities based on number of incidents and affected households

Types of HRVs committed against communities	Number of incidents	Percent of incidents (%)	Number of affected households	Percent of affected households (%)
Eviction, displacement, work	8	42	670	18
Destruction of habitats, pollution	7	37	2,704	72
Physical threat and other forms of intimidation	3	16	218	6
Forcible entry/encroachment, entry without free, prior and informed consent (FPIC)	1	5	150	4
Total	19	100	3,742	100

government's responsibility to allocate land to the landless and informal settlers residing on unregistered land for over 10 years. To ensure the effective enforcement of this Act, the government should offer viable alternatives before considering eviction measures for the affected population.

- The ongoing conflict involving *Guthi* (trust land) land, university land, and national park land has persisted for an extended period. It is imperative that the government formulates a new bill specifically addressing the concerns of marginalized and indigenous peasants, and ensuring the protection of their rights to land and housing.
- Recently, local governments have been using bulldozers under the pretext of road expansions, utilizing public land, or constructing industrial zones, cricket grounds, or business malls. These have resulted in the displacement of landless, squatter, and smallholder individuals who have been living on or cultivating the land for generations. It is imperative that these local authorities provide viable alternatives and fair compensation. Additionally, they must ensure the protection of housing rights, as mandated by the Constitution of Nepal.
- The absence of a local land use plan has led to the escalating fragmentation of both agricultural and public land in urban areas. This phenomenon negatively affects agricultural productivity and food security, often sparking conflicts between various groups and communities. To address this issue, government personnel, especially those in district land offices, should undergo training in conflict-sensitive approaches, Alternative Dispute Resolution (ADR), and gender sensitivity. Such training will enhance their capacity to effectively manage the increasing number of land-related disputes or conflicts at the local level.

- The primary agents driving conflict resolution are political parties and various levels of government. During election periods, there is extensive discourse on people's rights and the resolution of land conflicts. However, post-election, these issues are often sidelined. To address this, political parties need a shared understanding. At the same time, coordinated efforts must be directed towards different layers of government. Given that land conflict is inherently

Table 15. Reported perpetrators of HRVs against communities, by number of incidents and percentage

Perpetrators of HRVs against communities	Number of incidents	Percent of incidents (%)
Government agencies	7	38
<i>District Forest Office</i>	2	
<i>Forest Office</i>	1	
<i>Guthi Office (Baidhanath Guthi)</i>	1	
<i>Hospital (Tehalkuna)</i>	1	
<i>Irrigation Office</i>	1	
<i>National Park Office</i>	1	
Powerful individuals, authorities	5	26
Local Government	5	26
Unidentified assailants	1	5
Both National and Local Governments	1	5
Total	19	100

political, political cadres should assume a leadership role, with facilitation from various levels of government. Furthermore, CSOs/ NGOs, media, and community members should exert pressure on political cadres and parties to prioritize and address these issues.

- Certain conflicts persist due to dual ownership (such as tenancy, sharecropping, tilling of religious land, College and hospital land etc.) and the absence of a comprehensive land reform program in Nepal, as highlighted in the Constitution of Nepal Article 51, sub-article (e), and paragraphs 1 and 2. The Government of Nepal should take decisive action to implement a scientifically sound land reform program, putting an end to the dual ownership issue.
- Prior to transferring land data to local governments, it is essential to ensure the comprehensive digital updating of all existing land records. Offices involved should be equipped with digital infrastructure and staffed with experts proficient in handling such data. Subsequently, local governments must promptly initiate the establishment of an integrated cadastral record system. ■

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2023 PHILIPPINES LAND CONFLICT MONITORING REPORT

By Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)

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 *Jus Regalia*¹ 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.

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.

Another driver of land conflict are **contradictory development policies** that impact on land tenure and land use. Moreover, the land administration system is complex, as multiple government agencies independently issue land titles, licenses and permits – which lead to overlapping claims and land conflicts. With growing populations and urbanization, prime agricultural lands have been converted to non-farming uses and forests, destroyed. 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 (Fortenbacher and Alave, 2014).

Past land and agrarian reform programs

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.

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 (Cruz and Manahan, 2014). Since 2009, there has been a many incidents of land conflicts, especially in the redistribution of private lands.

Another major social reform legislation 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 integrity. In the past decades, 221 Certificates of Ancestral Domain Titles (CADTs) have been issued that cover 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 SEZs into IP domains (Quizon, et al., 2018).

Land Conflict Monitoring Report on the Philippines

In 2014, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) collaborated with the Xavier Science Foundation, Inc. (XSF) and the University of the Philippines College of Social Work and Community Development (UP-CSWCD) in preparing a land conflict monitoring report. The paper identified the nature of resource conflicts occurring in the Philippines among agrarian lands, municipal waters, and ancestral domains through case reports, specifically focusing on: a) conflict actors, b) causes of resource conflicts, c) intensity of resource conflicts, d) impacts of resource conflicts, and e) conflict resolution strategies. Sources were secondary materials generated by CSOs and government agencies on cases of land conflicts in the country.

In 2018, ANGOC and the Land Watch Asia campaign produced country reports on land conflictsⁱⁱ in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines, in order to contribute towards a better understanding of such conflicts. In particular, the studies discussed the nature and causes of land and resource conflicts; their impacts on local communities and land rights defenders; and, actions taken in response to them.

For the Philippines, the 2018 Land and Resource Conflict Monitoring (LRCM) Report initiated the documentation of land conflicts reported by media, civil society organizations (CSOs), and government agencies.

In 2020, ANGOC and LWA recognized that the use of different methodologies limited the scope for aggregation, comparison, and analysis of data at national and regional levels. Thus, a common and more systematic way to gather data and to report on land conflicts was employed in that year.ⁱⁱⁱ

The 2020 Philippine LRCM Report involved Peoples Organizations and CSOs in gathering data, joint analysis, and formulating recommendations. It was presented to relevant government agencies in a workshop co-organized by ANGOC and the Commission on Human Rights (CHR). The initiative also led to the training of CHR Regional Offices on land conflict monitoring, held in August 2021.

In 2021, the Philippine LRCM Report was produced amidst the COVID-19 lockdown. The report updated the status and data on land and resource (including water) conflicts and human rights violation in the country. A case profile form was developed as a tool to document land and resource conflict cases.

This 2023 edition of the LRCM Report provides updated information on the stakeholders and areas affected by conflict, and the circumstances that allow land and resource conflict to fester. Specifically, this study seeks to:

- present the prevalence and types of land and natural resource conflicts;
- analyze the nature and causes of land and resource conflicts;
- explain how communities respond to conflict, and how conflicts are resolved; and,
- present recommendations to prevent and address such conflicts.

Methodology and data sources

This study used primary and secondary data sources. Primary data were gathered mainly from partner-communities through the use of *case profile forms* developed by ANGOC and local partners.^{iv}

Primary sources comprised less than four percent of the total data sources; the rest were secondary sources.

Secondary data were sourced from mainstream news media (print, online), written accounts, as well as online platforms and websites of peoples' organizations (POs) and civil society organizations (CSOs). As much as 33 percent of the data sources were mainstream media reports, including in newspapers, online platforms, and news broadcasts. Cases found online were included only if they were published by credible sources. To validate the reliability and accuracy of the reports, the names, dates, locations, sizes of contested land or resources, and parties involved were cross-referenced with other sources.

ANGOC's existing database of previously documented land conflict cases^v was also reviewed and revalidated; this provided the bulk of information for the 2023 Study. For the older cases that were sourced from CSOs and Government, the validation process involved direct consultations with the respective CSOs and Government offices to check on the status of the case, i.e., whether the land/resource conflicts had been resolved, or whether they were ongoing. The ongoing cases were included in this 2023 report, while the unverified cases (a

total of 110 cases) were archived for future reference and updates.

Government agencies accounted for only five percent of the secondary data sources.

Table 1 shows the distribution of main data sources used in the study.

The data gathered cover the period from 1 January 2023 to 31 December 2023. The information was rechecked, validated, and compiled from August to December of 2023, and then encoded, processed, and cleaned.^{vi}

This validation process included weeding out information that skewed the data. This was particularly necessary in cases involving ancestral domains. The Indigenous Peoples Rights Act (IPRA) of 1997 – a Philippine law that recognizes and promotes the rights of indigenous cultural communities and indigenous peoples (IPs) in the country – enabled many indigenous communities to formally lay claim to their ancestral domains. The latter usually consist of vast areas of land that cut across several political jurisdictions. In past reports of land conflict, the *total* area of the ancestral domain would automatically be reported. This had resulted in the inaccurate reporting of areas involved in conflict.

In this 2023 study, if the specific area in conflict could not be determined, or informed estimates could not be made, it was reported as no data available. As a result, the number of cases reported does not correspond to the areas indicated in the data. Government figures were used in cases of conflicting data.

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
CSOs and/or community organizations	182	51
Mainstream media	120	33
Professional organizations, academe	21	6
Government	18	5
Community, community-based organizations	13	4
National Human Rights Institution	1	1
Total	355	100

The preliminary data of the 2023 LRCM Report was presented to stakeholders for validation workshop jointly organized by ANGOC and the Commission of Human Rights (CHR) last 14 November 2023. The completed report was then presented and discussed at a national workshop held on 6 May 2024 and attended by 54 representatives from farmers, indigenous peoples, fisherfolk, and CSOs.^{vii}

It should be noted that this study does not purport to provide a complete picture of land and resource conflicts for 2023. Many land conflicts continue to be unreported. Thus, the validation process will continue to make future monitoring reports more reflective of the true situation on the ground.

Scope and limitations

This study presents data on land conflict cases that were reported in the year 2023. These

include *ongoing* land and resource conflicts in 2023, and incidents of human rights violations (HRVs) related to specific cases of land and resource conflict that occurred in the same year.

A challenge encountered in the study was the difficulty in securing data from government agencies. In requests for information, the government agency either took time to respond or replied that the data requested was still being processed or encoded. There were many instances where government simply did not gather data for specific types of information.

During the initial presentation of the data in November 2023, POs and CSOs remarked that they were aware of many incidents of HRVs that were not reflected in the data. This underscores another limitation of the data; the study covers only what was reported in the various available sources of information.

Main findings

Prevalence of land and resource conflicts in the Philippines

A total of 211 cases of land and resource conflict in 2023 were covered by this study.

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

Ongoing cases	Number
Total number of cases	211
Total number of hectares affected	749,844
Total number of households affected	81,848

These cases involved 749,844 hectares and affected 81,848 households (Table 2).

It should be noted that, in order to avoid skewing the data, the study did not include the area involved in the maritime conflict between the Philippines and China at the Kalayaan Group of Islands and the Bajo de Masinloc.

In terms of the distribution of cases by region, Western Visayas or Region 6 accounted for almost half of the cases (47 percent), followed by CALABARZON or Region 4A (11 percent), and MIMAROPA or Region 4B (seven percent).

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) was the site of only one reported land conflict but had the largest affected area (28 percent), followed by the Northern Mindanao Region (13 percent). The conflicts in both regions mostly involve indigenous peoples' lands (Table 2a).

Based on Table 3, the duration of 82 cases could not be determined. Majority of these cases pertain to landlord-tenant conflicts in sugar plantations in Negros, the fourth largest island in the Philippines, about which no information on when the conflict started could be found.

Types of land and areas affected by conflict

Over half of the cases (57 percent) that were reported involved smallholder agriculture and farming areas. Conflicts that involved ancestral domains and indigenous peoples (IPs) comprise the second most numerous land conflict cases, at 22 percent (Table 4).

However, in terms of the size of the affected area, conflicts involving ancestral domains ranked first, comprising 86 percent of the total affected area, while smallholder agriculture and farming conflicts accounted for eight percent of the contested area.

Water/fisheries resources were the third major type of resource affected by conflict, by number of cases and size of affected area. Specifically, 36,699 hectares of water/fisheries resources, including coastal and inland waters, were affected. Some of these are found in the coastal

areas of Bulacan Province in Central Luzon, where an airport is planned to be built; tourism areas in Palawan (MIMAROPA Region) and Iloilo (Western Visayas Region); mining/quarrying activities in the rivers of Zambales and Marinduque; and land reclamation projects in Manila Bay.

Ancestral domains, as defined by the Indigenous Peoples Rights Act of 1997, encompass not only land but also inland waters, coastal areas, and natural resources therein. One particular case pertains to 51,855 hectares of ancestral waters

Table 2a. Number of cases, area and total area affected (in hectares) by region

Region	Number of cases	Percent of cases (%)	Total Area (ha)	Percent of total area affected (%)
Ilocos	2	1	85,021	11
CAR	3	1	7,967	1
Cagayan Valley	4	2	32,926	4
Central Luzon	12	6	24,355	3
CALABARZON	24	11	45,946	6
MIMAROPA	15	7	124,180	17
NCR	6	2	2,003	0
Bicol	1	1	4,538	1
Western Visayas	99	47	10,001	1
Central Visayas	2	1	24	0
Eastern Visayas	4	2	4,489	1
Northern Mindanao	11	5	96,398	13
Davao	14	7	37,604	5
SOCCSKSARGEN	3	1	20,400	3
Caraga	10	5	45,733	6
BARRM	1	1	208,259	28
Total	211	100	749,844	100

in Calauit Island in Coron, Palawan, the rights to which are being disputed by the Calauit Tagbanwa, an IP group, and municipal fishers.

In order to more clearly show which resource was particularly affected by conflict, the study

disaggregated ancestral waters from ancestral domains where water resources were the primary use of the ancestral domain. Conversely, ancestral waters were counted as part of the ancestral land where water resources were not the dominant use threatened by the conflict.

Table 3. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	4	2
2 to less than 5 years	7	3
5 to less than 10 years	18	9
10 to less than 15 years	24	11
15 to less than 20 years	18	9
20 years or more	58	27
Unknown	82	39
Total	211	100

One of the largest affected areas involves a conflict between 780 smallholder farming households – from the Ibalois indigenous community – and the San Roque dam project in San Miguel, Pangasinan. The dam was built on the Agno River and construction work was completed in May 2003. This is the largest dam project in the country, covering about 85,000 hectares, a significant part of which sits on ancestral land that is covered by a CADT.

The dam was built by the San Roque Power Corporation in partnership with the National Power Corporation (NPC) and financed by the

Table 4. Type of land and resource affected by conflicts

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Smallholder agriculture/farming	121	57	60,270	8
Indigenous people/customary land	47	22	644,077	86
Water/fisheries resources	18	9	36,699	5
Smallholder agroforestry and people's plantation	13	6	8,596	1
Housing and settlements	9	4	122	0
Common lands/Public lands managed by the community	2	1	80	0
Community forest/social forest	1	1	No data available	0
Total	211	100	749,844	100

Table 4a. Conflicts involving land and waters, by number of cases and total area affected (in hectares)

Resource	Number of cases	Total area affected (ha)
Land/land resources	193	713,145
Water/fisheries resources	18	36,699

Note: The 504,886.72 hectares of land/land resources include one case involving 51,855 hectares of ancestral waters.

Japan Bank for International Cooperation (JBIC). The project has been mired in controversy for causing increased flooding downstream, resulting in the displacement of numerous people. In addition, FPIC (free, prior and informed consent) was not observed and even policies of the JBIC were violated (Ej Atlas, 2022).

While ancestral domain was the dominant category of land affected by this conflict, other sectors were equally affected by the dam

Overlapping rights: Buhid ancestral land awarded to farmers in Oriental Mindoro

The Buhids are an indigenous people from Bongabong, Oriental Mindoro Province, in the MIMAROPA Region. In 1992, the Buhids obtained from the Department of Environment and Natural Resources (DENR) a Certificate of Ancestral Domain Claim covering 78,000 hectares in Eastern Mindoro. Subsequently, in 2001, they were issued CADT (Certificate of Ancestral Domain Title) No. 127 by the National Commission on Indigenous Peoples (NCIP) for their ancestral domain.

However, in 2004, the Department of Agrarian Reform (DAR) attempted to award portions of the Buhids' ancestral domain to farmer beneficiaries. The DAR started conducting geodetic surveys over an area of 1,500 hectares in the Buhid's ancestral land without observing the FPIC (free, prior and informed consent) process. Worse, DAR personnel entered and violated the Buhids' sacred land and conservation areas in the process of completing the measurements.

The Buhids discovered that the portion of their lands measured by the DAR does not qualify for redistribution under the agrarian reform program as it is either part of the 18 percent slope exclusion template or is forest land. Upon further investigation, the Buhids also found that the supposed farmer beneficiaries were ineligible as they were non-locals.

These issues were raised to the DAR, but the department took no action. Instead, it continued with the process and eventually awarded portions of the ancestral domain to farmer beneficiaries.

Later, the Buhids arrived at a compromise agreement with the farmer beneficiaries. Through the assistance of *barangay* officials, the farmer beneficiaries agreed to return the land to the IP group in exchange for payment by the Buhids for their standing crop.

The Buhids have been working to register their CADT, but the Land Registration Authority (LRA) has yet to finalize the process.

Source:

Pasag, L. (2023). *Lupaing ninuno ng buhid, ipinamahagi ng DAR sa mga magsasaka*. Caselet written for ANGO's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

Table 5. Primary sector or community affected by conflict

Primary sector/ community	Number of cases	Percent of cases (%)
Farmers	133	63
Indigenous people (IP)	47	22
Fisherfolk	16	8
Tenured residents	8	4
Informal settlers/slum dwellers	6	3
Non-IP forest users	1	0
Total	211	100

construction, including smallholder farmers and artisanal miners.

Stakeholders and drivers of land and resource conflict

Peasant farmers were most frequently affected by conflict, at 63 percent of the cases. IPs were the second most affected sector, at 22 percent of the cases. Fisherfolk were the third most affected sector, at eight percent of the cases.

Table 6 shows the adversaries faced by land and resource rights holders.

A majority, or 35 percent of all cases, involved private companies as adversarial claimants. In 31 percent of the cases, politicians, businessmen, landlords, and former government officials or public officers – simply

categorized as powerful individuals – were pitted against smallholders. Government agencies and State enterprises comprised the third largest proportion of adversarial claimants, at 14 percent, along with settlers, migrants, refugees, and other community members, taking the same proportion of the total.

It should be noted that conflicts from *No Go Zones* arise from the delineation and designation by the State of special areas for conservation and protection.

Drivers of conflict

The highest number of cases (37 percent) involved landlord-tenant or agrarian conflicts. Cases where private-led businesses were

Table 6. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Private companies	73	35
Powerful individuals	65	31
Community vs. community	30	14
Government agencies and State enterprises	29	14
Local Government	5	2
Both National and Local Governments	5	2
Military, police, armed forces	2	1
Others	2	1
Total	211	100

embroiled in the conflict were second (36 percent), while cases of conflicting claims between communities and other sectors comprised 14 percent of the total.

In terms of affected area, conflicting claims between communities and sectors accounted for the largest share (47 percent), followed by cases involving private-led business enterprises (34 percent), and government projects (17 percent).

Conspicuously, mining is listed under private-led business, and not under government-led

business or State enterprises as a driver of conflict. Under Philippine law, the government or the State owns all mineral resources; private companies enter into mineral agreements with it in order to extract the natural resource. In essence, mining activities in the Philippines are a joint venture between government and a private entity.

Response of communities to address land conflict

Of the total 211 cases, community responses to conflict were reported as 301, as presented in

The San Miguel Aerocity Project

San Miguel Corporation (SMC), through its infrastructure arm, is building the New Manila International Airport in the coastal areas of the Municipality of Bulakan, Bulacan Province, in Central Luzon. The airport and related developments, referred to as the SMAerocity, cover 12,000 hectares. The project is aimed to be completed by 2027.

There are 14 coastal *barangays* in Bulakan. Most of the residents in these *barangays* earn a living by catching fish, crabs, and shrimps; caring for fishponds; and, working in salt beds. Many of them have been living in Bulakan for at least 30 years.

In Barangay Taliptip alone, at least 700 families would be displaced and deprived of their livelihoods. Fisherfolk here deliver their catch to Metro Manila; thus, food supply would also be affected.

While the airport will be built on a 2,600-hectare coastal area, many residents inland would likewise be affected. In fact, there have been reports that SMC has been offering to purchase lands all over the town from residents with tenurial rights. There are concerns that Bulakan town folk would be eased out by businesses or commercial establishments and the gentrification of the town in the coming years.

Fisherfolk and residents of Bulakan are clamoring for the stoppage of the project and that the project be reviewed to assess the adverse effects on them. They also wish to be involved in the planning and implementation of the project; and, their rights to be respected.

Apart from displacement, long-term environmental effects beyond the town are predicted (Gozum, 2023a). Over 600 mangrove trees in Barangay Taliptip were cut to make way for the project (Gozum, 2023a). The removal of this buffer increases the threat of flooding in Bulacan Province.

Source:

Aparante, A. (2023). *Impending Displacement of Fisherfolk and Farmers in the Shadow of the San Miguel Aerocity Project*. Caselet shared for ANGO's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

Table 7. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Private-led business enterprises	76	36	256,670	34
Mining, quarrying	26		154,017	
Property/housing/real estate development	6		1,460	
Logging and tree plantation	4		No data available	
Agribusiness, plantations	25		58,705	
Industry/manufacturing/production	5		574	
Tourism, ecotourism	7		41,793	
Power generation and transmission	3		121	
Government programs	25	12	127,813	17
Public infrastructure (including roads, bridges, airports, ports)	6		14,350	
Public utilities (dams, power lines, power/energy, irrigation, etc.)	8		98,382	
Social housing, urban development	1		No data available	
Special economic zones	3		11,965	
Land reclamation	5		3,092	
Others (<i>Flood mitigation</i>)	2		24	
Landlord-tenant conflict/agrarian conflict	78	37	17,253	2
Conflicting claims between communities/sectors over land and resource	30	14	348,108	47
Overlapping tenure and use	29		337,108	
Encroachment (e.g., migrants, settlers, refugees)	1		11,000	
Others	2	1	0	0
Total	211	100	749,844	100

Reclamation in Manila Bay

Reclamation has become a major resource rights issue as the government plans to embark on at least 180 reclamation projects (Gozum, 2023b; Pine, et al., 2024). Marine scientists have argued against the plan to reclaim 38,000 hectares from the waters, under the National Reclamation Plan (Mawis, 2017). The size of the reclaimed area would be equivalent to the amount of area that currently serves as breeding ground for aquatic life. The projects are projected to cause the annual loss of 4.7 billion invertebrates and 3.78 trillion fish. Reclamation permanently damages intertidal reefs and the associated dredging works can also damage nearby corals (Montenegro, 2005).

Some 21 Environmental Compliance Certificates have been issued for reclamation projects in Manila Bay (Subingsubing, 2022). Previous reclamation projects in Manila Bay dating back to the 1970s resulted in the demise of the salt industry in the Las Pinas and Paranaque areas. The present batch of reclamation projects now threatens the Green Mussel industry of Manila Bay. It is also believed that the Manila Bay reclamations would impede the flow of water from four rivers in Las Pinas and Cavite and bring about flooding (Malasig, 2023). The Philippine president has announced the suspension of reclamation projects, but without an official document to the effect, this could be mere lip service.

Source:

Calvan, D. (2023). *Fishing for hope in Manila Bay*. Caselet shared for ANGOC's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

Table 8. It should be noted that communities may take one or more approaches in response to conflict.

Conflict resolution, through local or direct negotiations, a government administrative mechanism, or judicial courts, human rights bodies, or legal adjudication, made up 68 percent of the different forms of community response to conflicts. Peaceful demonstrations and non-violent acts were the second most favored recourse for communities, at 30 percent.

The data indicates that communities hardly resorted to retaliation, suggesting that Filipinos are inclined towards peaceful methods of resolving conflicts.

Two incidents of retaliation against the adversarial claimant were reported. In one such

Table 8. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number	Percent of Response
Seek conflict resolution	206	68
• Through government administrative mechanism	84	
• Through local or direct negotiations	67	
• Through judicial courts, NHRI, legal adjudication	55	
Peaceful demonstrations/ non-violent acts	91	30
Withdrawal/escape	2	1
Retaliation	2	1
Total	301	100

incident, the retaliation did not involve physical violence, but consisted of the rights-holders uprooting crops that the adversary had planted on their land.

Table 9 shows that the government was the only party that undertook any corrective action, and it did so in 18 percent of the cases. However, no corrective action was taken in 57 percent of cases.

Table 9. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number	Percent of cases (%)
No/Not yet	121	57
No information	53	25
Yes, by the Government	37	18
Total	211	100

It needs to be emphasized that “corrective action” refers to an adversarial claimant’s *efforts* to explore possible resolutions to the conflict. It does not reflect the full resolution of conflicts.

Meanwhile, there is no information on as many as 25 percent of the cases, and it is likely that no action was also taken in these cases.

Human rights violations

Table 10 shows the tally of human rights violations (HRVs) related to land and resource conflicts that were reported in 2023.

The types of HRVs recorded in the study are based on the number of *incidents*, and each incident may have one or several victims. Moreover, an individual victim might have suffered multiple types of HRVs. For instance, a

Table 10. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	10	28
Against communities	11	1,213 HHs
Total	21	

victim could have been subjected to detainment/legal arrest, as well as physical threats and forms of intimidation.

Labelling or red-tagging was experienced by nine victims, of which three were killed, five disappeared, and one was detained. Labelling or red-tagging was associated with one agrarian conflict case in Negros Occidental and one mining/quarrying case involving indigenous peoples land in Benguet province.

The agrarian conflict in Himamaylan, Negros Occidental dates back to 1972 and involves landless sugar workers belonging to the Baclayan-Bito-Cabagal Farmers and Farmworkers Association. The conflict has festered, due to continued landlord resistance to agrarian reform in the province, exacerbated by the heightened counter-insurgency measures of government. In 2023, this long-running conflict

resulted in three separate incidents of HRVs. On 3 May 2023, a peasant leader was red-tagged and subsequently killed. The violence intensified on 14 June 2023 when four persons were killed, of whom two had previously been red-tagged, including another peasant leader. On 26 June 2023, a leader of a people's organization was murdered. All these HRVs were reportedly perpetrated by the military (PhilStar, 2023; Cabalza, 2023; ICHRP Secretariat, 2023; Titong, 2023).

Table 12 shows the distribution of the HRVs committed based on the reported perpetrator. They were either State agents (military or

police); powerful individuals, or unidentified assailants.

Six incidents of HRVs were perpetrated by armed agents of the State (Table 12). Ironically, these perpetrators are the same persons that rights-holders usually look to for protection. It is also worrisome that there were four incidents that involved unidentified assailants. This means that the victims would not be able to find relief until their assailants are identified.

Table 13 shows the number of incidents of HRVs against communities and the number of affected households. Three incidents of HRVs

Hacienda Vicenta

Hacienda Vicenta is a sugarcane plantation covering 44 hectares in Barangay Cabacungan, La Castellana, Negros Occidental. The plantation is owned by L.N. Agustin Farms, but 26.505 hectares were earmarked for distribution when the land was placed under the Comprehensive Agrarian Reform Program (CARP) in 2012. There are 32 agrarian reform beneficiaries (ARBs) in this property.

L.N. Agustin has been resisting the transfer of land to the farmers. In 2015, it tried to have the land reclassified for agro-industrial or agro-tourism use to exclude it from CARP coverage, even though the Land Acquisition and Distribution stage was already in progress. It has prevented most of its farmworkers, who are also ARBs, from working on the land that should belong to them.

In 2018, the Secretary of Agrarian Reform denied L.N. Agustin's application for conversion. However, the farmers' victory was short-lived. In 2019, the Department of Agrarian Reform (DAR) shifted the authority to decide land conversion cases to the Land Use Cases Committee (LUCC), removing the power from the DAR Secretary. Thus, L.N. Agustin's Motion for Reconsideration was decided by the LUCC, which in 2020 overturned the DAR Secretary's denial of the conversion application.

In 2021, while the LUCC's decision was on appeal before the Office of the President, the Bureau of Agrarian Legal Assistance declared the LUCC's decision as final. Despite this, the ARBs continued their appeal with the Office of the President.

Meanwhile, the ARBs have faced violence and harassment. Their source of livelihood was taken away, and their homes in the plantation demolished without due process. One of their leaders has also received death threats.

They are hoping that the Office of the President will issue a favorable resolution of their case.

Source:

Demaisip, C. (2023). *Hacienda Vicenta*. Caselet shared for ANGOC's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

against informal settlers or slum dwellers affected the highest number of households. In interpreting Table 13, it should be kept in mind that there is no one-to-one correspondence between the type of HRV committed and the type of affected community. HRVs may be committed against any community from different sectors.

There were no documented red-tagging incidents committed against communities in 2023. This might have been due to the change in government administration and policies on national security, following national elections in 2022.

Local governments were implicated in four out of the eleven incidents of HRVs committed against communities. Meanwhile, armed State agents (police and military) and private companies and private armed groups, were each blamed for two incidents (Table 15).

Table 12. Reported perpetrators of HRVs against individuals, by number of incidents

Perpetrators of HRVs against communities	Number of incidents
Armed agents of the State	6
Powerful individuals, authorities	1
Unidentified assailants	3
Total	10

Table 11. Types of HRVs committed against individuals, by number of incidents, number of victims, and gender

Type of HRVs	Number of incidents	Number of victims	Gender	
			Male	Female
Killing/Murder	3	9	7	2
Labelling, branding, "red-tagging"	3	9	5	4
Disappearance, abduction	3	7	3	4
Eviction, displacement	1	1	1	0
Detainment/legal arrest or illegal detention	0	1	0	1
Physical threat and other forms of intimidation	0	1	1	0
Total	10	28	17	11

Recommendations

For Government:

In practically all situations of land and resource conflict, government would invariably be found to have a direct or indirect hand. Even in instances where private investment was the main cause of the conflict or was implicated in an HRV, their actions could be traced to government action and policy. For instance, government is a joint venture partner in all mining projects; thus, conflicts and HRVs related to mining could be resolved or prevented by political institutions.

Table 13. Communities affected by HRVs based on number of incidents and affected households

Communities affected by HRVs	Number of incidents	Number of affected households
Fisherfolk	4	500
Informal settlers/ slum dwellers	3	540
Indigenous people	2	15
Farmers	1	158
Tenured residents	1	No data available
Total	11	1,213

The following are the main recommendations:

Complete land and resource reform programs.

The foremost land reform program in the Philippines is the redistribution of land pursuant to the Comprehensive Agrarian Reform Law (CARL) and its iterations and extensions. Government records show that land distribution under the Duterte administration has been the lowest since 2005 (Dela Pena, 2022). Data from the Philippine Statistics Authority (PSA) show that the Duterte government (2016 to 2022) awarded only a little over 28,700 hectares of land until the end of its term (Dela Pena, 2022). Thus, the current administration needs to complete the awarding of the remaining lands covered by agrarian reform to make up for the stagnant distribution during the previous government. The same should be done for the registration of ancestral lands. The National Commission on Indigenous People (NCIP) should be given the proper budget and resources to complete what is mandated by the IPRA law.

Table 14. Types of HRVs committed against communities, by number of incidents and affected households

Type of HRVs committed against communities	Number of incidents	Number of affected households
Destruction of crops, homes, property	4	240
Eviction, displacement, work termination	3	473
Physical threat and other forms of intimidation	3	500
Destruction of habitats, pollution	1	No data available
Total	11	1,213

Government must comply with the Constitution and its human rights commitments. This calls for a massive shift in policy that protects the vulnerable. Government cannot ignore the Constitution, laws, and the treaties it has ratified that advance the protection of human rights. Economic development should not come at the cost of human rights. Government should be guided by the CHR's statement that it:

“... recognize that land and property rights are fundamental not only to enhance economic development and growth, but also to stimulate social inclusion and the enjoyment of rights of all its citizens, particularly of the disadvantaged, marginalized, and vulnerable sectors.” (CHR, 2023).

The government must comply with its obligations under international human rights

Table 15. Perpetrators of HRVs against communities

Perpetrators of HRVs against communities	Number of incidents
Local government	4
Armed agents of the State	2
Private companies, private armed groups	2
National Government agency	1
Others	2
Total	11

instruments. The Universal Declaration on Human Rights (UDHR) is the basis of treaty law dealing with human rights, namely the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR). The UN General Assembly had also issued the Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). Since human rights are interrelated, these instruments also establish rights related to land and should serve as guideposts for governmental policy.

Thus, in the recently issued General Comment No. 26, the UN Committee on Economic, Social and Cultural Rights connected the use of land to the rights to a clean, healthy, and sustainable environment and likewise, to the right to development (CESCR, 2023). The document also characterized land as essential to everyone's right to participate in cultural life since land is the usual setting for social, cultural, and religious activities (CESCR, 2023).

The government must also support, rather than undermine, institutions like the Commission on Human Rights (CHR) that are constitutionally tasked to promote and advance human rights. The Philippine Congress should allot to the CHR the budget it needs and deserves.

Human Rights Defenders (HRDs) must be protected. Rights-holders are not the only ones whose rights are violated in many of the land conflict cases cited. The CHR found that the law has been weaponized against HRDs, who find themselves subjects of court cases that are usually based on trumped up charges (CHR, 2020).

Remove policies that contradict the intent of laws and institute more efficient and effective mechanisms to resolve overlapping claims to land. One prime example of government's shortcomings in resolving overlapping claims is its Joint Administrative Order No. 1 (JAO-1), series of 2012. Instead of resolving overlapping claims in ancestral domains, this directive has hindered the issuance and registration of CADTs and CALTs (Salcedo, 2021).

It is recommended that a technical working group (TWG) be constituted to come up with an effective mechanism to replace JAO-1. Such a mechanism should recognize the NCIP's authority in resolving overlaps involving ancestral lands. The proposed multi-stakeholder mechanism should gather and disseminate good practices on conflict resolution. The TWG should also include an alternative dispute resolution (ADR) process that would allow parties to confront and resolve the claims without going through formal and lengthy judicial or administrative proceedings.

In 2021, then President Duterte lifted the moratorium on open pit mining. This turnaround in policy contradicts the goals and rights established in IPRA. Mining operations are the largest industrial intrusion into ancestral lands (Quizon and Pagsanghan, 2014) and thus, vastly undermine IP rights and IPRA.

Such policies should be reviewed and made to align with relevant land legislation.

Incorporate United Nations Guiding Principles on Business and Human Rights in government systems and formulate its National Action Plan (NAP). Government must adopt the United Nations Guiding Principles on Business and Human Rights (UNGPs) in its systems especially in instances where investments are subjects to its decision-making. Government must not prioritize economic gains over human rights. In line with this, the government must institute a National Action Plan (NAP) of the UNGPs, with a component on land rights.

The pervasive conflicts and issues surrounding land and resource conflicts, particularly those arising from business activities, should compel the national government to include land rights as a priority area in its NAP for UNGPs. This would allow government to establish coherent and inclusive policies and programs on land rights and business (CHR, 2023).

The first crucial aspect of assessing the action plan is collecting data. The metrics have been identified, but having readily available and relevant and accurate data is another matter. For instance, it has been found that the DAR has no comprehensive data on land under its jurisdiction (Quizon et al, 2018). The DAR is

unable to track illegally converted agrarian land (Quizon et al, 2018). The actual population of IPs is also undetermined with many unreported births (Almeda, et al., 2023). Thus, government should be properly equipped to monitoring and report on the outcome of its efforts under the NAP.

Initiate investigations and provide remedies. The data show that while there has been some government response geared towards resolving conflicts in land and resources, the numbers are low. It should also be emphasized that the response should be relevant and effective.

Government should also curb corruption in all its forms within land agencies. Violators should be prosecuted along with the government officials engaged in bribery and extortion, preparation of fake documents, forgery, and crimes that facilitate land and property grabbing.

It is also alarming that there has been almost no response from the private sector. Thus, government should initiate investigations into incidents of HRVs to compel private actors to respond and provide relief.

Pass laws that protect rights. It is important to pass laws that underscore the principles and advocacies of international agreements and documents to institutionalize them in the country.

Therefore, the passage of the following proposed legislation needs to be pursued:

- Agri-business Ventures Arrangements in Agrarian Reform Lands Act

- National Land Use and Management Act
- Human Rights Defenders Protection Act
- Anti-Red Tagging Act
- Department of Fisheries and Aquatic Resources Act
- The Bantay Dagat Welfare and Incentives Act
- Forest Resources Act
- Indigenous Communities Conserved Areas and Territories Act

The Philippines Commission on Human Rights (CHR) has also advocated for the inclusion of a Human Rights Impact assessment as a prerequisite to allowing certain businesses to be set up in the country (ESCRC, 2023). It would be worthwhile for legislators to look into such a recommendation.

It is the whole of government, including Congress, that needs to take action to make protection of land rights comprehensive and effective.

Stop red-tagging and criminalization. Red-tagging and criminalization are downright illegal. Both, by definition, are acts of falsehood in which the government should not get involved.

Civilian authority remains supreme and government cannot be misled by false and inaccurate military intelligence and abusive State agents. Government must therefore investigate red-tagging and criminalization committed by its agents and prosecute them for such criminal acts. It must also provide redress and relief for those who have been victimized.

The campaign against insurgency can only be successful through meaningful participation of

communities together with respect for human rights and the rule of law (UNHRC, 2020). In the same breath, the government must acknowledge the role of human rights defenders in advocating on behalf of rights-holders. They should not be branded as enemies of the State.

Provide immediate and efficient administrative and judicial reliefs. It has been reported that available administrative and judicial remedies do not provide the necessary and relevant relief to rights holders. For instance, cases pertaining to agrarian lands are within the exclusive jurisdiction of the DAR Adjudication Board (DARAB), but still often find their way to judicial bodies or courts. The judiciary should make it mandatory for judges to dismiss such cases immediately.

It is also recommended that the judiciary monitors cases relating to land rights and also those that reach the courts when they are within the exclusive jurisdiction of DARAB (ESCRC, 2023). The judiciary should also know how many investment-related disputes involving land, especially those where the court is asked to determine whether land is irrigable or irrigated, a part of an ancestral domain, or if it is a protected area (ESCRC, 2023). This is crucial in order to provide the relevant relief to rights-holders.

For the Commission on Human Rights:

Strengthen the education of rights-holders concerning their rights and available remedies and reliefs. Based on feedback during the presentation of the initial data on 14 November 2023 and from previous studies and reports, rights-holders continue to be confused, as they also express helplessness regarding the

enforcement of their rights. They lack knowledge on the rights they have and more importantly, on how to seek redress for the violations they suffer.

For instance, with ARBs, it has been documented that the DAR itself tended to act against their interests. In such situations, ARBs are often at a loss as to how to proceed to get their land. IPs also feel ignored by the NCIP when certain government agencies are the first to violate their right to FPIC.

Thus, the CHR should increase the knowledge and capabilities of rights-holders. This would enable the rights-holders to respond appropriately, particularly through the legal system, and not be frustrated in their peaceful protest actions.

Continue monitoring and investigating land and resource conflicts, especially red-tagging incidents. The CHR, as the primary agency in the government that advances human rights, should heighten its activities in monitoring and investigating HRVs. It should first institutionalize a monitoring mechanism for land rights. Relationships between duty-bearers and rights-holders in land and resource conflicts are tense. Having a monitoring system established for land rights is important since monitoring improves the protection of human rights (OHCHR, 2011).

Pursuant to its mandate under EO No. 163, series of 1987, the CHR has the power on its own to conduct investigations of violations of civil and political rights. Thus, it does not need to wait for a complaint to initiate investigations.

While land rights pertain to economic and social rights, this study shows that land and resource conflicts provide the setting for violations of civil and political rights. Red-tagging, criminalization, and even the murder of rights-holders that are involved in land conflicts clearly place these cases within the ambit of violations of civil and political rights.

Continue advocating and asserting to the national government the duty to protect human rights. The CHR's advocacy should include the immediate formulation and adoption of a NAP for UNGPs that includes comprehensive provisions on land rights. It should also actively campaign for compliance by government with human rights instruments.

The CHR should likewise encourage legislators to pass crucial bills that protect human rights and reduce land and resource conflicts. These crucial bills are enumerated above and the CHR should make its position known on these important pieces of legislation. In 2021, the CHR released a position paper on the proposed Code of Conduct for the Eviction of Underprivileged and Homeless Citizens, Demolition of their Dwellings, and their Resettlement Amending for the Purpose R.A. No. 7279, otherwise known as the Urban Development and Housing Act of 1992. It also made its position known on the Anti Hate Speech Act. In 2018, the CHR also made its position known on the Human Rights Defenders Bill. Given these, the CHR still needs to continue and even reiterate and amplify its position on urgent human rights issues that pervade land and resource conflicts.

In 2023, the CHR released its first Monitoring Report on the Situation of Land Rights. It should continue to periodically release such reports to place in proper perspective the land rights landscape in the Philippines.

For Business:

Comply with government regulations and ensure honest observance of FPIC. Businesses should comply with laws and government regulations.

What may be emphasized in this light is businesses' true and honest compliance with laws and regulations. For instance, in the conduct of the FPIC, it has been reported that some businesses have dealt with people who do not represent the community. Mining companies have often recognized false tribal leaders in order to appear to comply with the FPIC requirement (Almeda, et al., 2023). IPs have also complained that the conduct of the FPIC usually ignores their customary decision-making and governance processes, in particular, with regard to the deadlines imposed upon them (Almeda, et al., 2023). Thus, while the business may have conducted the FPIC, it is not the kind of FPIC that was envisioned under the IPRA law. The standard for FPIC of being timely, legitimate, credible, and substantial should be observed (CHR, 2023). Thus, businesses should not only comply with the law, but also abide by the intent and spirit of the law.

In addition, the CHR has also made the recommendation that in the conduct of FPIC, all women – and not just those who have become head of their household – should be allowed to participate (ESCRC, 2023). Furthermore, the CHR

advises that impartial observers should be present at the first and second community assemblies (CHR, 2023). Businesses should be open to this.

Practice Corporate Social Responsibility and incorporate UNGPs. While there are laws in place to regulate business activities, many of these are minimum standards. Businesses are free to impose upon themselves other duties and responsibilities that promote human rights. This can be seen in the UNGPs that promote Business and Human Rights ideals. For instance, businesses may implement human rights due diligence to see if their operations are aligned with the UNGPs.

Investors should take an active role in the business rather than be passive investors. If the company's management has no social responsibility, investors should be prepared to take their investment elsewhere. Similarly, businesses should be mindful of whom they partner with and require compliance with basic human rights before entering into any transaction.

Enter into fair and arm's length agreements with farmers, IPs, fisherfolk, and other rights-holders. Further to the above recommendations, businesses must adhere to the spirit of the protection of rights-holders. Businesses should not enter into contracts without including provisions that protect the rights-holders.

For Civil Society Organizations (CSOs):

Organize and empower vulnerable communities and individuals. Many rights-holders do not

know their rights to begin with. Thus, CSOs need to provide the proper knowledge and assistance to vulnerable communities, especially when government is slow to respond to their needs, or worse, if government itself infringes on the rights of individuals and communities.

Improve monitoring and reporting on land conflict and HRVs. The government is unreliable in monitoring and reporting on land conflict and HRVs for reasons ranging from reluctance to release data, red tape, or simply because it does not collect the data needed.

CSOs have their ears on the ground. They are also trusted where community members hesitant to report incidents to State agents. CSOs also have the ability to accurately relay information that may be lost through transference.

In any event, the data gathering method should continuously be improved to reflect the complete situation on land and resource conflict.

Continue multi-stakeholder dialogues and share data for evidenced-based actions. The aim of gathering data is not merely to report on cases and incidents of HRVs. The ultimate end of this study is to aid the protection of human rights and address the land and resource conflicts that cause HRVs. The data help to identify the problems that persist and to provide relevant solutions. Incomplete data inhibit the formulation of solutions and waste resources in ineffectual efforts. As discussed above, one cannot take at face value the numbers that are reported.

When CSOs are armed with incontrovertible data, they are also more effective in engaging in dialogues with stakeholders.

Oppose proposed changes to the Constitution that would adversely affect land rights. Recently, moves to amend the Constitution were initiated by certain groups and some members of the House of Representatives. Advocates of charter change argue that ownership restrictions on land and resources hinder economic growth. Those opposed have shown evidence that economic growth had been achieved by the Philippines without such changes.

The present social and economic system already poses deep problems for rights-holders. Ownership of agrarian land by foreigners would only bring wealthier and more powerful adversaries against ARBs. The same can be said of IPs when foreign business owners move into their land, especially since the NCIP already finds it difficult to assist them given its measly budget.

Conclusion

That there are land and resource conflicts and incidents of HRVs is undeniable. The data gathered consist of actual experiences of rights-holders. The numbers show that political and social structures need to be changed to resolve persistent issues in land and resources. The study shows that duty bearers and adversarial claimants need to do a lot more to give rights-holders what is due them.

There may be marginal improvements in the data when compared with the previous reports. However, to any ARB, IP, or right-holder to land or

any resource, to be a statistic in this study, is never acceptable.

Land and resource conflict monitoring is not only a continuous task, it is also a work-in-progress. The data gathering method is far from perfect and needs to be improved constantly. In addition, there are many inherent limitations in land and resource conflict monitoring to arrive at a complete picture of land rights situation in the Philippines. ■

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- National Anti-Poverty Commission - Artisanal Fisherfolk Sector
- National Anti-Poverty Commission - Indigenous Peoples Sector
- National Land Coalition - Philippines
- NGOs for Fisheries Reform (NFR)
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- Pambansang Kilusan ng mga Samahang Magsasaka (PKSK)
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- Department of Environment of Natural Resources – Land Management Bureau (LMB)
- National Anti-Poverty Commission (NAPC) – Farmer Sectoral Representative
- NAPC – NGO Sector
- NAPC – IP Sectoral Representative
- National Commission on Indigenous Peoples (NCIP)
- National Economic Development Authority (NEDA)
- Philippine Statistics Authority (PSA)

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Disclaimer:

The views contained in this document do not necessarily reflect those of the We Effect, GLTN, and UN-Habitat.

End notes:

¹ *Jus Regalia* mean refers to the authority of the monarch or king. In Philippine law, this is the source of the Regalian Doctrine where land and resources not owned by anyone is owned by the State.

² 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/>

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/>

⁴ The case profile form is a questionnaire for collecting community-level data, and information on land and resource conflict.

⁵ Database used for the earlier 2021 Land Conflict Monitoring Report.

⁶ Data cleaning “is the process of improving the quality of data by correcting inaccurate records from a record set. The term specifically refers to detecting and modifying, replacing, or deleting incomplete, incorrect, improperly formatted, duplicated, or irrelevant records, otherwise referred to as “dirty data,” within a database. Data cleaning also includes removing duplicated data within a database” (Allen (Ed.), 2017 – in *The SAGE Encyclopedia of Communication Research Methods*).

⁷ Preparatory Meeting for Inter-agency Dialogue, 6 May 2024, NAPC Office, LWUA Complex, Balara, Quezon City.



Established in January 1991, the **Association for Land Reform and Development (ALRD)** is a single-focused, rights-based national networking organization mandated to facilitate the land and agrarian reform advocacy, mobilization, and capacity building of its partners and communities in enabling access to and control over natural resources of the poor, landless, and marginalized communities in Bangladesh. In subsequent decades, ALRD has emerged as a professionally trained knowledge network in the land sector to amplify the collective voice of the marginalized communities in Bangladesh. ALRD has a network of more than 200 NGOs and civil society organizations all across the country.



STAR Kampuchea (SK) is a Cambodian non-profit and non-partisan organization established in 1997 dedicated to building democracy through strengthening of civil society organizations. SK also provides direct support to communities suffering from resource conflicts like land grabbing and land rights abuses through capacity building and legal services.



A network of interdisciplinary researchers spread across India, **Land Conflict Watch (LCW)** collects data that answer questions about natural resource governance and its impact on investments, environment, and people. LCW has built the country's first and only database of ongoing land and resource conflicts. LCW's research aims to facilitate decision-making that helps in resolving and minimizing such conflicts.



Established in 1994, the **Konsorsium Pembaruan Agraria or Consortium for Agrarian Reform (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 the country 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.



Community Self-Reliance Centre (CSRC) has been at the forefront of land and agrarian rights campaign in Nepal. CSRC educates, organizes, and empowers people deprived of their basic rights to land to attain free, secure, and dignified lives. The organization's programs focus on strengthening community organizations, developing human rights defenders, improving livelihoods, and promoting land and agrarian reform among land-poor farmers. Since its establishment, CSRC has constantly worked to transform discriminatory and unjust social relations by organizing landless, land poor and marginalized communities to claim and exercise their rights.



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 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 is third of the series In Defense of Land Rights which examines land conflicts in Asia that affect local communities.

Using a common monitoring framework in 2023, civil society organizations prepared land conflict reports in Bangladesh, Cambodia, India, Indonesia, Nepal and the Philippines. Some 691 cases were gathered and analyzed to determine the trends and drivers of land conflicts, as well as to highlight the attacks against communities and land rights defenders. This publication includes recommended action areas to address land conflicts and to protect the rights of communities to their lands and resources.

