

# **Major Findings and Recommendations of The Study on Access to Land and Natural Resources in the Select Asian Countries**

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## **1.0 Preamble**

- 1.1 The Centre on Integrated Rural Development for Asia and the Pacific (CIRDAP) in collaboration with International Fund for Agricultural Development (IFAD) conducted a policy study on “Knowledge Generation and Policy Dialogue on Access to Land and other Natural Resources by the Rural Poor in four Asian Countries”, namely, Bangladesh, Indonesia, Nepal and the Philippines in 2007-08. This policy study was taken up as a follow up of the Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD) at Porto Alegre, Brazil in 2006 which emphasised that “wider, secure and sustainable access to land, water and other natural resources related to rural peoples livelihoods, especially, inter alia, women, indigenous, marginalized and vulnerable groups, are essential to hunger and poverty eradication, which contribute to sustainable development and should be inherent part of national policies” (paragraph 6). The Food and Agriculture Organization of the United Nations (FAO) prepared a technical cooperation programme (TCP) for some countries in the Asia and the Pacific region to support the implementation of the follow-up actions of ICARRD. The study therefore is focusing on understanding the dynamics of access to land and other natural resources by the rural poor people, particularly women and indigenous groups. It was also designed to develop a policy paper to be presented at the regional policy dialogue to be held during the Second Ministerial Meeting at Dhaka in January 2010.
- 1.2 As per requirements of this policy study, a high level regional consultation was organized at CIRDAP, Dhaka during 15-16 July 2009 to discuss the findings of the study and formulate policy issues critical to rural poor’s access to land and other natural resources in the region. In all, 35 experts from different Asian Countries participated in the Regional Consultation.

## **2.0 Conclusions and Recommendations**

### **2.1 Political Support for Access to Land**

The participants observed that access to land and other natural resources is critically important for household food security, poverty reduction and social stability. This is especially so because in most Asian Countries, there is high incidence of

landlessness and marginalization of land holdings along with slow pace of growth of employment outside agriculture. The land policy of the countries in this region are at variance, whereas some do not have. The land study clearly indicate that a firm political will and commitment is required for a sustained and pro-poor land reform policy initiative. **It is thus suggested that the respective governments of these countries may consider seriously:**

- **to recognize explicit need for a national policy framework for sustained, adequate and innovative land reform measures to enhance the rural poor’s access to land and other natural resources aimed at improvement of their socio-economic status and increased participation in the local level decision making process.**

## **2.2 Definition of Land, Water and Forest**

Land is an important factor in the formation of social and cultural identity and in the organization of religious life. It is also an enormous political resource, defining power relations between and among individuals, families and communities. Moreover, for survival of family in the rural areas depends on various kinds of land such as farm land, forest land, pasture land, waste land etc. which are interrelated and considered as an important source of livelihoods from an integrated use of resources by the poor rural people. Here, apart from agricultural land, forestland, pasture and water bodies are also taken into account. These are usually the common properties. Accordingly, access to land in this study refers to the ability to use land and other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities.

## **2.3 Land and Tenorial Security**

Land can be obtained based on ownership or through other tenorial arrangements or social arrangements. Therefore, apart from ownership, tenorial conditions are also important in ensuring the rural poor’s access to land. Here tenorial conditions are meant the arrangements to use the land and other resources and appropriate benefits even though the resource under consideration is not owned by the users. Land tenure refers to the rules, authorities, institutions, rights and norms that govern access to and control over land and related resources. It defines the rules and rights that govern the appropriation, cultivation and use of natural resources in

a given space or piece of land. Leasing is one of the means through which many landless and semi-landless poor either access land for cultivation or improve their size of holding for viability. However, it appeared that in many countries, tenancy or leasing out of agricultural land is either prohibited or restricted giving rise to informal and insecure tenancies continue. Such legal restrictions tend to reduce the size of land available for leasing.

**Therefore, it is suggested that the respective governments may evolve appropriate mechanisms:**

- **to withdraw legal restrictions on land leasing for cultivation by the landless and semi-landless poor;**
- **to legalise informal and insecure tenancies, in order to develop a viable land lease market which can be accessed by the landless and semi-landless poor for cultivation<sup>1</sup>.**

#### **2.4 Redistribution of Ceiling Surplus Land/Government Land/Char Land (Emerging Lands)**

In most countries of Asia, there are ceiling laws which prohibit ownership/occupancy of land beyond legally stipulated limits. This is intended to acquire ceiling surplus land for redistribution among the landless and semi-landless rural poor. However, in many cases, there are no realistic estimates of available ceiling surplus land for redistribution (e.g. in Bangladesh, it was shown that out of 3.3 million acres of government land only 0.8 million acres are agricultural land that are available for redistribution).

**It is therefore, suggested to the respective governments:**

- **to improve database for realistic estimates of the available land i.e. ceiling surplus land, government land, char land (emerging lands of**

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<sup>1</sup> The tenancy law should facilitate **occupational mobility of larger farmers to lease out land in order to take up some non-farm or off-farm enterprises and prevent reverse tenancy and alienation of the poor from the land with a legal provision that only landless and marginal farmers can lease in land with appropriate tenurial security. This is important because in several places, shift from share cropping to fixed cash leasing tends to alienate landless and marginal farmers from land lease market.**

**Bangladesh), water bodies, coastal zones, forest land etc and bridge all implementation gaps;**

- **to take appropriate measures for improved redistribution among landless and semi-landless rural poor and ensuring its possession including their rights to common property resources.**

## **2.5 Gender Dimension of Access to Land/Land Rights of Women**

Although, women play a central role in ensuring family food security, they have low access to land due to social norms, intra family arrangements, and inheritance laws. This has made women more vulnerable as demonstrated in all case studies. For example, in Bangladesh, only 2.5% of farm holdings were under female headed holdings in 2005 which was 3.48% in 1996. Women's ownership of larger holdings of land is extremely low. Whatever women have own, they own mainly the small holdings as in the case of Nepal, 10 % of the total holdings are owned by women, and their holding size is about the half of the male. Moreover, access of women to land through ownership differs from region to region and from one social group to another. Even though recent policies in some countries are in favor of gender equity in terms of ownership and access to land, their implementation is not up to the expected level. As reported in the Philippines, agricultural operators (farmers) are predominantly male (89%). But engagement of women in farming (about 60%) is high in all the countries. Agriculture is now feminized because of globalization which has encouraged young male to go out of the village and out of the country. Despite farming load being dumped on women, they do not have adequate access to land. This poses a problem in accessing credit and other support services by women farmers who do not have land titles in their names. Therefore, it is necessary to provide land rights to all such women farmers. **Thus, respective governments:**

- **may ensure that national legislation on land distribution and tenancy provide women farmers effective land rights without any discrimination . Key provision should be include in the law that all lands are registered either jointly in the name of husband and wife or solely in the name of wife/single women, as and where applicable.**

## 2.6 Protecting the Land and Forests Rights of various Indigenous Groups

The information on indigenous populations and their access to land in all the countries is quite dated and inadequate. This is so because of unclear definition of indigenous populations and availability of data disaggregated by indigenous populations. Similarly, data and information are not available regarding access to land and natural resources of indigenous population. There is diversity among the indigenous groups in their access to land and resources. Though many government have made various laws to protect the land and forest rights of indigenous groups of people. However, the operationalisations of existing laws are not satisfactory and as a consequence, there is growing alienation of such groups from land and forests, resulting in ethnic conflicts in some cases. **Respective governments, therefore:**

- **special attention is required towards improvement of existing laws and administration to ensure that indigenous people do not get alienated from access to other natural resources. Clearly defined property rights will be needed where traditional rights of indigenous people clash with mineral or logging rights given to outsiders without any legal clarity;**
- **countries without a clear legal framework to protect the land and forest rights of indigenous people may have to enact the relevant laws that ensure the right and access of indigenous peoples to their lands and other natural resources.**

## 2.7 Food Security and Access to Land and other Inputs

Food security for the population of the four countries is subject to national policies on agriculture, import and export. The countries have also contributed to and been affected by the global forces such as escalating food prices which led to events such as Global Food Price Crisis 2008. This recent incident can be considered as a landmark reflecting the consequences of complex and interrelated internal and external factors. Some of these contributing causes include national policies and budget which do not adequately support agriculture as there persists insufficient rural credit policies and the lack of R&D and improvement of extension services; the increased food demand from both the growing population and the increased number of middle-class people (due to the general increase in economic growth) which

prompted the increased consumption of meat (from heavily grain-fed livestock); the escalating and fluctuating oil prices which affect the cost of agricultural input, such fertilizers and energy intensive activities as well as transport and logistics cost. On top of these is also the issue of climate change which is believed to be the cause of the unpredictable climate such as the intensity and frequency of floods, droughts and storms as well as erratic rainfall and increased temperature which has direct bearing on crop production. As reported by FAO (2008) Asia and the Pacific region has the largest proportion of undernourished people and the rising prices of all commodities, particularly essential items like oil and rice will further induce increment in the undernourished population. **Therefore, urgent measures need to be taken:**

- **to establish adequate and cost effective food security reserves in each country, particularly of essential commodities and ensure accessibility by rural poor.**
- **In view of the food scarcity in some countries in this region, collaboration among food surplus with food deficit countries aimed at covering severe grain deficits would demonstrate the presence of regional goodwill and shared commitment to overcome hunger and to strengthening capacities for small producers in terms of access to agricultural inputs and extension services. in countries which are lagging behind.**
- **The existing regional forums (such as CIRDAP, SARRC, ASEAN) may be utilized to exchange countries view points and enormity of problems and gaps so that the advantageous countries may extend helping hands to meet the requirements of others.**

## **2.8 Impact of Globalisation, Market and Climate Change**

Recognizing that countries studied are not exception to be impacted by the climate change. Bangladesh, Philippines and Indonesia belong to coastal areas and Nepal has high mountains. Coastal areas and high mountains are the places which receive most adverse impact of climate change. In Bangladesh, availability of land for cultivation has been reduced because of sea rise and greater salination of the land. In Nepal, climate change is causing retreat of glaciers and total change in the

hydrological cycle. This change in the hydrological cycle is expected to bring changes in other countries like India and Bangladesh. Deglaciation has resulted in formation of glacial lakes or in their expansion leading to GLOF (glacial lake outburst flood). GLOF has many adverse consequences on land, infrastructures and people's lives. It destroys the lives and land, especially those located in the river valleys, because of the flash floods. Moreover, there will also be decline in wetlands, which again disturbs the hydrological cycle. Climate change will have more adverse impact on the poor and marginalized population and will make them more vulnerable. Since they locate in vulnerable areas, and the disasters events triggered by climate change will affect them first. Ultimately conflicts related to access to water and land will be intensified.

The commercial pressure on land is another phenomenon which could increase in Asia. The foreign investment on land and farming for commercial purposes is expected to reduce land for the poor and marginalized for their livelihood. Some countries have already experienced pressures in terms of foreign companies buying land for resort and plantation of medicinal crops, commercial ventures (i.e. Nepal, Bangladesh). **Therefore, necessary steps be taken by all the respective governments:**

- **to formulate and implement in consultation with small holders and other rural poor policies, programs and activities which provide sustainable livelihood opportunities, including grassroot organization, education, skill formation etc.**
- **To enhance access to suitable and affordable technologies and relevant local to facilitate adaptation of land use aimed at mitigation negative impact of climate change. It calls for developed countries to provide necessary technical and financial support to developing countries affected by malnutrition for national strategic planning and implementation of programs for adaptation of land use activities to climate change conditions.**

## **2.9 Capacity Building of Local Administration and Beneficiaries**

Land administration and management system is a complicated one in all the countries studied. This is mainly because of difficult, confusing, time consuming legal

procedures, inadequate financial support and non availability of land record. Often land records and the existing land information system is very traditional and inadequate, which makes it difficult to identify the land owners and their land ownership. It also increases chances for corrupt practices. For example, in Nepal, there are more than 67 laws and regulations related to land and they are also contradictory in nature. Access to justice in case of land disputes is extremely difficult and poor people would give up instead of fighting in the courts. In some cases, it was observed that the laws, policies and issuances are being implemented by a multitude of government agencies. Many of the substantive and procedural laws were written without consideration of consequential amendments that their introduction will have on existing legislation. This has resulted in an inefficient land administration and management system characterized by difficult and complicated procedures resulting in delays in the registration of land rights and adjudication of disputes. As the laws are being implemented by different agencies, there are overlaps in jurisdiction and mandates as well as duplication of functions and responsibilities. Moreover, some of the existing laws are anachronistic and requires urgent modification to suit in the present context. **Therefore, governments may undertake:**

- **Resource mobilization for effective digitalization of land records and modernization of the land management system on priority basis. This would also help in improving tenurial security and other aspects of implementation of land reform.**
- **Collaboration in building capacities for digitalization between those countries who have developed adequate expertise in mapping of land ownership and or land use rights and those who still are lack such capacities**
- **To make relevant legislation widely available in public domain so that everybody can have access to it and awareness building may be done in a campaign mode particularly focusing on rural small scale and marginal producers' rights and obligations at the village level. While special efforts should be made to built the capacities of the local functionaries involve in this work.**

2.10 In the absence of appropriate, albeit participatory rural institutions such as autonomous co-operatives, self-help groups, local self-governance etc, both

delivery and receipt of support services remain weak. This also stands in the way of full utilization of the potential of redistributive land reform in reducing poverty and promoting social harmony and stability. **It is therefore, suggested that:**

- **civil societies, in collaboration with governments, may make special efforts to help promote membership based and controlled autonomous co-operatives, self-help groups etc. for enhancing the capacities of land reform beneficiaries to benefit from reforms.**

### 2.11 Strengthening Local Governance

Conceptually, monitoring and evaluation (M & E) mechanisms are critical tools for tracking progress of implementation and measuring the outcomes and impacts of the programmes and projects. The direction and soundness of any national policy are critically dependent upon the accuracy of M & E results. Unfortunately, obtaining adequate and accurate data and information on the status of implementation of projects, though important for development of an efficient management information system, such data is hard to come by. Indeed, the need for instituting a regular M & E system to track the progress of development efforts in relation to the national development objectives, goals and targets has been emphatically noted since mid 1970s, but no systematic mechanism seems to have been set up in the countries of the Asia-Pacific region with a few exception e.g. Malaysia. This is further demonstrated in the country studies noted the fact that serious data gaps exists due to a number of constraints in the collection of data and information and their comparison across regions and time. These constraints or gaps as reported were:

- Unclear definition of landlessness and precise information on degree of landlessness in different census/surveys unavailable.
- Frequent changes in methodology results in incomparable data/information.
- Mostly data on land are collected at households level which leads to a partial understanding of land ownership.
- Definition of indigenous people is not clear.
- Complexity to obtain land information

- Data on common properties are not properly gathered and maintained.
- Gender disaggregated data difficult to get.

**In order to address these problems identified in the study, the following suggestions were made for consideration:**

- **it is felt necessary that an effective monitoring and evaluation (M & E) mechanism has to be set up and institutionalize on a regular basis for effective monitoring system at the local level for tracking the progress of agrarian reform and sustainable rural development.**
- **there is a need to decentralize the land administration for better delivery of services. Thus, the local government institutions will be the grassroots unit of administration for land management and also function as a resource center for storing relevant data pertaining to all aspects of land within its jurisdiction. Local government institutions may be endowed with such power and functions to settle dispute and manage land related issues at the local level.**
- **in view of the problems and issues emerging from the study and discussion there on and existing scenario of land management, CIRDP with support from IFAD may take up an action research on how decentralized land administration with community participation can yield better result.**
- **considering the utility of the present study in the select country, it is required to expand the geographical spread of this study. Therefore, the study could be further expand to other CIRDP member countries. IFAD may consider to fund the extended study in other countries.**

## **2.12 Building Coalition/Strategic Partnership at Local as well as International Level with Rural Institutions**

In addition, the consultation also put forward the following suggestions for kind consideration of the respective authorities:

- **In the absence of appropriate rural institutions such as co-operatives, self-help groups etc, both delivery and receipt of support services provided by various governments remain weak. This also**

**stands in the way of full utilization of the potential of redistributive land reform in reducing poverty and promoting social harmony and stability. Governments and civil societies will have to make special efforts to promote such institutions conducive to meet such requirements.**

- The Declaration of International Conference on Agrarian Reform and Rural Development (ICARRD) as adopted at Porto Alegre, Brazil in 2006, has suggested agrarian reform and rural development complementary to each other's success. To take the critical issues forward, FAO, IFAD and CIRDAP and other organizations should mobilize technical expertise and resources in support of promotion of research, training on policy dialogue between governments and civil society organizations and on policy advocacy by relevant rural organizations for implementation of various recommendations of ICARRD. Also a strategic partnership and networking with organizations engaged in this field has to be evolved for regular policy dialogue and effective implementation of ICARRD Declaration.**

### **2.13 Regional Level Platform**

Considering that Land is a sensitive subject rooted in the soil as well as to the traditions and cultures of nations, therefore, formulation on critical issues would be done by a team internal to CIRDAP. Moreover, CIRDAP will be a suitable regional forum to take up these issues at the regional level as also for country specific requirements in terms of research, training, capacity building and advocacy along with other international and specialized organizations engaged in this arena. CIRDAP may establish a regional networking mechanism with various organizations and can play a vital role in collecting and collating data on various facets of land and consequently, function as resource centre. Such data will be easily accessed by the member countries in order to formulate their policies. CIRDAP along with its link institutions (some of them are specialized in land related issues), will prepare and present issues before the forth coming policy dialogue of CIRDAP to be held in January 2010 where high level policy makers of CIRDAP Member Countries (Ministers and Secretaries of the Ministry concerned) are expected to attend. The inputs from all international and specialized institutions will be relevant in drafting the policy paper for the purpose.