Getting a clearer picture of land governance and tenure rights: An Asian Perspective

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LAND WATCH ASIA

Framework of land governance

- Land governance is defined as "the **rules, processes and structures** through which decisions are made about **access to land and its use,** the manner in which the decisions are implemented and enforced, and the way that **competing interests in land are managed**" (FAO, emphasis supplied).

- Land governance involves three key elements:
  - ✓ *a set of rules, processes and structures, whether these are defined by legal, customary or traditional systems*
  - ✓ *decisions on land distribution, access and use, including the enforcement of rights*
  - ✓ *management of conflict due to competing interests on land*
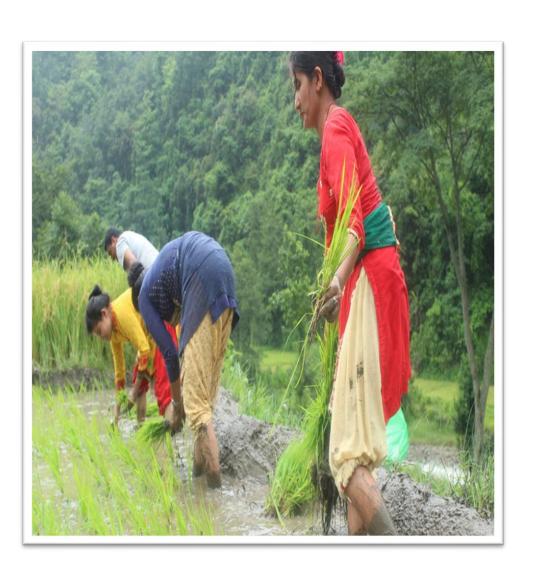
Legal framework in 7 Asian countries

- Land access in governance is defined by different sets of laws in each country

- Creation of public domains

- Personal property rights are usually defined not under land laws per se, but under the Civil Codes.

- There is a multiplicity of laws that apply to different categories of land and ecosystems. Some laws may overlap and create conflicts regarding tenure rights and agency jurisdictions.

Selected land tenure security issues in Asia

- Unfinished agenda of land reforms
- State-led land redistribution vs market-led reforms
- Inequitable land rights for women
- Disenfranchisement of indigenous peoples

Land and resource conflicts

- Land conflicts in Asia are increasing in coverage and intensity.
- Many land conflicts lead to physical, psychological, economic, political violence. Land rights defenders are being criminalized.
- Lack of access to justice and peaceful resolution drives more violence.
- Land cases clog court systems and take a long time to resolve. Costs especially to the poor in terms of time, money & resources.

SDGs as effective platform for engagement

- maximizing coordination mechanisms
- reviewing land indicators and refining methodologies towards a more participatory data generation, analysis and reporting
- CSOs can report on perceptions on tenure security
- SDGs as beyond numbers
- Indicators relevant to countries

The larger task is to work towards tenure security for those who deeply depend on land and natural resources, until and beyond 2030.

Sources:

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Thank you

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