

# REGIONAL MULTI-STAKEHOLDER CONSULTATION ON LAND TENURE IN ASIA-PACIFIC

**11-12 June 2014  
Pattaya, Thailand**



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## SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

The Regional Multi-stakeholder Consultation on Land Tenure in Asia-Pacific was co-organized by Food and Agriculture Organization of the United Nations (FAO), United Nations Human Settlements Programme (UN-Habitat), and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) to promote sharing of knowledge, experiences, good practices and lessons learnt on land tenure (both rural and urban areas) among the countries and stakeholders in Asia and the Pacific. The consultation covered land policy, governance, regulatory framework and associated interventions with special attention to pro-poor and gender sensitive approaches, and further identified gaps and key issues for follow up actions. It was also aimed at strengthening regional level collaboration, coordination and networking on land tenure in Asia and the Pacific region among all stakeholders.

The consultation was designed to share knowledge, experiences and good practices developed by the participants from across Asia and the Pacific. The workshop was attended by 60 delegates and participants from 18 Asia and the Pacific countries and 14 Civil Society Organizations. The meeting discussed regional-level collaboration, identified strategic options to respond to key challenges including the application of the Voluntary Guidelines and the Responsible Agricultural Investment (RAI) at country level, the use and application of Global Land Tool Network's (GLTN) pro-poor land tools and approaches, the initiatives towards sustainable urban development agenda of UN-Habitat, and the promotion of regional cooperation and platforms, including on land, for social and economic progress of the Asia and Pacific region, by UNESCAP.

The participants were grouped into four groups according to the four cross-cutting themes and discussed the impact on land tenure from various aspects including land policy reform and regulatory framework, knowledge sharing, capacity development, and collaboration and partnerships. The followings are the summary of the outcomes of each group.

### ***1- Gender transformative process***

- With regard to gender mainstreaming it was highlighted and recognized that empowerment and transformative processes were needed in programmes and policies for ensuring gender considerations and needs are mainstreamed into all policies, rather than being seen and approached as distinct, and to be treated in isolation and for better understanding and more effective action on gender issues, including their financing, and institutionalization. A multi-stakeholder workshop on gender and land for the region, such as using Beijing+20 Prep Com in November 2014 can be an opportunity.
- Land tools exist, but there still remains a lack of reliable information from the ground for gender evaluation criteria such as the socioeconomic situation and tenure options of women. Gender disaggregated data and mapping of good practices as well as tools for evaluation of gender criteria are required for more in-depth studies on gender and land and context specific analysis.
- Documentation is lacking on the impact on women from land grabbing, violence and climate crisis and clarity of conceptual framework on gender and land (e.g. transformative process, polygamy, dowry and women's land rights) and knowledge and research on leadership of women, capacity strengthening and policy and institutional strengthening. To determine how to measure specific

impacts, organizing women on collective action and using tools, negotiations, being empowered on local level land issues, and increasing number of women land professionals may be seen as priorities.

## **2- *Climate change and tenure security***

- Climate change impacts include degradation of land resources and erosion of coastal areas, amongst others. In order to address these challenges effective and adaptive land-use planning is required.
- Climate-induced migrants will increase competition over land (including potential transboundary issues). Finding safer land options for groups at risk through vulnerability and agriculture is needed as part of proper land-use planning. Climate-related migration will also place inevitable pressures on cities, and especially informal settlement of marginal land thus contributing to future vulnerability and risk.
- Floods can result in illegal dispossession of property as records may not exist or are lost. Modern and scientific records, and computerized revenue systems (e.g. digitization of tenure records) may help lessen the risks and damages. Such data should be available to all.
- No consensus on the full impacts of climate change has been established. While some disasters such as typhoons/cyclones provided opportunities to enhance rural and urban planning, better plans for preparedness and mitigation of future disasters would be more socioeconomically resilient to threats and crisis and be sustainable. Monitoring changes in land use and linkage to climate impacts may help in identifying areas under threat and assessing potential risks and impacts and making sustainable land use plans for enhanced security and sustainable investment and development.

## **3- *Rural land, indigenous people and tenure security***

- Governments have yet to give adequate priority to agriculture and rural development, including budgetary support, incentives and awareness for youth employment in farming, which can reduce migration and reduction of agricultural labour (aging farmers), and address conversion of land to non-agricultural use.
- It was commonly agreed that institutional capacity of government in policy development, land use planning, conflict resolution, and implementation of laws and programmes is lacking. Even knowledge and access to information on tenure of land of rural communities are lacking. Stronger support for tenure security and rural development, legislation and implementing policies to address issues on tenure security and rural development (for indigenous people, farmers and women's rights be promoted and protected) by government are recommended. The need was also expressed for full implementation of the principle of Free, Prior and Informed Consent (FPIC), accountability and transparency, and strengthening decentralised systems including local government to support these reforms.
- For building capacity and sharing knowledge, it was suggested to: a) support the government to review activities, programmes and laws at regional level, b) share good practices which provide regional experience rather than starting from scratch, and c) encourage CSOs and social movements to contribute to capacity development for locals / communities by sharing local knowledge and good practices at community, national and regional level.
- It was noticed that recognition of indigenous people and customary tenures and practices is still lacking. Displacement of indigenous people due to economic land concessions and other

development projects occurs and there remains a lack of integration of indigenous knowledge in land-use planning.

- In-depth assessment of opportunities and challenges in the region (avoiding generalisations, and to focus on country-specific realities/context) was suggested.
- Implementation and monitoring of international agreements (VGGT, UNDRIP, CEDAW) and national law and policy on land tenure and rural development should be promoted. Reports should provide data (where appropriate) that are segregated (gender, geographic, sector). Joint advocacy statements and solidarity support and identifying, building on, and expanding partnerships at regional level (including ASEAN, SAARC, PIF) may contribute to capacity building and knowledge sharing, research, joint advocacy, and monitoring.

#### ***4- Urbanization and tenure security***

- There is a lack of tenure security for informal urban settlers and those migrating into urban areas. Secure access to land for housing but also to make a living (e.g. street vendors) should be facilitated and privatization of public space may be considered during the transition process of rural areas to urban areas to avoid the privatization of urban land and space and ensure current and future access and use for the public good.
- On weak land management/land administration institutions, there is a need to strengthen urban land governance. New laws may create opportunities for change, for instance reducing impact of land syndicates, but there are also gaps in implementation of existing legislation and plan. There is an opportunity for international organizations to more effectively support and promote more effective and inclusive urban land systems in the region.
- Existing mechanisms such as the Land Governance Assessment Frameworks (LGAFs) and Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in urban areas should be used as tools for better assessment and drafting of new laws, as well as monitoring and evaluation, explore opportunities for partnership with NGOs and CSOs to support government efforts, but also represent community needs and views, especially of the poor and those without tenure security.
- There is a need to better understand the causes of urban growth and urban migration. Initiatives that help to reduce the need for urban migration and making rural areas more attractive are needed (e.g. job opportunities, infrastructure, better urban-rural linkages etc.).

**The above outcomes of the meeting resulted in the following recommendations.**

- a) Land policy reform and regulatory framework
  - Gaining more political buy-in from governments on land tenure issues in the region
  - Better plans for preparedness and mitigation of future disasters for socioeconomically resilient to threats and crisis and sustainability
  - Implementation and monitoring of international agreements (VGGT, UNDRIP, CEDAW) and national law and policy on land tenure and rural development
- b) Land governance
  - Supporting good land policy formulation, land tenure policy review and associated programmes implementation and at country level, develop innovative approaches in land tenure at country level
  - Promote the initiatives that help to reduce the need for urban migration and make rural areas more attractive
  - More effective and inclusive urban land system promoted in the region
- c) Multi-stakeholder consultation mechanism at country and regional level
  - Strengthening mechanisms for UN delivery as one to promote concerted effort and partnership
  - Establish a national multi-stakeholder mechanism to promote mutual consultation and dialogue on land tenure at country level
  - Explore opportunities for partnership with NGOs and CSOs to support government efforts to identify community needs and views
- d) Knowledge and capacity building
  - Stronger support for tenure security and rural development, legislation and implementing policies by government
  - Full implementation of the principle of Free, Prior and Informed Consent (FPIC), accountability and transparency, and strengthening decentralised systems including local government to support these reforms
  - Support the government to review activities, programmes and laws at regional level
  - Share good practices which provide regional experience
  - Encourage CSOs and social movements to contribute to capacity development for locals/communities by sharing local knowledge and good practices at community, national and regional level
- e) Land tool development and application
  - Modern and scientific records and computerized revenue systems to help lessen the risks and damages in case of disasters
  - Using tools, negotiations, being empowered on local level land issues, and increasing number of women land professionals to determine how to measure specific impacts
  - Promote the implementation/application of VGGT, GLTN and RAI at community and national levels

## INTRODUCTION

Land is a fundamental resource for the realization of human rights, poverty reduction, economic prosperity and sustainable development. Nevertheless, due to its scarcity, land is in demand by a wide range of stakeholders for different and often conflicting reasons, for example, shelter and livelihoods, access to credit, investment, cultural heritage, and political power.

Not everybody's right and access to land is secure. Vulnerable groups in rural and urban areas, such as people with low incomes, women, and older persons as well as young people are frequently facing conditions of unequal access to land, as land management and administration systems, but also customary and religious laws are often biased and ignore realities.

Asia and the Pacific is one of the most diverse regions on earth, in terms of economy, society, culture and environment. The region includes high-, middle- and low-income countries, several with Least Developed Country status, and many Small Island Developing States. However, many of the world's fastest growing economies today are located in Asia. Across the region there is a vast diversity of cultural and ethnic heritage. Its landscape varies from tundra to tropical forests and from the highest mountain to the greatest river delta.

Major challenges in the Asia-Pacific region include rapid urbanization and urban growth, changing consumption patterns that provide challenges to natural resources and food security. The region is also one of the most disaster-prone regions on earth. The impacts of climate change will be felt across all parts of the region.

The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests. Many tenure problems arise because of weak governance, and attempts to address tenure problems are affected by the quality of governance. Weak governance adversely affects social stability, sustainable use of the environment, investment and economic growth. People can be condemned to a life of hunger and poverty if they lose their tenure rights to their homes, land, fisheries and forests and their livelihoods because of corrupt tenure practices or if implementing agencies fail to protect their tenure rights. People may even lose their lives when weak tenure governance leads to violent conflict. Responsible governance of tenure conversely promotes sustainable social and economic development that can help eradicate poverty and food insecurity, and encourages responsible investment.

In response to growing and widespread interest, FAO and its partners embarked on the development of guidelines on responsible tenure governance. The purpose of these Voluntary Guidelines is to serve as a reference and to provide guidance to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security. These Guidelines are intended to contribute to the global and national efforts towards the eradication of hunger and poverty, based on the principles of sustainable development and with the recognition of the centrality of land to development by promoting secure tenure rights and equitable access to land, fisheries and forests. National and local governments,

international and regional CSOs, development partners, and research institutes have been increasingly engaged in the Asia-Pacific land sector.

To support these positive developments in the land sector, the Global Land Tool Network (GLTN) as facilitated by UN-Habitat, started the Regional Land Tenure Initiative in the Asia-Pacific (LTIAP) with global and regional partners. To kick off the initiative, a scoping study was undertaken that aims at reviewing the current gaps and challenges, existing programmes and projects and opportunities for partnership and engagement in the Asia-Pacific's land sector. The study further seeks to identify the key issue on land tenure security and land governance in the Asia-Pacific region, based on literature review and consultations with key land stakeholders. Prospectively, it is envisioned to work together with potential partners to promote and implement responsible governance, and appropriate land policies, tools and approaches that are pro-poor, gender appropriate, effective and sustainable.

This consultation meeting was co-organized by Food and Agriculture Organization of the United Nations (FAO), UN-Habitat, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), with support from the Global Land Tool Network (GLTN) and the International Federation of Surveyors (FIG).

## OBJECTIVES OF THE REGIONAL MULTI-STAKEHOLDER CONSULTATION

The objectives of the Regional Multi-stakeholder Consultation were:

1. Promote sharing of knowledge, experiences, good practices and lessons learnt on land tenure (both rural and urban areas) among the countries and stakeholders in Asia and the Pacific, including land policy, governance, regulatory framework and associated interventions with a special attention to pro-poor and gender sensitive approach, and identify gaps and key issues for follow up actions.
2. Share the findings/outcomes of global/regional initiatives on land tenure such as the Voluntary Guidelines on Tenure of Land/RAI and GLTN-supported scoping study on land challenges and opportunities in Asia-Pacific, and identify strategic options to respond to key challenges including the application of the Voluntary Guidelines and the Responsible Agricultural Investment (RAI) at country level, use and application of GLTN's pro-poor land tools and approaches, impact of rapid urbanization and urban expansion to land tenure security and land market, impact of climate change and natural disasters to land tenure and food security, and the influence of Islamic context to land tenure.
3. Identify and agree on priority actions at country/regional level which may include: a) land policy reform and regulatory framework, b) land governance, c) multi-stakeholder consultation mechanism at country and regional level, d) knowledge and capacity building, and e) land tool development and application, etc.
4. Strengthen regional level collaboration, coordination and networking on land tenure in Asia and the Pacific region among all stakeholders.

## EXPECTED OUTPUTS:

1. Knowledge, experiences, good practices and lessons learnt on land tenure among the countries and stakeholders in the region shared, and gaps and key issues identified.
2. The findings/outcomes of global/regional initiatives on land tenure such as the Voluntary Guidelines on Tenure of Land/RAI and the GLTN-supported scoping on land challenges and opportunities shared among the participants, and the strategic options to respond to key challenges including the



application of the Voluntary Guidelines and the Responsible Agricultural Investment (RAI) at country level, use and application of GLTN's pro-poor land tools and approaches, impact of rapid urbanization and urban expansion to land tenure security and land market, impact of climate change and natural disasters to land tenure and food security, and the influence of Islamic context to land tenure identified and agreed.

3. Priority actions at country/regional level which may include: a) land policy reform and regulatory framework, b) land governance, c) multi-stakeholder consultation mechanism at country and regional level, d) knowledge and capacity building, e) land tool development and application, etc. identified and agreed.
4. Regional level collaboration, coordination and networking on land tenure in Asia and the Pacific region among the all stakeholders strengthened, and the GLTN Regional Network (or Platform) in Asia and the Pacific formulated.

## SUMMARY OF SESSIONS

### OPENING SESSION

Dr Clarissa Augustinus, Head of UN-Habitat's Land and Global Land Tool Network Unit, stated in her welcome address that land and tenure security issues are always highly political and controversial, but they are extremely important, particularly to improve the lives of the poor, women, indigenous peoples and vulnerable groups. She said, through partnerships, development of pro-poor land tools and approaches, and promotion of continuum of land rights approach, GLTN partners are able to promote secure land and property rights for all.

Dr Donovan Storey, Chief of ESCAP's Sustainable Urban Development Section, emphasized that there is an urgent need to re-focus on land in Asia-Pacific as a resource to be managed for the benefit of all, rather than a commodity which derives income for the few. He added that land is a finite resource, which must be managed more effectively to support the region's ambitious development goals for both rural and urban populations.

Mr Hiroyuki Konuma, FAO Assistant Director-General and Regional Representative for Asia and the Pacific, stated that improving the governance of tenure is essential for food security, poverty eradication and contributing to a foundation for responsible investment and environmental sustainability as millions of people, particularly the rural poor, depend on access to farmland, forests, rangeland and fisheries for their livelihoods. He stressed that there is growing competition for the use of land and natural resources, and hence securing and equitable access to natural resources, especially by the poor, is key to development.

Governance of tenure is a priority for FAO, UN-Habitat and UNESCAP and is being mainstreamed in all relevant work of the agencies. For example, FAO is assisting countries to modernize and improve tenure of land, fisheries and forests in order to ensure food security and good nutrition for all. UN-Habitat, on the other hand, is promoting inclusive cities, climate change adaptation and sustainable urban development. UNESCAP highlights the importance in addressing tenure security issues for sustaining social and economic development in the region.

### SESSION 1: ASSESSMENT OF ONGOING INITIATIVES IN THE ASIA-PACIFIC

The session was to share and discuss about the ongoing initiatives on land tenure in the region.

Ms Tea Dabrundashvili, Food and Agriculture Organization (FAO), presented on Implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land (VGGT) and Responsible Agricultural Investment (RAI). Ms Dabrundashvili introduced the development of VGGT and its role that responsible governance to support the sustainable use of land, fisheries and forest resources and care for the environment and how people get access to natural resources and who can use what resources, for how long, and under what conditions. She also introduced the principles for responsible investment in agriculture and food systems which are rights based approach (especially right to food), putting food security and nutrition at the forefront of investment in agriculture and food systems, recognizing the importance of smallholders, women, youth and their contribution to agriculture and food systems, and beyond agriculture focusing on food systems. Responsible investment in agriculture and food systems respects legitimate tenure rights to land, fisheries, and forests, as well as existing and potential water uses in line with VGGT and RAI.

Ms Dewi Kartika, Consortium for Agrarian Reform (KPA), presented on CSO's Initiative on Land Reform Monitoring and Action in Indonesia: Agrarian Policy and Conflict on behalf of the International Land Coalition (ILC). She highlighted the main agrarian problems in Indonesia are: a) unequal use, control and ownership of land, b) land conflict and criminalization against farmers/activists struggling for land right, and c) environmental degradation. She introduced that the Land Reform Monitoring in Indonesia is an evidence-based monitoring on policy and conflict to support advocacy and campaign for people's access and rights to land as well as agrarian reform movement. Some identified key challenges to be addressed include advocacy on land bill, land-reform best-practices in district level, village law implementation in the field implementation of constitution court's ruling on customary forest, and monitoring and consolidation of campaign on agrarian reform movement.

Mr Nathaniel Don E. Marquez, Asian NGO Coalition (ANGOC), also presented on Land Reform Monitoring in Asia by introducing the Land Watch Asia Campaign which was established in 2007 for better access to land for rural poor. He raised some key issues to be addressed including legislating and implementing agrarian reform, investing and addressing land conflicts, national land use laws and plans, tackling land grabbing, improving women's access to land, restitution and land rights for IPs, reforming tenure for forests and public domain lands, and addressing food security and climate change among other emerging land issues.

Mr Minh Chau Tran, Asian Coalition for Housing Right (ACHR), presented on the Results of the Asian Coalition for Community Action (ACCA 21). He introduced ACCA's housing programmes in Indonesia, Cambodia, Nepal, Mongolia, Vietnam, Myanmar and Fiji.

## SESSION 2: PRESENTING GOOD PRACTICES AND PROGRAMMES IN THE ASIA-PACIFIC REGION

This session was to share the lessons based on the country experiences and good practices and programmes in the region. The participating countries were divided into three groups to facilitate the panel discussion on national experiences, lessons learnt, and emerging issues and challenges.

The group 1 was attended by China, Bangladesh, Bhutan, Mongolia, Nepal, Pakistan, and Sri Lanka. China stated that with the rapid economic development and acceleration in migration from rural to urban areas, land conversion/transfer is rapidly increasing. That causes some problems such as inconsistent and inaccurate records and administration which affect protection of land rights. To fully protect the rights of land ownership, which gives farmers guaranteed land-use rights for a long time, they have strengthened the supervision and services on land, land registering, and recording and issuing of certificates. They also try to strengthen the guidance and support on the mediation and arbitration of disputes over contracted rural land for protecting land rights.

Bangladesh highlighted the existing land issues such as: a) competing demand and declining availability of agricultural land, b) access of the poor to land, c) land degradation, d) climate change and sea-level rise, e) destruction of wetland ecosystem, and f) land management. It was pointed out that there is lack of coordination among the different departments which are responsible for preparing and maintaining record of rights (ROR) and making small and marginal farmers suffer. They consider macro policy-based reforms are necessary conditions for good governance to bring changes in the delivery mechanism and require state-of-the art technologies such as information and communication technology (ICT).

Bhutan listed the current land tenure issues such as: a) urbanization which changes land use patterns, b) land transactions causing loss of inherited land for temporary income, c) land conversion which threatens national goal of food security, d) fragmentation and marginalizing land holding, and e) tenancy problem such as land left fallow due to farm labor shortage.

Mongolia briefed on the historical evolution of land registration with the status of national land tenure and economic information. The Land Law on Mongolian Citizens' Ownership of Land provides: a) payment of fees by individual, business entities and organizations to the state budget for land utilization and possession, b) pasture use possession calculated on the basis of the livestock units, land fertility and location, c) herding households be totally exempted from land fee payment for pasture and hay land use, d) 90% exemption to Mongolian citizens for individual plots up to 0.07 ha, and e) land fee revenues to be transferred to the local budget, and a certain percentage spent on land management, protection and rehabilitation.

Nepal introduced that the country has uniform tenure system that falls under statutory land tenure system, except that for the informal settlements and slums. Though a number of land related laws and bylaws exist, the tenure system does not have legal pluralism. In spite of various legal measures being in place to ensure security of tenure, some ambiguities and incompleteness with legal provisions, and deficiencies with land administration system, which is quite traditional in nature, have weakened the trust of tenure security in the country. The informal settlers and slum dwellers are absolutely unsecured in terms of tenure over their occupancy.

Pakistan presented that the religious principles of cleanliness and acquiring land through legal means are compromised and some indicated solutions are: a) strict implementation of Religious and State Laws, b) distribution of state land to deserving persons, c) awareness of land rights through media, d) digitization of land records, and e) replication of successful projects like "Khuda ki Basti". Some identified good practices include: a) distribution of land to deserving persons, b) allotment of land up to 25 acres to post graduates in agriculture, c) scheme for distribution of state land to landless peasants, and d) digitization of land records. Identified challenges are slums, exploitation of farmers by landlords and market players, and climate change caused environmental impacts. Priorities are given to awareness raising of land rights through media and digitization of land records.

Sri Lanka updated the current land title registration system which was implemented in 1997 under the World Bank funding and since 2007 this programme is in implementation under the provisions of the General Treasury. The two main objectives of the programme were issuing a Title Certificate to every land allotment with state guarantee after resolving problems over the boundaries and title and establishing a national database on land.

The group 2<sup>1</sup> was attended by Cambodia, Indonesia, Lao PDR, Myanmar, Thailand and Viet Nam.

Indonesia reported that each year approximately 110,000 ha of agricultural land are being converted to non-agricultural land, particularly to residential and business use. Land conversion causes the decrease of the land size which affects the economic scale farming and consequently resulting in inefficient farming and farm economy. In order for minimizing the risk, the government created sustainable agriculture area. Land designated as sustainable agricultural land (LP2B) is protected and prohibited

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<sup>1</sup> Cambodia and Lao PDR did not submit reports.

from conversion. In the case of public interest, it can be converted but with some conditions such as preparation of feasibility study through strategic land use plan, released prior rights of the owner and provided replacement land to be converted to LP2B. The National Land Agency has worked with relevant stakeholders such as the Ministry of Agriculture and formed a Joint Agreement on community empowerment through certification of land rights of farmers.

Myanmar reported that the country has been implementing the process of registration and issuing land use right certificates to farmers in accordance with farmland law which was implemented from 1 January 2013 in two phases. Myanmar has been under reform processes since the last three years and faced several challenges including land-grabbing as the country recently opened its doors to foreign businesses and investors. The government has formed the national land use management committee in October, 2013 in order to resolve the land issues reported by a parliamentary commission. The committee has proactively undertaken land issues resolution actions after it was mobilized. The government has also tasked the land allotment and utilization scrutinizing committee to develop the national land use policy.

Thailand's increasing urbanization, industrialization and population growth are degrading the country's natural resource base. Unclear boundaries between national public lands such as forest reserves, national parks, wildlife sanctuaries and private lands create landless settlement and settlements inside protected areas. Inappropriate conversion of watersheds to agricultural use is also a concern. Some possible solutions to solve the problems considered are providing community rights on public land, amending laws related to land tax, town planning and protection of agricultural land, integrating water resources management plan, and development of special economic zone measures and monitoring registration.

Viet Nam reported that the current policy is generally operational and deployed in a way that smallholder farmers do not suffer any disadvantage while it benefits investors. The poor and disadvantaged community groups are marginalized and are struggling with corruption and abuse, and are the most affected in this process. Therefore, the way in which a national access management and equitable use of land resources - particularly in the context of rapid economic growth and dwindling resources - is vitally important to ensure sustainable growth, poverty reduction and social stability. Enhancing transparency and accessibility of information and opportunities and participation of the people in the community land-use planning was stressed.

The group 3 was attended by Fiji, Maldives, Philippines and Timor-Leste.

Fiji reported that the legal system is based on the British system being a former British Colony and adopted the Torrens Land Registration System which is still being practised. The Registrar of Titles under the Solicitor General's office is tasked to register all land dealings under the provision of the Land Transfer Act, which means that the Registrar of Titles registers dealings on Freehold lands, Crown lands and Native leased lands. Structural changes in the economy over the last 25 years from sugar and agriculture to tourism and other service industries has resulted in the highest urbanization rate, amongst Pacific Island Countries. About 51% of the population resides in urban areas. Significant progress has also been made in the last five years on making more land available for productive purposes. The development path has given rise to increased competition for limited land resources.

Maldives reported that almost all land belongs to the state with very few exceptions and they have no “tribal land”. A few plots of land on inhabited islands are owned privately, but most lands/islands are owned by the state. Most developments on islands, especially those that are uninhabited, proceed at the discretion of the government. In small island nations such as the Maldives, the thinly distributed population over a large number of small islands, separated by sea, is a major hindrance to socio-economic development. The government has formulated a population consolidation plan whereby the country will be divided into five regions for development.

Philippines informed that access to complete and updated land information is needed for an integrated land information system. Climate change affects land tenure and rice production and rapid urbanization is causing informal settlements since a large proportion of residential lands have not yet been titled due to high costs.

Timor-Leste reported that a primary challenge for Timorese land governance is the approval of a clear national land tenure policy. The various waves of displacement have created several layers of overlapping land claims based on different sources of legitimacy: customary-based land rights, Portuguese land titles, Indonesian land titles, long-term occupation, and improvement by occupants of destroyed and abandoned property. Since the independence of the country, some land-related legislation has been approved, but this legislation has not yet been able to establish a clear legal framework that untangles these layers of land claimants. Consequently, a considerable proportion of land parcels are still under dispute, and there is no legal mechanism to specifically address those disputes. The unclear land tenure status, combined with the current high rates of urban growth, is especially problematic for a considerable contingent of current squatters, especially those among the poorest parts of the population. Those squatters currently live in abandoned buildings or impoverished shelters built on empty parcels of land. Their lack of legal protection, combined with the growing pressure for land access for construction of new buildings and infrastructure, exposes them to threats of eviction without suitable resettlement alternatives. The unclear land tenure status also brings difficulties to the less poor newcomers: investment and population growth are incentivising the informal land market, especially in the urban area of Dili. But the informal land market exposes land access acquirers to all kinds of insecure transactions and arrangements with little or no legal security.

### SESSION 3: GAPS, CHALLENGES AND OPPORTUNITIES

The session was to explore and discuss the gaps, challenges and opportunities in land tenure and identify the priority actions for next steps at the regional level towards: a) land policy reform and regulatory framework, b) knowledge sharing, c) capacity development, and d) collaboration, partnerships and multi-stakeholder consultation for a feasible regional level roadmap and action plan.

Dr David Mitchell, RMIT University, Melbourne (Habitat consultant) presented the result of his scoping study on Land Tenure: Issues, challenges and opportunities. Key Issues identified are:

- Issue 1: Growing rural populations and access to land
- Issue 2: Women’s tenure security and access to land and resources
- Issue 3: Urban growth and tenure insecurity
- Issue 4: Tenure insecurity of Indigenous Peoples
- Issue 5: The impact of climate change and natural disasters on tenure security
- Issue 6: Islamic tenure security issues

- Issue 7: Land administration, land-based financing, land policy and legislation

Identified key challenges and barriers to be addressed are:

- Capacity limitations in government agencies
  - Inadequate capacity in local land institutions across the region.
  - How can we have sustainability of projects and land tools?
- Disconnection between development, climate change, land use planning and the land sector
- Lack of understanding of the role of private sector
  - Huge economic growth in the region - Many drivers.
  - How can this lead to improved tenure security?
- The large number of people outside formal land administration systems
  - More than 70% of people without formal recognition of tenure.
  - How do we bring them into the formal land administration system?

Opportunities considered are:

- Extending the assessment of land governance and tenure security to all countries
- Building on existing networks in the region
- Focussing on gender issues
- Incorporating Islamic principles into land administration in Islamic countries
- Incorporating tenure security for Indigenous Peoples into REDD+ Project design
- Improving land administration

Following the presentation, the group discussion was organized in four groups to discuss the following cross-cutting themes at the regional level and process for going forward:

- Urbanization and tenure security
- Gender and tenure security
- Climate change and tenure security
- Rural land, indigenous people and tenure security

The outcomes of the discussion are shown in the Summary of Conclusion and Recommendations section.

#### SESSION 4: CLOSING

The workshop was closed with closing speeches delivered by Mr Yoshinobu Fukasawa, Regional Director, UN-Habitat, Dr Donovan Storey, Chief of ESCAP's Sustainable Urban Development Section and Mr Hiroyuki Konuma, Assistant Director-General and Regional Representative, FAO-RAP. They acknowledged the active participation and achievements in the consultative process and in the identification of activities for going forward. They acknowledged the search for new, better and improved way of collaboration along three areas: a) gaining more political buy-in from governments on land tenure issues in the region, b) supporting good land policy formulation, land tenure policy review and associated programme implementation and develop innovative approaches in land tenure at country level, and c) strengthening mechanisms for UN delivery as one to promote concerted effort and partnership, and d) establish a national multi-stakeholder mechanism to promote mutual

consultation and dialogue on land tenure at country level. It was also pointed out that the Consultation provided the opportunity for sharing of knowledge, experiences, good practices and lessons learnt on land tenure among the countries and stakeholders in the region. This will provide the basis for further strengthening of regional level collaboration, coordination and networking on land tenure in Asia and the Pacific region among the all stakeholders.



## APPENDIX 1 WORKSHOP AGENDA

### WORKSHOP AGENDA

11 June 2014

- 08:30-9:00 Registration of participants
- 09:00-9:40 Opening Session  
*Facilitated by Simmathiri Appanah, FAO*  
Welcome addresses from organizers  
Clarissa Augustinus, Head GLTN Secretariat, UN-Habitat  
Donovan Storey, Chief, Sustainable Urban Development Section, UN-ESCAP  
Hiroyuki Konuma, Assistant Director-General and Regional Representative, FAO RAP
- 09:40-10:00 Coffee break / Group photo
- 10:00-11:30 Session 1: Assessment of ongoing initiatives in the Asia-Pacific  
*Facilitated by Yuji Niino, FAO*  
Tea Dabrundashvili, Food and Agriculture Organization (FAO)  
*Implementation of the Voluntary Guidelines on the Responsible Governance of  
Tenure of Land and Experiences from the Responsible Agricultural Investment (RAI)*  
Dewi Kartika, Consortium for Agrarian Reform (KPA)/Nathaniel Don E. Marquez, Asian NGO  
Coalition (ANGOC)  
*Key findings of Land Reform Monitoring in Asia-Pacific*  
Anthony Burns, Land Equity International (LEI)  
*Implementation of the Land Governance Assessment Framework*  
Minh Chau Tran, Asian Coalition for Housing Right (ACHR)  
*Results of the Asian Coalition for Community Action (ACCA 21)*
- 11:30-12:00 Discussion on Session 1  
*Facilitated by Yuji Niino, FAO*
- 12:00-13:00 Lunch break
- 13:00-15:00 Session 2: Presenting Good Practices and Programmes in the  
Asia-Pacific region  
*Facilitated by Donovan Storey, UN-ESCAP and Simmathiri Appanah, FAO*  
*Facilitated panel discussion on national experiences – Good practices, lessons learnt, issues,  
emerging challenges and priorities*  
Group 1 (China, Bangladesh, Bhutan, Mongolia, Nepal, Pakistan, Sri Lanka)  
Group 2 (Cambodia, Indonesia, Lao PDR, Myanmar, Thailand, Viet Nam)

- 15:00-15:30 Coffee break
- 15:30-16:30 *Continuation of Session 2*  
Group 3 (Fiji, Samoa, Vanuatu, Maldives, Philippines, Timor-Leste)
- 16:30-17:30 Discussion and synthesis of country presentations  
*Facilitated by Donovan Storey, UN-ESCAP and Simmathiri Appanah, FAO*
- 18:00-21:00 Welcome dinner

## 12 June 2014

- 8:30-9:00 Registration of participants
- 9:00-09:15 Revisiting the agenda  
*Reported by Mariko Sato, UN-Habitat*
- 9:15-10:15 Session 3: Gaps, challenges and opportunities  
*Facilitated by CheeHai Teo, FIG*  
David Mitchell, RMIT  
*Findings of the Scoping Research Study on Land Tenure in the Asia-Pacific – Identification of key areas for priority actions*
- 10:15-10:30 Coffee break
- 10:30-12:00 Discussion groups  
*Facilitated by CheeHai Teo, FIG*  
Group 1: Gender and tenure security  
Group 2: Climate change and tenure security  
Group 3: Rural land, indigenous people and tenure security  
Group 4: Urbanization and tenure security
- 12:00-13:00 Lunch break
- 13:00-14:30 Group presentations  
*Facilitated by Danilo Antonio, UN-Habitat*
- 14:30-15:00 Coffee break
- 15:00-16:30 Conclusions and recommendations for country and regional level actions  
*Facilitated by ESCAP, FAO and UN-Habitat*  
Panel discussion of Government and Civil Society Organizations representatives
- 16:30-17:00 Closing Remarks  
Yoshinobu Fukasawa, Regional Director, UN-Habitat  
Hiroyuki Konuma, Assistant Director-General and Regional Representative, FAO RAP

## APPENDIX 2 LIST OF PARTICIPANTS

### REGIONAL MULTI-STAKEHOLDER CONSULTATION ON LAND TENURE IN ASIA-PACIFIC

11-12 June 2014

Pullman Pattaya Hotel G, Infinity Ballroom, Pattaya, Thailand

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