

Bangladesh Land Governance Report 2020

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humane development through research and action

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LAND- the most crucial part of nature- is key to people's life and livelihoods. Land governance, therefore, is the most critical issue to ponder by people and policy makers. There have been many key limitations of different institutions or structures associated with land governance in Bangladesh, which aggravate the sufferings of the rights-holders. However, no detailed study has been attempted yet to portray the land governance system in Bangladesh and suggest a rights-based governance mechanism for land. Keeping this in mind, the Association for Land Reform and Development (ALRD) has commissioned the accompanying study to the Human Development Research Centre (HDRC).

In all probability, the accompanying is the first ever report on Bangladesh Land Governance. It followed specific indicators and robust methodology developed by LANDex- an initiative of International Land Coalition (ILC).

We are indebted to Mr Shamsul Huda, Executive Director of ALRD, for entrusting us with this monumental task and helping us with his timely suggestions at different stages of the study. We are grateful to Ms Rowshan Jahan Moni, Deputy Executive Director of ALRD for her continuous support. We are thankful to all in ALRD for their timely cooperation at all the stages of the study.

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We acknowledge all in-house staff of HDRC whose constant support and sincere efforts have helped to deliver this report.

Our efforts would be of appropriate utility if the Land Governance Index along with the methodology and findings provide all relevant authorities the instrument to understand and act towards betterment of land governance aiming at improving the life and livelihoods of the poor and marginalised people of the country.

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ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
AC (Land)	Assistant Commissioner (Land)
ADB	Asian Development Bank
ADP	Annual Development Programme
ADR	Alternative Dispute Resolution
AFA	Asian Farmers' Association for Sustainable Rural Development
ALRD	Association for Land Reform and Development
AMIS	Agricultural Market Information System
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
APA	Annual Performance Agreement
ATI	Agriculture Training Institute
BADC	Bangladesh Agricultural Development Corporation
BARC	Bangladesh Agricultural Research Council
BARD	Bangladesh Academy for Rural Development
BARI	Bangladesh Agricultural Research Institute
BAU	Bangladesh Agricultural University
BBS	Bangladesh Bureau of Statistics
BDT	Bangladesh Taka
BEZA	Bangladesh Economic Zones Authority
BEPZA	Bangladesh Export Processing Zones Authority
BFD	Bangladesh Forest Department
BKB	Bangladesh Krishi Bank
BLGR	Bangladesh Land Governance Report
BR	Bangladesh Railway
BRRI	Bangladesh Rice Research Institute
BRS	Bangladesh Record Survey
BS	Bangladesh Survey
BWDB	Bangladesh Water Development Board
CBD	Convention on Biological Diversity
CBTR	Community-Based Tenure Regime
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CFS	Committee on World Food Security
CHT	Chattogram Hill Tracts
CIFOR	Center for International Forestry Research
CINEP	Center for Research and Popular Education
COP	Conference of the Parties
COVID-19	Corona Virus Diseases-2019
CPC	Code of Civil Procedure
CPF	Country Programming Framework
CPGCBL	Coal Power Generation Company Bangladesh Limited
CPR	Centre for Policy Research
CPR	Civil and Political Right
CRC	Convention on the Rights of the Child

CrPC	Code of Criminal Procedure
CS	Cadastral Survey
CSO	Civil Society Organization
CWFS	Committee on World Food Security
DAE	Department of Agricultural Extension
DAW	Division for the Advancement of Women
DC	Deputy Commissioner
DIS	Digital Information System
DLS	Department of Livestock Services
DLMS	Digital Land Management System
DM	Dashboard Methodology
DoAM	Department of Agricultural Marketing
DoF	Department of Fisheries
EBAC	Expert-Based Assessment and Calculation
EBSATA	East Bengal State Acquisition and Tenancy Act
ECHR	European Convention on the Protection of Human Rights and Fundamental Freedoms
EGCBL	Electricity Generation Company of Bangladesh Limited
ELAW	Environmental Law Alliance Worldwide
EPRRI	East Pakistan Rice Research Institute
ESC	Economic, Social and Cultural
ESCR	Economic, Social, and Cultural Right
ETS	Emergency Telecommunications Service
FAO	Food and Agriculture Organization
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FIAC	Farmers Information and Advice Center
FPIC	Free, Prior and Informed Consent
FY	Financial Year
GAFSF	Global Agriculture and Food Security Program
GDP	Growth Domestic Product
GED	General Economics Division
GLII	Global Land Indicators Initiative
GLP	Global Land Programme
GLRI	Global Land Rights Index
GoB	Government of Bangladesh
GPS	Global Positioning System
GSMA	Global System for Mobile Communications Association
HDRC	Human Development Research Center
HH	Household
HIES	Household Income & Expenditure Survey
HRC	Human Rights Committee
HRD	Human Rights Defender
IAPP	Integrated Agricultural Productivity Project
ICCPR	International Covenant on Civil and Political Right
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Right
ICT	Information and Communications Technology

ID	Official proof of Identity
IDF	Integrated Development Foundation
IFPRI	International Food Policy Research Institute
IFRC	International Federation of Red Cross
IIED	International Institute for Environment and Development
ILC	International Land Coalition
ILO	International Labour Organization
IMF	International Monetary Fund
IP	Indigenous People
ISHR	International Service for Human Rights
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
IWGIA	International Work Group for Indigenous Affairs
KD	Kigali Declaration
KII	Key Informant Interview
LANDac	LAND Academy
LANDex	LAND Index
LAT	Legislative Assessment Tool
LCC	Land Cover Changes
LDN	Land Degradation Neutrality
LDN-TSP	Land Degradation Neutrality-Target Setting Programme
LGAF	Land Governance and Assessment Framework
LGS	Land Governance Score
LM	Land Matrix
LNG	Liquefied Natural Gas
LPD	Land Productivity Dynamics
LRD	Land Rights Defender
LRDI	Land Reform Development Index
LSLA	Large-Scale Land Acquisition
LTD	Land Tenure Database
MJF	Manusher Jonno Foundation
MoA	Ministry of Agriculture
MoE	Ministry of Education
MoF	Ministry of Finance
MoF	Ministry of Food
MoL	Ministry of Land
MoP	Ministry of Planning
MoPME	Ministry of Primary and Mass Education
MoWCA	Ministry of Women and Children Affairs
MoYS	Ministry of Youths and Sports
NAEP	New Agricultural Extension Policy
NAP	National Agricultural Policy
NARS	National Agricultural Research System
NES	National Engagement Strategy
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NID	National Identity Card
NSDS	National Sustainable Development Strategy

NSSS	National Social Security Strategy
NWDP	National Women Development Policy
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commission for Human Rights
OSI	Ordinary Sub-Indicator
PBA	People-Based Assessment
PCLG	People Centred Land Governance
PDF	Portable Document Format
PFDS	Public Food Grain Distribution System
PKSF	Palli Karma-Sahayak Foundation
PRIndex	Global Property Rights Index
RAJUK	Rajdhani Unnayan Katripakkha
RAKUB	Rajshahi Krishi Unnayan Bank
RHD	Roads & Highway Department
RMG	Ready-Made Garment
RO	Revenue Officer
RPCL	Rural Power Company Limited
RRI	Rights and Resources Initiative
RS	Revisional Survey
RSI	Rich Sub-Indicator
RSK	Revisional Survey Khatiyon
SA	State Acquisition
SAAO	Sub-Assistant Agricultural Officer
SAT	State Acquisition and Tenancy
SDG	Sustainable Development Goal
SEZ	Special Economic Zone
SFP	School Feeding Program
SID	Statistics and Informatics Division
SOC	Soil Organic Carbon
SSC	Secondary School Certificate
SSPS	Social Security Policy Support
TI	Transparency International
TIB	Transparency International Bangladesh
TIN	Taxpayer's Identification Number
ToT	Training of Teacher
UCDP	Uppsala Conflict Data Program
UDHR	Universal Declaration of Human Rights
UKAID	United Kingdom Agency for International Development
UN	United Nations
UNB	United News Bangladesh
UNCCD	United Nations Convention to Combat Desertification
UNCRC	United Nations Convention on the Rights of the Child
UNDAW	United Nations Division for the Advancement of Women
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly

UNHR	United Nations Human Rights
UNICEF	United Nations Children Fund
UNO	Upazila Nirbahi Officer
UNPFII	UN Permanent Forum on Indigenous Issue
UP	Union Parishad
URG	Universal Rights Group
US	United States
USAID	United States Agency for International Development
VAT	Value Added Tax
VET	Vocational Education and Training
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security
WAW	World Agricultures Watch
WCA	World Census of Agriculture
WFP	World Food Programme
WFS	World Food Security
WP	World Poll
WRF	World Rural Forum
YA	Actual Yield
YP	Potential Yield

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EXECUTIVE SUMMARY

Research Background, Scopes and Objectives

The land is important; hence, land governance is important. There have been many key limitations of different institutions associated with land governance in Bangladesh, which aggravate the sufferings of the mass people of the country. A pro-people land governance system is warranted as this can deliver positives to peoples' living and livelihoods. People-centred land governance indicators can be used to assess the extent of pro-peopleness of the land governance system. The report on Bangladesh land governance is such an attempt. No detailed study has been attempted till today to portray the land governance system in Bangladesh; how people are affected in mis-governed system has not been researched adequately. Against this backdrop, "Bangladesh Land Governance Report 2020" or "BLGR 2020" has been drafted.

The study underlying the "BLGR 2020" has the scope of assessing the land governance status of Bangladesh in terms of 33 indicators under 10 People Centred Land Governance (PCLG) Commitments of the International Land Coalition (ILC). More specifically, the study attempts to

1. assess tenure rights security of the people,
2. assess the strength of small-scale farming systems,
3. assess the diversity of tenure systems,
4. assess land rights equality for women,
5. assess territorial rights security for indigenous people,
6. assess locally managed ecosystems,
7. assess the inclusiveness of decision making,
8. assess transparency and accessibility of the information,
9. assess the effectiveness of actions against land grabbing, and
10. assess the protection of land rights defenders.

Following the Dashboard Methodology of ILC, relevant data and information have been collected through a consultation meeting, Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs). The data and information with due references have been input into LANDex (an ILC initiative) website. LANDex has made necessary analyses and scores for Bangladesh, which have been used in this report.

Key Findings

PCLG Score of Bangladesh is 35, which is about 31 per cent less than the global average (51). The score is low and seems to be near to reality.

Land Governance Score: Global and Bangladesh

Sl #	Commitment	Score		
		Bangladesh	Global Average	Difference (%)
1	Secure Tenure Rights	49	65	32.65
2	Strong Small-scale Farming Systems	45	49	8.16
3	Diverse Tenure Systems	25	42	68
4	Equal Land Rights for Women	48	56	16.67
5	Secure Territorial Rights for Indigenous People	23	47	104.35
6	Locally Managed Ecosystems	50	65	30
7	Inclusive Decision Making	22	45	104.55
8	Transparent and Accessible Information	50	57	14
9	Effective Actions against Land Grabbing	38	49	28.95
10	Protection of Land Rights Defenders	35	46	31.43
Overall score		35	51	31.37

Land Governance Score: Ideal, Global, Bangladesh



Source: <https://www.landexglobal.org/en/country/050/>; <https://www.landexglobal.org/en/>

Globally, Two PCLG Commitments (#1) “*secure tenure rights*” and (#6) “*locally managed ecosystem*” jointly make the highest score (65 each.) In case of Bangladesh, Commitments (#6) “*locally managed ecosystem*” and (#8) “*transparent and accessible information*” score high (50 each), lowest (22) being the Commitment (#7) “*inclusive decision making*”. The global lowest is 42 for Commitment (#3) “*diverse tenure system*”.

Bangladesh lags behind the global average in all ten Commitments. Bangladesh lags far behind the global average, on Commitment (#7) “*inclusive decision making*” (-104.55%) and (#5) “*secure territorial rights for indigenous peoples*” (-104.35%).

Indicator-wise Bangladesh Land Governance Score

1A	2A	3A	4A	5A	6A	7A	8A	9A	10A
49	32	16	48	41	100	50	33	36	46
1B	2B	3B	4B	5B	6B	7B	8B	9B.1	10B
-	50	33	-	6	0	17	67	-	24
								9B.2	
								39	
1C	2C.1	3C	4C	5C.1	6C	7C	8C	9C	10C
-	52	-	-	-	-	0	-	-	-
2C.2					5C.2				
					-				

Note: 1A= Legal and institutional framework in place at national level for securing tenure rights, for different types of tenure and by sex, 2A= Legal and institutional framework in place at national level to support family farmers, 3A= Legal and institutional framework in place at national level recognizes a continuum of individual and communal land rights, including secondary rights of tenants, sharecroppers and pastoralists, 4A= Legal and institutional framework regarding land, in place at national level, is gender responsive, 5A= Legal and institutional framework in place at national level recognizes indigenous peoples' right to land, territories, and resources, 6A= Legal and institutional framework in place at national level promotes the local and sustainable management of ecosystems, 7A= Legal and institutional framework in place at national level promotes the equitable representation of women and men in decision making, 8A= Legal and institutional framework in place at national level calls for timely, reliable and accessible data on land and land-related issues, 9A= Legal and institutional framework in place at national level to prevent land grabbing in private and public investments and includes the existence of procedural safeguards, 10A= Legal and institutional framework in place at national level to protect land rights defenders, 1B= Women and men with legally recognized documentation or secure rights to land, disaggregated by type of tenure, 2B= National budget and support programmes dedicated to family farming, 3B= Implementation of diverse tenure rights and regimes, including secondary rights of tenants, 4B= Share of women among owners or rights-bearers of agricultural land, by type of tenure, 5B= Implementation of tenure rights on indigenous lands, 6B= Rural districts where land use change and land development are governed by sustainable land use plans that take account of the rights and interest of the local land users and owners, 7B= Rural land use management and changes are based on public and community input, 8B= National information on public land deals made publicly available, 9B.1= Challenges to land rights violation attempts, from official complaints to legal challenges, 9B.2= Free Prior and Informed Consent (FPIC) and other safeguards are implemented in large-scale land transactions, 10B= Protective measures ensure the safety of land and environment defenders, 1C= Women and men who perceive their rights to land are protected against dispossession or eviction, disaggregated by type of tenure, 2C.1= Equitable land distribution, by size, 2C.2= Productivity Gap, 3C= Community members that perceive their rights to land are protected against dispossession or eviction, disaggregated by sex, 4C= Women who perceive their rights to land are protected against dispossession or eviction, disaggregated by type of tenure, 5C.1= Those living on indigenous land who perceive their rights to land protected against dispossession or eviction, disaggregated by sex, 5C.2= Percent of land held or used by Indigenous Peoples that is recognized, 6C= Local control of land and ecosystems, 7C= Target groups including women, youth, and holders of customary rights have access to and are supported to engage in multi-stakeholder platforms, 8C= Corruption in the land sector, 9C= Land grabbing cases where corrective action was taken, 10C= Land and environmental defenders threatened, harassed, arrested, jailed, killed, or missing, disaggregated by sex.

PCLG Commitment (#1) “*secure tenure rights*” is to respect, protect, and strengthen the land rights of women and men living in poverty, ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion, or exclusion, and with compulsory changes to tenure undertaken only in line with international law and standards on human rights. Bangladesh achieves a score of 49 in this Commitment, which is 32.65 per cent lower than the global average.

PCLG Commitment (#2) “*Strong small-scale farming systems*” is to ensure equitable land distribution and public investment that supports small-scale farming systems, including through redistributive agrarian reforms that counter excessive land concentration, provide for secure and equitable use and control of land, and allocate appropriate land to landless rural producers and urban residents, while supporting smallholders as investors and producers, such as through cooperative and partnership business models. In this commitment, Bangladesh earns the score of 45, which is 8.16 per cent lower than global average. Still there

are lots of limitations of strong small-scale farming systems in the country, some of which are as follows:

- ✓ There is no specific register of family farmers in the government agricultural offices.
- ✓ There is no national committee or directorate on family farming.
- ✓ The annual public food procurement scheme from food producers and food traders is “too little, too late”; where family farmers have ‘squeezed’ access.
- ✓ Price policies in the annual public food procurement scheme do not favour the small and marginal farmers.
- ✓ The contract farming mechanism is informal, based on a trust relationship with farmer groups, and out of coverage of any legal framework in case of dispute between the parties.
- ✓ Small family farmers are severely affected by the problems of storage of produce, deprivation in getting fair prices.
- ✓ The “*grab everything*” market system has taken the entire agricultural system to a place where the small family farmer has no place to stand.

PCLG Commitment (#3) “*Diverse tenure systems*” include the communal and customary tenure systems of smallholders, sharecroppers, pastoralists, fisher folks, the secondary rights of tenants, and holders of overlapping, shifting and periodic rights to land and other natural resources, even when these are not recognized by law. In this Commitment, Bangladesh attains a low score of 25, which is 68 per cent lower than the global average. The reasons behind the poor performance of the country in this Commitment are as follows:

- ✓ There are no specific Acts or provisions on recognition, protection, and registration of community land, except the draft National Land Policy 2016.
- ✓ Private, customary and indigenous land ownership do not share equal levels of protection.
- ✓ The law makes only limited progress towards laying out simple and cheap procedures for community lands to be mapped and registered if they wish.
- ✓ The law recognizes customary lands as held in perpetuity only for general people not for indigenous people.
- ✓ There is no sign of law that allows the community to own land that is declared as a protected area.
- ✓ Due to a lack of legal and budgetary provisions, the Government has not made necessary institutional arrangements to carry out measures required to help communities with diverse tenure and production systems secure their lands.

PCLG Commitment (#4) “*Equal land rights for women*” is to ensure gender justice in relation to land, taking all necessary measures to pursue both de jure and de facto equality, enhancing the ability of women to defend their land rights and take equal part in decision-making, and ensuring that control over land and the benefits that are derived thereof are equal between women and men, including the right to inherit and bequeath tenure rights. Bangladesh achieves a score of 48 in this Commitment, which is 16.67 per cent lower than the global average. Bangladesh could do better if the country could overcome numbers of bottlenecks in this regard, of which following are mention worthy:

- ✓ Only 4% of the total land of rural area (in Bangladesh) is effectively owned by women.
- ✓ Equal right to inherit for sons and daughters is non-existent.
- ✓ There is no right of sons and daughters to inherit equal shares.

- ✓ Financial resources are not allocated to women's ownership and control over land.
- ✓ There are no quotas for women's participation in land management and administrative institutions.
- ✓ Gender equality in the right to own or control property within marriage is hardly recognized.
- ✓ No reference is there to protecting women's land rights within the context of legislation recognizing customary land tenure.
- ✓ Equal right of male and female surviving spouses to inherit a share of the deceased estate is absent.

PCLG Commitment (#5) "*Secure territorial rights for indigenous people*" is to respect and protect the inherent land and territorial rights of Indigenous Peoples, as set out in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, including by recognizing that respect for indigenous knowledge and cultures contributes to sustainable and equitable development and proper management of the environment. Bangladesh earns a poor score of 23 in this Commitment, which is 104.35 per cent lower than the global average. Following are some key reasons behind the Bangladesh's lowest score in this Commitment:

- ✓ Bangladesh has not ratified ILO Convention No. 169.
- ✓ The State has not developed national action plan in consultation with indigenous peoples to achieve the ends of the UNDRIP.
- ✓ No specific law prohibits advocacy of hatred constituting incitement to discrimination, hostility or violence against indigenous peoples.
- ✓ The collective rights of the indigenous peoples to self-determination, i.e., to freely determine their political status and freely pursue their economic, social, and cultural development, are not recognized in the constitution.
- ✓ There is no recognition of indigenous people's distinct identity in the constitution based on self-identification.
- ✓ Indigenous peoples have been deprived of their birth right, traditional customary rights, social rights, community rights, and rights to justice in the land-waterbodies-forest irrespective of hills and plains.
- ✓ Indigenous people's rights to lands, territories, and resources are not recognized in the national legislation.
- ✓ The State adopts no clear procedure for identification, demarcation, mapping, and registration of indigenous people's lands or territories according to indigenous norms, values, and customs.
- ✓ There is no sign of state duty to consult with indigenous peoples before adopting or implementing legislative or administrative measures that may affect their living and livelihood.

PCLG Commitment (#6) "*Locally managed ecosystems*" is to enable the role of local land users in territorial and ecosystem management, recognizing that sustainable development and the stewardship of ecosystems are best achieved through participatory decision-making and management at the territorial level, empowering local land users and their communities with the authority, means, and incentives to carry out this responsibility. Bangladesh scores 50 in this Commitment is 30 per cent lower than the global average. The country has to ponder over the following issues immediately for better performance in this Commitment:

- ✓ There are no sustainable land use plans at the local level.
- ✓ The land-use plan does not take into account the rights of local land users and owners.

PCLG Commitment (#7) “*Inclusive decision-making*” ensures that decision-making processes over land are inclusive, so that policies, laws, procedures, and decisions adequately reflect the rights, needs, and aspirations of individuals and communities who will be affected by them. This requires empowering those who face limitations in representing their interests, mainly through support to organizations that inform, mobilize, and legitimately represent marginalized land users and participate in multi-stakeholder platforms for policy dialogue. Bangladesh realizes a low score of 22 in this Commitment, which is 104.55 per cent lower than the global average. Following issues act behind the Bangladesh’s lowest score in this Commitment:

- ✓ National laws, policies and procedures call for public participation in decision-making processes to a limited extent.
- ✓ National laws, policies and procedures do not call for the equal representation of women and men in decision-making processes.
- ✓ Rural land use plans and changes in these plans– including rezoning – are not based on public input and burden sharing.
- ✓ The state has not set up a multi-stakeholder platform to address issues of land governance.

PCLG Commitment (#8) “*Transparent and accessible information*” is to ensure transparency and accountability, through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues at all stages, and through decentralization to the lowest effective level, to facilitate participation, accountability, and the identification of locally appropriate solutions. Bangladesh scores 50 in this Commitment, which is 14 per cent lower than the global average. The country has to seriously think about the following issues instantly for better performance in this Commitment:

- ✓ Principles of no tolerance to corruption are not embedded in national legislation, explicitly related to land or otherwise.
- ✓ The cost for registering a property transfer equals or greater than 5 per cent of the property value.
- ✓ Less than 50 per cent of records for privately held land registered in the registry are readily identifiable in maps in the registry or cadastre.
- ✓ Relevant private encumbrances are recorded, but this is not done in a consistent and reliable manner.
- ✓ Relevant public restrictions or charges are recorded consistently and in a reliable fashion but the cost of accessing them is high.

PCLG Commitment (#9) “*Effective actions against land grabbing*” is to prevent and remedy land grabbing, respecting traditional land use rights and local livelihoods, and ensuring that all large-scale initiatives involve the use of land, water, and other natural resources comply with human rights and environmental obligations. Where adverse impacts on human rights and legitimate tenure rights have occurred, concerned actors should provide for, and cooperate in, impartial and competent mechanisms to provide a remedy, including through land restitution and compensation. Bangladesh scores 38 in this Commitment, which is 28.95 per cent lower than the global average. The causes behind the poor performance in this Commitment are as follows:

- ✓ There are no systematic vetting mechanisms through the parliament to regulate large-scale land transfers.

- ✓ The law does not provide for communities' meaningful and participatory consultation, prior, during and post-consultation, about projects that would or are likely to affect their land, forest or fisheries tenure rights.
- ✓ There is no independent institutional body to certify that the environment and social impacts assessment provided by corporate actors is sound and has been done in a participatory and inclusive manner.
- ✓ The principle of "free, prior and informed consent" is not functionally embedded in national land legislation or other accepted and applied land governance mechanisms.

PCLG Commitment (#10) "*Protection of land rights defenders*" is to respect and protect the civil and political rights of human rights defenders working on land issues, combating the stigmatization and criminalization of peaceful protest and land rights activism, and ending impunity for human rights violations, including harassment, threats, violence, and political imprisonment. Bangladesh scores 35 in this commitment, which is 31.43 per cent lower than the global average. Following limitations are found behind the poor performance of the Commitment:

- ✓ Bangladesh has no specific definition of human rights defender.
- ✓ The country has no specific national-level provisions to protect defenders of the land and the environment.
- ✓ The State has not established mechanisms or programs that coordinate the protection of human rights defenders.

Major Recommendations by Commitments

1. Private rights to land

- 1.2 Private land rights need to be equal for every citizen irrespective of their sex, social class, ethnic identity etc.;
- 1.2 Family laws should be brought under the Uniform Civil Code to wipe out the discrimination.

2. Community rights to land

- 2.1 Legal steps should be taken to recognize all rights that communities exercise over their lands as lawful forms of ownership;
- 2.2 Law should give equal levels of protection to private, customary and indigenous forms of land ownership;
- 2.3 Legal framework should lay out simple and cheap procedures for community lands to be mapped and registered if they wish;
- 2.4 There should be legal provision for the consent of a community before its land being acquired by the government or another actor.

3. Women Rights to Land

- 3.1 The Government should immediately withdraw reservations on CEDAW Articles 2 and 16.1(C);
- 3.2 Adequate financial resources should be allocated for women's ownership and control over land;
- 3.3 Quotas should be established for women's participation in land management and administrative institutions;

- 3.4 Gender equality in the right to own or control property within marriage should be recognized;
- 3.5 Specific reference should be made to the protection of women's land rights within the context of legislation recognizing customary land tenure;
- 3.6 Equal right of male and female surviving spouses to inherit a share of the deceased estate should be established;
- 3.7 Legal support for land tenure disputes should be provided to the marginalized women;
- 3.8 The Government should form a national gender-specific institution.

4. Indigenous rights to land

- 4.1 Bangladesh should ratify ILO Conventions No. 169 as soon as possible;
- 4.2 The state has to develop national action plans, in consultation and cooperation with indigenous peoples, to achieve the ends of the UNDRIP;
- 4.3 There should be a specific law prohibiting advocacy of hatred constituting incitement to discrimination, hostility or violence against indigenous peoples;
- 4.4 The collective rights of the indigenous peoples to self-determination should be recognized in the constitution or other forms of superior law;
- 4.5 The constitution should recognize indigenous people's distinct identity based on self-identification;
- 4.6 Indigenous people's self-governing institutions and territories should be recognized in the political-administrative structure of the State;
- 4.7 Indigenous people's rights to lands, territories, and resources should be recognized in the national legislation;
- 4.8 Clear procedure should be adopted by the state for identification, demarcation, mapping and registration of indigenous people's lands or territories lands, in consultation with and in accordance with indigenous norms, values and customs;
- 4.9 State should consult with indigenous peoples before adopting or implementing legislative or administrative measures that may affect their lands, territories and resources.

5. Strong small-scale farming systems

- 5.1 A specific register of family farmers in the government agricultural offices is needed to allocate an adequate budget for the development of family farmers and distribute sufficient agro-inputs and other assistance among them;
- 5.2 To ensure the rights of the poor, landless, marginal, women, and indigenous peoples in the ownership of and access to land, vigorous efforts are needed to accelerate land reform;
- 5.3 The present exploitative and discriminatory system of land ownership must be replaced with equitable ownership, as well as equitable distribution of agricultural products;
- 5.4 To combat huge losses due to the COVID-19 pandemic, the government has to be arranged the interest-free loan;
- 5.5 A legal framework of contract farming is needed to ensure farmers' and processors' interests and needs, the role of contractors, enforceability, and facilitate a suitable mechanism for contract farming financing;
- 5.6 Fair price of the agro-products should be ensured for smallholder family farmers;
- 5.7 Regional Agriculture Training Centre needs to be established for the poor and marginal farmers to get both theoretical and practical training;
- 5.8 Adequate human and physical infrastructure is needed for the development of the living and livelihoods of smallholder family farmers;

- 5.9 A national committee, directorate, institution or other mechanisms of political dialogue on family farming is required;
- 5.10 Smart subsidies should be there to reduce the misuse of subsidies and enhance productivity.

6. Locally managed ecosystem

- 6.1 Ecosystem management should involve all stakeholders and balance local interests with the wider public interest;
- 6.2 Agro-based environment-friendly industrialization system should be instituted;
- 6.3 Sustainable land-use plans should be in place at the local level;
- 6.4 Sustainable land-use plans should take into account the rights of local land users and owners;
- 6.5 Climate-resilient forest and local management on forest and wetlands have to be increased, improving rural livelihoods and fostering economic opportunities in rural areas;
- 6.6 Raising awareness of the importance of biodiversity among the local people is mandatory to preserve the ecosystem.

7. Inclusive decision making

- 7.1 National laws, policies and procedures should call for public participation in decision-making processes to a fuller extent;
- 7.2 National laws, policies and procedures should call for the equal representation of women and men in decision-making processes;
- 7.3 Rural land-use plans and changes in these plans – including rezoning – should be based on public input and burden-sharing;
- 7.4 The state has to set up a multi-stakeholder platform to address issues of land governance.

8. Transparent and accessible information

- 8.1 The government has introduced the Digital Land Management System (DLMS) by which the land area of Bangladesh is managed digitally with the help of modern technology. Still the traditional system is yet to be abolished. So, the government should need to take immediate step to adopt DLMS properly to prevent all land-related corruption;
- 8.2 Policies need to be tailored to integrate SEZ development plans with the national strategy to build better infrastructure, facilitate skills transfers, and human resource development.

9. Effective actions against land grabbing

- 9.1 Government should reform the current land laws and land grabbing needs to be addressed urgently;
- 9.2 Specific policies and laws need to be prepared to protect the indigenous land so that they will not be evicted from their ancestral land;
- 9.3 The budget allocation of the Ministry of Land needs to be increased;
- 9.4 At the local level, training needs to be arranged for the staffs involved in land administration;
- 9.5 Necessary steps have to be taken to make people aware about the laws and policies related to land management;
- 9.3 Priority should be given to developing agricultural policies to minimize the problems facing by smallholder farmers (e.g. lack of access to market, post-harvest losses, low output prices, lack of market information etc.) and increase crop productivity.

10 Protections of land rights defenders

- 10.1 Need to refrain from criminalizing the legitimate activities of human rights defenders and repeal all laws and policies that restrict their activities and rights;
- 10.2 Freedoms of speech, expression and the media must be ensured;
- 10.3 Specific laws need to be enacted for land and the environment rights protector.