

FOOD SECURITY AND LAND GOVERNANCE FACTSHEET

Bangladesh



Contents

Land governance	3
Integrated water management	8
Realities on the ground	10
Resources and other information	11
References	13

ABSTRACT

Bangladesh is a highly densely populated country experiencing strong pressures on land. The inequality of land ownership and the lack of production factors affects food security and food sovereignty. In rural areas 89 per cent of landowners have less than 1 ha in their possession and 39 per cent has less than 0.2 ha. Many of the rural poor in Bangladesh are either landless, have only small plots of land, or are depending on tenancy, or sharecropping. Moreover, tenure insecurity is high due to out-dated and unfair laws and policies. This results in increasing conflicts over land rights and wide spread land grabbing. Wealthy and influential people have encroached on public lands with false documents and obtained court decrees to confirm their ownership. The growing rural inequalities and instability also generate migration to towns, increasing the rates of urban poverty. Another major land governance issue relates to floods and water management. Defence against floods is accompanied by expropriation; and ongoing conflicts over control of water-bodies is negatively impacting the lives and livelihoods of poor fishermen communities. In the Chittagong Hill Tracts (CHT) region – the principal home of the country’s indigenous people – a separate legal regime that blends customary and formal law exists and differs from the rest of the country.

Land suitable for cultivation is about 8.06 million ha. Estimates of the land areas and their rates of accretion and erosion, the population distribution between rural and urban areas, and the development of infrastructure indicate how the land use pattern will change over the next 25 and 50 years (NWMP, 2001). If current trends in expansion of cities and rural settlements, activities such as aquaculture development, as well as policies on the re-allocation of land to forests continue, then these land use changes will reduce the area of land available for agriculture by some 1.4 million ha (17 per cent) over the next 25 years. A significant part of this is likely to be from the loss of agricultural land within areas already designated as urban land in Paurashavas (administrative units at the municipality level).

This country factsheet was prepared under auspices of LANDac – the Netherlands Academy on Land Governance – and was originally compiled by the Royal Tropical Institute (KIT – Thea Hilhorst and Nicolas Porchet) at the request of the Netherlands Ministry of Foreign Affairs. In 2015-2016, the factsheet was updated by Nahid Sultana (The University of New South Wales, Sydney, Australia) in collaboration with Mr. Saiful Alam (Technical Director at the Water Resources Planning Organization, Ministry of Water Resources, Government of Bangladesh), and with LANDac (Gerard Baltissen, KIT; Gemma Betsema, LANDac; Jur Schuurman, Utrecht University-IDS) with support from the Food and Business Knowledge Platform (F&BKP) as part of the LANDac/F&BKP knowledge agenda on land governance and food security.

About LANDac

LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development, is a partnership between Dutch organizations working on land governance. The partners are the International Development Studies (IDS) group at Utrecht University (leading partner), African Studies Centre, Agriterra, the Sociology of Development and Change (SDC) group at Wageningen University, HIVOS, the Royal Tropical Institute (KIT), and the Netherlands Ministry of Foreign Affairs. The LANDac network conducts research, disseminates information, and organizes courses and training, focusing on new pressures and competing claims on land and natural resources. Guiding question is how to optimize the link between land governance, sustainable development and poverty alleviation.

www.landgovernance.org

About F&BKP

The Food and Business Knowledge Platform (F&BKP) is one of the five Knowledge Platforms initiated by the Dutch Ministry of Foreign Affairs. It is an open and independent initiative where representatives from international networks and organizations of business, science, civil society and policy come together. The Platform shares, critically reflects on, generates, deepens and improves (interdisciplinary) knowledge and feeds practices and policies on food and nutrition security. Land governance is one of the prioritized themes in its mission to develop a more focused knowledge agenda.

www.knowledge4food.net

Policy and legislation

Regulation of land use is largely absent in rural areas. Villages are expanding by filling lowlands that are used for agriculture and small Bazaars are expanding in the adjacent agricultural land. Although the government has made land available for industry, people offer their land to establish factories. Agriculture land that is used for two or even three crops per year is being purchased for industrial use, especially near major roads. This is despite the fact that there is an existing law prohibiting the transformation from agricultural land into other uses without proper permission from authorities. This law is not being enforced. Moreover, existing provisions in the law are both ineffective and inadequate. An important driver of land conversion is the high prices for land that are offered by industrial stakeholders.

Government has decided to promulgate a new Law called the 'Village Improvement Act' with the objective to reduce unplanned settlement in rural Bangladesh and to prevent the conversion of land from agriculture into non-agricultural uses. However, another challenge of land conversion also needs to be addressed here: problems arising from the fact that the *upazila* (administrative unit, sub-unit of a district) is authorized to approve land use change after a detailed survey.

In response to a petition filed by the Human Rights and Peace for Bangladesh (HRPB) organization, a judge has asked the government to form an expert committee to draft principles for the protection of agricultural land from non-agricultural uses. This committee is now reviewing the draft law on zoning of land use, the Protection of Agriculture Land and Land Use Law.

In a recent government meeting, it was recognized that a gap exists between the coordination in land management by the Ministry of Land and the registration of land by the Law Ministry. The expert committee has proposed to address this gap by developing a database and using appropriate technologies for coordination. It was also agreed that Certificate of Land Ownership (CLO) should be introduced as the only single document for registering land ownership (minutes of Government meeting, 2015).

Regulatory land governance framework

Land inequality remains a problem in Bangladesh and is exacerbated by elite land grabs and the government's own incapacity to execute legislation on land ownership ceilings. Since 1950¹, numerous government policy and legislative efforts have sought to address the extreme inequality in land holdings but with very limited impact due to inefficient implementation of law. The policy focus with respect to land is on land reform. This culminated in a number of laws and policy efforts addressing agricultural productivity and livelihoods, and equity. Despite government intentions however, the land ceiling in the 1950 Act and 1984 Ordinance have not been widely implemented (USAID, 2010).

The National Land Use Policy was adopted by the government in 2001, setting out guidelines for improved land-use and zoning regulations. The policy was issued by the Ministry of Land but the government has difficulties with implementation (see 2004 Actionable Policy Brief) partly ascribed to the dispersion of land administration authority among many different ministries. Moreover, other cross-sectoral policies have not been harmonized in the National Land Use Policy, 2001, which also creates problems for successful implementation of the policies. To increase effectiveness and credibility of such reforms, the government should focus on decentralized and deconcentrated services.

A separate legal regime, that blends customary and formal law, exists in the Chittagong Hill Tracts (CHT) region – the principal home of the country's indigenous people. Authority over land matters in the Chittagong Hills Tracts (CHT) region is shared by the central government and traditional institutions. The central government operates through its district and sub-district offices; but traditional jurisdiction over natural resource management and land and revenue administration lies with traditional village heads or chiefs (*karbaris*), the headmen responsible for several villages (*mauza*) and paramount chiefs or chiefs of revenue circles (*rajas*). Official government institutions maintain but rarely exercise concurrent jurisdiction (Roy 2004).

The Government of Bangladesh (GoB) has enacted the National Economic Zone Act, 2010, to facilitate investments in selected areas; however, much depends on proper implementation of the Act. The Bangladesh Economic Zone Authority (BEZA) has recently finalized some 11 sites across the country for establishing economic zones, of which about five

¹ 'State Acquisition and Tenancy Act-1950' is basic or fundamental law for land management in Bangladesh.

are expected to operate from 2015. The pace of operationalizing of 10 Special Economic Zones (SEZs) is, however, not satisfactory (Hossain, 2015). Recently the GoB has adopted its comprehensive sixth Five Year Plan. Most of the priorities and recommendation of the Poverty Reduction Strategy Paper (PRSP) of Bangladesh have been incorporated into this plan.

Law	Content
Transfer of Property Act 1882 and Registration Act of 1908	<ul style="list-style-type: none"> • Procedures for titling and registration of land ownership; • Procedure of updating land records.
The 1950 State Acquisition and Tenancy Act	<ul style="list-style-type: none"> • Established a 33-acre land ceiling on private landowners, with the excess transferred to the government upon payment of compensation. Government was charged with transferring the surplus land to the landless; • Agricultural land use for other purpose is prohibited. If needed, permission should be sought at the revenue officer for classification change; • Indigenous community, other than CHT, need permission of revenue officer to hand over their land to other communities; • Revenue officer will update land records according to the hand over deed or land transfer deed; • Inheritance of land ownership will follow personal law.
The 1972 Constitution (lastly amended in 2011)	Provides that all citizens shall have the right to hold, acquire, transfer and dispose of property.
The 1984 Land Reforms Ordinance	<ul style="list-style-type: none"> • Placed a 20-acre ceiling on acquisition or holding of agricultural land and invalidated <i>benami</i> transactions, in which a person purchases land in the name of another so as to evade the land ceiling; • Provided greater tenure security to sharecroppers (<i>bargadars</i>) in sharecropping contracts with landowners; • Agricultural households already occupying farmlands obtained rights to their homestead land through an anti-eviction provision (Uddin and Haque 2009; Shafi and Payne 2007).
National land use policy, 2001	<ul style="list-style-type: none"> • Stopping the high conversion rate of agricultural land to non- agricultural purposes; • Utilizing agro-ecological zones to determine maximum land-use efficiency; • Adopting measures to discourage the conversion of agricultural land for urban or development purposes; • Improving the environmental sustainability of land-use practices.
National Economic Zone Act, 2010	For the purpose of this Act, the government may establish economic zones. The aim is to encourage rapid economic development in potential areas (including backward and underdeveloped regions of the country) through increase and diversification of industry, employment, production and export, as well as to implement the social and economic commitments of the State. (For more elaboration please see The Bangladesh Economic Zones Act, 2010. Act no 42 of 2010).

Other land-related policies and acts:

- Khas Land Settlement Policy, 1997
- Non-agricultural khas Land Settlement Policy, 1995
- Khas Land Settlement Policy for Hotel Motel, 1998
- Balu Mohal and Sand Management Rules, 2011
- Chringri Mohal Management Policy, 1998
- Jal Mohal Management Policy, 2009
- Salt Mohal Management Policy, 1992
- Vested Property (Amendment) Law 2011
- The Acquisition and Requisition of Immovable Properties Ordinance, 1982
- The Land Development Tax Ordinance, 1976
- The Land Reform Board Act, 1989
- The Land Appeal Board Act, 1989
- The Stamp Act, 1899

Land tenure forms

Land related authorities of Bangladesh recognize to a limited extent customary rights and practices notably regarding personal laws and simple civil matters. With respect to land principles of customary law are codified in formal law.

Ownership of land in Bangladesh is vested in either private individuals or entities of the state. Ownership-rights to land for individuals can be acquired through purchase, inheritance, gift or settlement by the government. The antiquated Transfer of Property Act 1882 and Registration Act of 1908 set out the procedures for titling and registration of land ownership,

which are complex, long, costly and suffer from corruption. The registration fee amounts to 8% to 10% of the total value of the land (depends on the area, whether rural or urban) and other miscellaneous charges to 2%. Thereafter, another problem is the 'procedure of Transfer of Property'. About one fourth of the land acquired by government is grabbed by illegal occupiers and there is not much transparent actions taken by the relevant departments (minutes of Government meeting, 2015).

At least 60 per cent of rural families are land-poor² or landless. Landless and land-poor people often work as seasonal labourers, working or sharecropping on land belonging to others. Therefore, a range of tenancy arrangements, including term leases and sharecropping, offer a significant part of rural households' access to land. Sharecropper tenancy has declined, while fixed-rent tenancy and medium-term leasing arrangements have increased. Most land-tenancy agreements are conducted verbally, although the Registration Act of 1908 sets out a process for registered leaseholds.

Land tenure reform impacts on many development related processes and this needs to be taken into account. For example, the issues of displacement and resettlement and sometimes migration are linked to landlessness and poverty. People may be displaced following incidences of erosion, floods, or salinity. But it may also be linked to social conflicts. The new Land policy update initiatives needs to consider issues that are the result of natural disasters or land acquisitions.

Land tenure form	Characteristics
Common law freehold	Exclusive ownership of land for an indefinite period, estimated to apply to 69 per cent of agricultural farm landholding in 2005.
Government land	Khas land is government owned land, which applies to agricultural, non-agricultural and water bodies. Khas land is owned by the Ministry of Land, as representative Collectors, are custodian. Waqf or Trustee land are under control of another ministry or department but managed by a committee. The Khas water-body is owned by the Ministry of Land, Forest lands are completely owned and managed by the Ministry of Forest & Environment. Railway has its own purchased land, so as the Armed Force Division. Accordingly each ministry and department has its own land and own Estate Officer.
Khas	Surplus land that violates the land ceiling law, other land owned historically by the state throughout colonial and Pakistani rule, Alluvial land, land without owner, surplus/unused land of acquired land for public interest, auctioned land, etc. that has been distributed to landless families for 99-year use rights. The Ministry of Land is responsible for allocating khas land to the landless; however, corruption and bad motives have limited land allocations to the poor or landless. Land acquisition law/policy, shrimp policy, and other economic motives have deprived the landless of this land.
Waqf	Held by the state and administered by the Department of Waqf for religious purposes. Waqf is an Arabic word, which literally means tying up or dedication (to keep a property in safe custody protecting it free from private ownership). The system of waqf has been recognized according to the definition given in the Mussalman Waqf Validating Act 1913 in India, waqf means the permanent endowment by a Muslim of any of his property for a purpose recognized by the Muslim Law as 'religious, pious or charitable'. It is in Muslim Law what nearly is 'bequeath' and 'bequest' in the Roman Law and 'dan' in Hindu Law. All are endowments in some form or other. Personal property is endowed in waqf for religious, educational, or any other benevolent purpose under specific terms and conditions. In general, these terms and conditions in case of a valid waqf are: (1) it is a permanent arrangement, and cannot be done for a certain period; (2) it becomes immediately effective, and cannot be kept in abeyance; (3) it is an irrevocable legal contact; and (4) waqf property can never be confiscated.
Debottar	Similar to a Muslim dedicator, a Hindu individual may also dedicate property for religious or charitable purposes. Such property is called debottar formed usually by will or gift. No writing is necessary for creation of debottar. But in case of an endowment created by will, the will must be a written document attested by at least two witnesses. No religious ceremony or formation of trust is required for purpose of debottar. All that is necessary is an unambiguous declaration that the property is set apart for this purpose. However, a trust may be created in favor of public religious charity.
Sharecropping	Sharecropper contract agreements must be at least 5 years and are heritable. The sharecropper and the landowner each receive one-third of the crop; the remaining third is allocated based on each party's share for the costs of production. The sharecropper has a right of first refusal to purchase the sharecropped land at market price.

(Uddin and Haque 2009; Shafi and Payne 2007; GoB DOW 2008, Bangla Pedia)

² Less than 1.5-acre

Institutional land governance framework

Land administration and management is the realm of the Ministry of Land. Only ownership of property transfer is issued under the jurisdiction of the Ministry of Law, Justice and Parliamentary Affairs.

The Ministry of Land has 4 divisions: (1) Land Administration; (2) Land Appeal Board; (3) Land Reform Board; and (4) Directorate of Land Record & Survey (DLRS).

The Land Administration division is responsible for record keeping and updating, protection of public land-water bodies, Khas and water body management. It also deals with land tax fixation and collection, land transfers and land acquisition for public interest. It leases out public land and water body for a limited number of years, is in charge of implementing the sharecropping law, and identifying alluvial or dilluvial land.

The Land Appeals Board is mainly responsible for resolving cases which have been judged by the assistant commissioners (AC; land), additional deputy commissioners (ADC; revenue) and Assistant Commissioner (revenue). The LAB serves as the final arbiter in matters of *khas* land, changes in records, plot demarcation and taxation which cannot be resolved at lower levels. After a decision by the LAB, people can take the case to the judge court (under Ministry of Law, Justice and Parliamentary Affairs), which is the first step of a judicial procedure.

The Land Reform Board is mainly responsible for monitoring law implementation processes, facilitating studies or collecting citizens' demand on any reform related to land management or administration. Accordingly, the board makes suggestions, recommendations or proposes alternative laws and sends them to the Ministry of Land. The Ministry then decides on reforms.

The DLRS is mainly responsible for conducting cadastral surveys, from which it produces *mouza* (revenue village) maps showing individual plots of land and *khatian* (individual land record certificates). DLRS only prepares new maps and records, but does not revise. Bangladesh has a system of manual land records; DLRS is still using tools from the last decades and digitization of land record has been introduced only at a small scale and the process is very slow. Only two sub-districts have completed the digitization process.

The Department of Land Registration (DLR) in the Ministry of Law, Justice and Parliamentary Affairs records land mutations arising from sales, inheritance or other forms of transfer, reports changes to the Ministry of Land, and collects the immovable property transfer tax (IPTT).
(Care 2003)

Land Acquisition

The compulsory acquisition of land has historically been a difficult and delicate issue for governments in Bangladesh. In addition to micro-level conflicts relating to implementation of specific projects and the communities impacted by those, land acquisition processes generate disputes at a higher level when associated with possible differential uses of lands. Bangladeshi law does not distinguish between processes governing the acquisition of farmland or urban lands. While the Industrial Policy of Bangladesh addresses the potential conflicts emerging from uses of farmland (especially fertile and prime agricultural lands in a predominantly rural economy) for industrial purposes, there are no effective mechanisms to ensure the application of the principles put forth in the policy. It thus creates a challenge when large projects are to be implemented in green-field areas, including industrial estates, special economic zones or export processing zones.

The current legal instrument for expropriating lands for public purposes is the Land Acquisition and Requisition of Immovable Property Ordinance, 1982. The 1982 Ordinance has roots in the British colonial Land Acquisition Act of 1894 that laid the basis for the practice of land acquisition in South Asia during the colonial and post-colonial periods. As it stands, the 1982 Ordinance presents significant challenges in its application, as it is based on compensation rationale only. As such it monetizes productive (for example land) or important assets (such as houses) at rates that are not based on market valuations and it provides affected people with a promise (often not delivered in full) of a payment later for an asset foregone today (Hossain, 2015).

No process of consultation with affected communities is envisioned in the law. Because of this and other issues, the Ordinance fails to provide a solid ground and clear-cut policies on which implementing agencies of the Government of Bangladesh (and increasingly PPP types of arrangements for public infrastructure development) can implement public infrastructure projects to sustain growth and development. Bangladesh does not have a resettlement policy or

law to address the array of problems faced by people due to implementation of development projects, particularly in moving residence from one area to another. At the same time, the process of acquiring lands in Bangladesh is extremely cumbersome as it involves as many as 22 steps and multiple government bodies and agencies for implementation (Hossain, 2015).

In the context of updating the land use policy, a decision was taken for the development of a systematic database on the land under control of the government. It was decided that a detailed database needs to be developed that includes data about the following types of land:

- i) unused government khash land;
- ii) fallow land;
- iii) acquired land by government but not in use or not properly used which may be recovered;
- iv) land acquired by government for some planned purposes;
- v) land reclaimed from rivers;
- vi) land reclaimed from the sea.

Gender

Bangladeshi women have been struggling to establish their rights in family, society and in the state. In practice, in society and implementation of law, women are still facing discrimination, exclusion and injustice and have negligible influence in decision making processes. Discriminatory laws and policies hinder formal equality and socio-political conditions prevent women from exercising their rights. (World Vision 2015)

Regardless of the constitutional ban on the discrimination on the basis of gender, women in Bangladesh rarely have equal property rights and rarely hold title to land. Social and customary practices effectively exclude women from direct access to land (as a part of decision making process). Similarly, although national law accords men and women equal rights to access to property and land; family law and practices are barriers for women and consequently women own very few assets. Their situation is further impaired by discriminatory inheritance laws and cultural norms. Daughters inherit half the share of property received by sons under Islamic law, and women a one-eighth share of their husbands' property and one-sixteenth of their sons' property (in case the sons predecease the mothers). In Hindu communities, women are always deprived from inheritance of any property. Overall, Bangladeshi women are unlikely to claim their share of family property unless it is offered to them. Women lack resources and knowledge of the law. Moreover, legal processes are complicated, corrupt³ and hampered by cultural norms preventing from effectively using the law protecting their land rights. (ADB 2004a; OECD, 2011) Average land holdings of male-headed households are more than twice the size of those of female-headed households. This links to food security issues in Bangladesh where children's long-term nutritional status is higher in households where women are more empowered (FAO 2010/11)

Some progress in more gender equality has been made however, and recently school enrollments at both primary and secondary levels have improved; women are now more often members of the local government councils that have important responsibilities for rural and urban development; and the rapid growth of the garment industry has provided a large number of formal sector jobs for women, providing them with an income. (World Vision 2015) The female share of the agricultural labour force also appears to have increased dramatically with women now comprising more than 50 per cent of the agricultural labour force (FAO 2010/11).

Land grabbing

The grabbing of public land by powerful elites is a big problem in Bangladesh. This form of land grabbing is 'mediated through privileged access to government through bribery and the coercion of land officials to transfer titles to themselves and deploy gangs to harass resident owners, primarily peasant proprietors, to relinquish their holdings' (Lecky 2014, Uddin and Haque 2009, Feldman and Geisler 2011). Among other examples, hundreds of housing companies in urban areas have started to demarcate their project area using pillars and signboard before receiving titles. They use local musclemen with guns and occupy local administrations, including the police. Most of the time, land owners feel obliged to sell their productive resources to the companies at a price inferior to market value. Civil servants within the government support these companies and receive some plots of land in exchange. According to a statement by the Minister of Land in Parliament a total of 1.3 million-acre of public land has been grabbed up to February 2010. The culture of land grabbing has been increasing because of non-transparent administration.

3 TIB report 2011

In 2011, *The Guardian* reported that the Bangladesh government is also exploring opportunities to access farmland in other countries as a strategy to secure enough food for its population and to create jobs for Bangladeshi migrants abroad (The Guardian 2011).

The Land Matrix (2016) records one deal in Bangladesh: individual entrepreneurs from Bangladesh investing in agriculture and livestock. However, since the reported deal (2003) no additional information has become available about the implementation of the project.

Infrastructure

The length of the road network has increased substantially during the last decade, and development plans are now giving emphasis to extension of the existing network. Railways and airports are static, so the area occupied by this infrastructure in the year 2025 may increase from around 120 km² (12,000ha) to 1,265 km² (126,500ha), equivalent to 4 km² per year with much of it coming from agricultural land. The area lost to infrastructure is expected to continue at a constant rate of 4 km² per year, and to come from Other Official Forest (25%) and temporary cropped area (75%). The classification for this type of land use is 'urban settlements'. (WARPO, 2000)

Industrial expansion taking place on the Dhaka – Bangabandhu Bridge and Dhaka- Mymensingh Highways will accelerate. A strip of 10km wide by 100km long will be consumed from Modhupur forest within the Dhaka-Mymensingh-Tangail triangle. Apart from that in the year 20150 regional and National highways and corridors the growth of industrialization and the municipalities and other urban growth centers will change the entire landscape of the country with huge implication on the agricultural land use (WARPO, 2000).

Urbanization

Displaced people from rural areas will firstly try to find new housing and land within their own villages or neighboring villages. If no other livelihood option in the near rural area (including embankments or *char* land) can be found, only then will people move to urban areas. Urban slums is one of the most pressing problems following such rural-urban migration. Many of the Internally Displaced Persons (IDPs) in Bangladesh are climate change-related migrants. Since 1970, Dhaka has experienced an eight-fold increase in population numbers. At the moment the city is home to one third of Bangladesh' population, and the fastest growing mega-city in the world (Lecky 2014).

INTEGRATED WATER MANAGEMENT

Policy and legislation

Bangladesh hosts the world's largest delta where three Himalayan rivers reach the sea (Ganges, Brahmaputra and Meghna). Almost 80% of the country is considered floodplains and recurrent floods often destroy crops, infrastructure and housing, and erode agricultural land. Flood-control infrastructure has been initiated by government but is often ineffective. The expropriation of land has evoked opposition (USAID, 2010).

Bangladesh has developed in 1999 the National Water Policy and an Integrated Water Management Plan (IWMP) for 2000 – 2025. The 1999 Water Policy assigns water-allocation decisions to local administrative authorities. The IWMP addresses three major issues: (1) efficient use of water in the face of increasing scarcity; (2) providing all people with access to sufficient, good-quality water; and (3) ecologically sustainable use of the resource (Gupta et al. 2005; GOB 2008).

The Bangladesh Water Act was published in 2013 by the Water Resources Planning Organization. The preliminary stage of this act was the draft nation water code from 2010. The Bangladesh Water Act 2013 mainly includes the establishment of the national water resources council and its powers and functions; executive committee and its duties, responsibilities and power; control of water resources development and management; control of water use and protection and conservation of water resources; offence, punishment and trial and miscellaneous (National Water Act, 2013). A draft National Water Rules, 2015 has been made under the Bangladesh Water Act 2013, to make the act more implementable for water resources uses. The National Water Rules are expected to be finalized and published in 2016.

Law	Content
Bangladesh Water Act 2013	An Act to make provisions for integrated development, management, abstraction, distribution, use, protection and conservation of water resources.
The 1999 National Water Policy	States that the government should develop a National Water Code to provide a comprehensive legal regime for the development, preservation and allocation of water resources.
The 1927 Forest Act (amended in 2000)	Governs forests and forest products in Bangladesh.
The 1994 Forestry Policy	Seeks to bring 20% of the country's land under the reforestation programs of the government and private sector by 2015.
Bangladesh Water Development Board Act, 2000	Is in charge of flood control, drainage and irrigation projects to increase productivity in agriculture and fisheries.
SWMC Trust under the Trusts Act 1882 on the 24th December 1996	Gave birth to what is now called the Institute of Water Modelling (IWM). Its main objective is the enhancement of the hydraulic and hydrologic knowledge base of the country to enable better planning of the country's water management investments.

Institutional framework

The management and development of the water sector rests with the Ministry of Water Resources. The Water Resources Planning Organization is responsible for coordinating planning for all water resources programs and administration. The administration of flood control, irrigation, erosion control and other water projects is with the Bangladesh Water Development Board with the Water Resources Ministry.

The Ministry of Environment and Forests hosts the Forest Department managing all government-owned forests. The 1992 Forestry Master Plan is a macro forest plan designed to address policy issues, institutional reforms, and environmental concerns. The performance of some government departments has been poor; notably the forest department which is understaffed, involved in corruption cases. Moreover, work on forest policy, essential for watersheds, is consistently underfunded.

Food security

Factors impacting on Bangladesh' food security situation are its high poverty rates, undernutrition rates, frequent natural disasters (linked to climate change) and high population density. Currently, more than 40 million Bangladeshis do not have access to adequate amounts of safe, nutritious food to sustain a healthy and productive life (IFPRI Food security portal 2016).

The National Food Policy of 2006 is Bangladesh's main policy document on food security. It represents an important departure from the past by applying a comprehensive and integrated approach to food security, including the availability, access and utilization dimension of food security. While previous efforts focused almost exclusively on increasing national food production, the 2006 policy broadens the government's approach to food security by outlining three main objectives:

- Objective 1: Adequate and stable supply of safe and nutritious food;
- Objective 2: Increased purchasing power and access to food of the people;
- Objective 3: Adequate nutrition for all individuals, especially women and children.

Conceptual Framework of the Comprehensive Food Security System

The declared goal of food policy is to ensure dependable food security for all people at all times. Achieving this goal will require substantial improvement in the prevailing food security system in the country. The food policy in the Bangladesh's context is a multi-sectoral issue involving several ministries and agencies who – through their respective programmes and strategies – aim to achieve the common goal of establishing a dependable food security system (NFPo, 2006).

Since the World Food Summit of 1996, the Government of Bangladesh has undertaken an in-depth and consultative process of food security policy reform. This has provided the government with a comprehensive food security policy framework (the National Food Policy) and programming document (the National Food Policy Plan of Action) as well as an investment plan for food security and nutrition (the Bangladesh Country Investment Plan).

Food security and land governance

Climate change and natural hazards in Bangladesh are likely to worsen in the years to come. This has tremendous impacts on land governance, including shrinking access to arable land, erosion of fertile top soils by water erosion, as well as

demand for large infrastructure investments to protect land from floods. This land loss combined with population growth has decreased the size of cultivated area per farm from 0.81 to 0.51 ha between 1984 and 2008. High poverty rates and food insecurity are associated with small landholdings (Magnani 2015).

An important issue in food insecurity in Bangladesh is gender: gender inequalities disempower and exclude women from fully accessing their rights and negatively affect their health and food security and food production falls short of total consumption needs. Gender links to both accessing land for women, as well as their decision making power within households (Magnani 2015).

REALITIES ON THE GROUND

Access to land is inequitable. In rural areas 89% of landowners own less than 1 ha and thirty-nine percent have less than 0,2 ha. The number of landless households is growing (USAID, 2010). Cosmetic land reforms have not redressed this situation despite tenancy reforms, imposed ceilings on landholdings, and provisions for the distribution of public land to the landless. Land governance is caught up with social, economic, and political power in Bangladesh. Moreover, land rights are insecure in large measure because of an inefficient, expensive, and corruption-prone system of land titling and registration (GOB BS 2008; Uddin and Haque 2009; USAID 2010; ADB 2004c; IMF 2005; ANGOC 2001; USAID, 2010). National legal systems centralize the control over land and do not legally recognize the land rights of local land users, thereby paving the way for the large-scale allocation of land to prospective investors. This is how land governance fails the rural poor (Anseeuw, et al., 2012).

The regional association of national and regional networks of non-government organizations (ANGOC) monitors land reforms in several countries, including Bangladesh. In the period 2011 – 2014, the value of the Land Reform Development Index (LRDI) has remained almost unchanged, except for some indicators which actually show a worsening of the situation (e.g. related to land grabbing, and number of people killed per 100,000) (ANGOC 2014).

The distribution of *khas* land to ineligible households, possession of government-allocated land by ineligible persons, elite and corporate land grabs of public land inhabited by landless people, unaccountable land administration and record management are among the common causes of land conflict. Overall land grabs and illegal logging by authorities and officials has reduced public confidence and support (ADB 2004b; Muhammed et al. 2008; World Bank 2006). There is a demand in society to reverse land-grabs committed by elites and ensure due process.

The establishment of ownership rights over scarce land is highly competitive and violence is common (GOB BS 2008; ADB 2004c; IMF 2005; ANGOC 2001). Land titling disputes fall within the jurisdiction of the Ministry of Land but some disputes are resolved before an informal dispute resolution body called a *shalish*, over which influential local leaders preside. The majority of both civil and criminal cases filed in the court system emanates from disputes over land and are linked to the system of land registration. Such disputes take extremely long to resolve, hampering most Bangladeshi of defending their land rights through the formal system (Uddin and Haque 2009; CARE 2003). It is therefore important to strengthen local and traditional conflict resolution bodies for Alternative Dispute Resolution (ADR) as well as to reform the laws, structures and accountability mechanisms. In recent years, there has renewed emphasis on ADR as a means to avoid the use of contested hearings in the formal litigation and to ensure the most fundamental right of access to justice for all in an easy way. Important advantages of ADR in Bangladesh include: smaller likeliness to fuel parental conflicts, more likely to contribute to favorable future relations between the parties, reducing costs, delays and loss of energy (Islam 2011).

Policy making on land remains centralised and directed by the Ministry of Land, which receives 0.3 per cent of the total annual budget. Land management, when compared to other expenditures, and using budget as a measure of prioritisation, is not a top government priority. However, it is a significant revenue stream; with the land tax taking an equivalent to 24 per cent of the annual budget (GoB, 2012). In terms of registering land, local land administrative bodies regulate registration. These have limited fiscal freedom and are dependent on central government institutions. Due to lack of intra- and inter-ministerial coordination and unclear division of roles, the implementation of policy and laws faces significant challenges. Registration is inaccessible to the majority of Bangladeshis because of the cost and the division of responsibility between ministries. Gaps between land institutions and data collection bodies such as surveying and records, and land registration being under a separate ministry, complicates the registration process. These gaps also open up corruption opportunities between sub – and national levels (ActionAid, 2012).

Land rights are undermined in practice by legislative gaps, failure to recognise communal tenure, the primary role of national institutions being to collect revenue, and lack of a pro-poor perception. Policy is currently geared towards securing tenure for landowners, but the majority of impoverished Bangladeshis are land users not land owners in terms of the legislative framework. Land policy has been institutionally decentralised but without decentralisation of adequate resources or capacity building (Paul and Goe, 2010). At national level, the Land Administration, Land Appeal Board, Land Reform Board and Directorate of Land Records and Surveys are hampered by high staff turnover. The institutional framework could be strengthened by stabilising employment to reduce high staff turnover (ActionAid, 2012).

Ongoing and increasing conflict in the Chittagong Hill Tracts region is related to the migration of settlers onto land held by indigenous people under customary law (Roy 2005; ANGOC 2001; World Bank 2010; CARE 2003; Uddin and Haque 2009; ISN 201). The region therefore needs Cadastral Survey according to possession or position before 1980.

Ongoing conflicts over control of water-bodies is negatively impacting on life and livelihood of poor fishermen communities. There is a need to reform the water policy so as to allow for increasing fish-production while protecting the livelihoods of fishing communities.

Conflicts between agriculture and shrimp culture in coastal region

Because of the issues of salinity and climate vulnerability the food security is already very weak in the coastal districts. Moreover shrimp farming in Southwest region includes inequitable practices with much of the benefit of shrimp farming accruing to business people from the capital while raising soil salinity levels, making the land unsuitable for traditional crops. Local elites also have significant control over land acquisition and often resort to unscrupulous measures such as flooding crop land to make it unsuitable for crop and therefore forcing farmers to sell their land for shrimp farming. Sea-level rise in combination with a growing population will continue to result in increasingly less land for food production amidst an increased need for food (Adam, et.al. 2013).

Bangladesh Water Development Board (BWDB) has no mechanism to deal with land use conflicts. According to Master Plan for Agricultural Development in Coastal Region of Bangladesh 2013, in order to deal with conflicts between agriculture and shrimp culture in southwest region, land zoning has been advocated in the Coastal zone policy. Land zoning together with local multi-stakeholder dialogues could be used to create mechanisms for resolving land use conflicts. BWDB should specify particular measures for resolving these conflicts.

RESOURCES AND OTHER INFORMATION

Related country profiles

USAID: <http://usaidlandtenure.net/usaidltp/products/country-profiles/bangladesh/>

FAO: <http://www.fao.org/countryprofiles/index/en/?iso3=BGD>

FAO/Gender: http://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/?country_iso3=BGD

IMF: <http://www.imf.org/external/country/BGD/index.htm>

World Bank: <http://www.worldbank.org/en/country/bangladesh>

Land portal:

Laws, policy and regulations search engines

FAO Lex (Land & NR search engine): <http://faolex.fao.org/faolex/index.htm>

Water Lex (Water laws search engine): <http://faolex.fao.org/faolex/waterlex.htm>

Bangladesh Water Act 2013: <http://www.warpo.gov.bd/pdf/WaterActEnglish.pdf>

Bangladesh Economic Zone Act 2010: <http://www.beza.gov.bd/investing-in-zones/legal-frameworks/bangladesh-ez-act2010/>

National Food Policy 2006: http://www.nfpcsp.org/agridrupal/sites/default/files/National_Food_Policy_2006_English_Version.pdf

Maps and databases

Land and soils databases/information systems: <http://www.fao.org/nr/land/databasesinformation-systems/en/>

Water database/information systems: http://www.fao.org/nr/water/infores_databases.html

Land and water maps and graphs: http://www.fao.org/nr/solaw/maps-and-graphs/en/http://www.fao.org/nr/water/infores_maps.html

Portals and other resources

http://landportal.info/search/apachesolr_search/bangladesh

<http://landpost2015.landesia.org/>

National Land Zoning Project: <http://www.landzoning.gov.bd/>

Donor support programs

The Global Donor Working Group on Land (GDWGL) quotes 9 donor programmes and projects in Bangladesh (finalized and active ones): <https://landgov.donorplatform.org>. Some of the major ones are highlighted below:

The Asian Development Bank (ADB), the UK's Department for International Development (DFID), Japan, and the World Bank have developed a joint development strategy in Bangladesh, which includes improving land administration and land-use planning.

DFID supports almost 300 NGOs that form the Association for Land Reform and Development (ILC 2009).

The World Bank has partnered with the government to institutionalize participatory water management, strengthen water sector institutions, and maintain and improve operations of flood-control infrastructure.

The Ministry of Land and the European Union have launched a new land reform project on 7TH May 2013. The main objective of the programme is to strengthen access to land and property rights for all citizens of Bangladesh. At national level the project will support the development of a National Land Policy. Furthermore, working at the policy, legislative and institutional level, the project aims at assisting the government in setting up a registration system that is able to produce an authoritative record of landownership. At upazila level the project will contribute to a land administration that should in future be easier to access for the clients of the respective offices. In order to realise these reforms, support will also be provided to the Ministry in its ongoing work on modernising the land surveying techniques and digitalisation of land records. Operations will be conducted in Dhaka, but also in four upazilas (Jamalpur Sadar, Amtali, Mohanpur and Monirampur).

List of Projects, Programmes and Operational Units under Ministry of Land, Bangladesh

Secretariat

Approved Projects

1. Cluster village (Climate Victim Rehabilitation Project)
2. Rehabilitation of Rootless Slum Dwellers and Low Income People of Dhaka Metropolitan City in Multi Storied Buildings on government land
3. CDSP 3 (Ministry of Land Portion)
4. Study of Detailed Coastal Land Zoning including Two Pilot Districts of Plain Land

Directorate of Land Records and Settlement

Approved Programme

1. Programme for Printing of Accumulated Khatians and Maps of Directorate of Land Records and Survey, Preservation of International Boundary Strip Maps and Preparation and Preservation of Mouza Maps and Khatians in digital system

Land Reforms Board

Approved Project

1. Establishment of Picnic Spot cum Park of Bhawal Raj Bagan

Approved Programme

1. Computerisation of Land Management System of Dhaka District (CLMS)

Land Administration Training Centre

Approved Project

1. Construction of Hostel Building for Land Administration Training Centre

District, Upazila and Union Land Office

Approved Projects

1. Construction of Upazila and Union Land Office (5th Phase)
2. C D S P – 3 (Ministry of Land Part)

Source: Grant No. 40, 46 – Ministry of Land, Demands for Grants and Appropriations 2010-11

Civil society organizations working on land governance

Members of International Land Coalition from Bangladesh:

- Kapaeeng Foundation (KAPAEENG). Kapaeeng foundation is member since 2015. The headquarter country is Bangladesh under Aisa region. The mission of Kapaeeng Foundation is to promote and protect the human rights of the indigenous peoples of the country and to conduct advocacy, lobby and campaign programmes at the local, national, regional and international level; to establish a strong network and partnership with organizations and individuals working on promotion and protection of human rights as well as indigenous peoples rights and to raise the capacity of the indigenous peoples in promoting and protecting the human rights. The Foundation envisions establishing a society based on the values of justice, equity and freedom where human rights and fundamental freedoms of indigenous peoples are ensured. (<http://kapaeeng.org>)
- Association for Land Reform and Development (ARLD). ARLD is member since 2003. ARLD was established in 1991 and is the federating body of 273 NGOs, peasant's and landless organizations in Bangladesh, which are involved in the struggle to establish land rights, rights to food, rights to livelihood, and rights of the indigenous people of minorities. It is currently the main organization in Bangladesh working exclusively on land reform issues. (<http://alrd.org>)
- Association for Realisation of Basic Needs (ARBAN). ARBAN is member since in 2009. ARBAN's mission is to work with disadvantaged and powerless people for their socio-economic, cultural, and political empowerment by promoting and practicing democratic values and participatory process at all levels. It is also to realize environmentally sustainable development, establishment of fundamental human rights and equity and equality of women and men in society. ARBAN envisions a just society based on social justice, human dignity, equity, equality, democratic and secular values free from exploitation, poverty, disparities, misrule, corruption, and gender inequalities leading to freedom and emancipation of disadvantaged powerless people irrespective of caste, creed, and religious beliefs. (<http://www.arban.org/>)
- Community Development Association (CDA). CDA is member since 2011. The mission and vision of CDA are building institutions to enable fair livelihoods and promote access to the market, address human rights, promote gender equality, and challenge ecological, social, cultural barriers. CDA envisions a society united through its people-centered democracy by good governance which is socially just and free from all forms of discrimination. Human rights are established and the communities are economically productive within an ecologically balanced environment. (<http://www.cdapo.org>)

Other than ILC members, ActionAid Bangladesh (AAB), Oxfam, Christian Aid, Bangladesh Legal Services and Trust (BLAST), Bangladesh Environmental Layer Association (BELA), Transparency International of Bangladesh, Ain O Shalish Kendra (ASK), Nijera Kori (NK) and Manusher Jonno Foundation (MJF) have been working for establishing land rights of women, poor & marginalized community through strengthening peoples movement, providing legal support, conducting study & research, sensitizing policy makers and media. The Bangladesh Krishok Federation (BKF), a group devoted to landless peasants since 1976, and the Bangladesh Kishani Sabha (BKS), a female counterpart to the Krishok Federation since 1990, have been working together for the rights of the landless in Bangladesh through occupations, demonstrations, and legal aid service.

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