

ACCESS TO LAND FOR SMALL-SCALE FARMERS, FISHERS AND INDIGENOUS COMMUNITIES IN THE PHILIPPINES

CASE STUDIES ON MINDANAO ISLAND

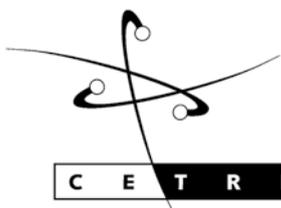
by Cédric Leterme



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FOREWORD

This study is the result of a partnership between Entraide & Fraternité, 11.11.11 and the Centre Tricontinental. It is the second in a series devoted to land access, the flagship theme of Entraide & Fraternité's 2017-2021 programme. The first study focused on Madagascar.

My warm thanks go to Jamel Ann Caylan of the NGO Kilos Ka, who coordinated my entire field assignment in Mindanao from late July to early August 2019.

Thanks also to all the people who have lent their support, from near and far, to the writing of this report, starting with the embattled communities whose testimonials are transcribed here, and also our friends and collaborators in DKMP, Focus on the Global South, Katarungan, LAFFCOD, LRC, MPPM, MTWRC and the Tambuyog Development Centre.

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ABBREVIATIONS

BFAR: Bureau of Fisheries and Aquatic Resources
CADT: Certificate of Ancestral Domain Title
CARP: Comprehensive Agrarian Reform Program
CARPER: Comprehensive Agrarian Reform Program – Extension with Reform
CLOA: Certificate of Land Ownership Award
DA: Department of Agriculture
DAR: Department of Agrarian Reform
DENR: Department of Environment and National Resources
DKMP-Lanao: Democratic Movement of Farmers of the Philippines – Lanao Provincial Chapter (NGO)
EP: Emancipation Patent
GARB: Genuine Agrarian Reform Bill
IPRA: Indigenous Peoples’ Rights Act
KILOS KA: Rural Poor Movement (NGO)
LAFCCOD: Lanao Aquatic and Marine Fisheries Centre for Community Development (NGO)
LRC: Legal Rights and Natural Resource Centre (NGO)
MPPM: Mindanao People’s Peace Movement (NGO)
MTWRC: Mindanao Tri-people Women’s Resource Centre (NGO)
NCIP: National Commission on Indigenous Peoples

ACCESS TO LAND IN THE PHILIPPINES: CONTEXT AND KEY CHALLENGES

The Philippines is an archipelago of more than 7,100 islands divided into three large groups: Luzon in the north, Visayas in the centre and Mindanao in the south. Luzon and Mindanao together account for about two thirds of the country's total surface area. They are also home to a little under three quarters of the population (with nearly half living on Luzon island).

Of the 30 million hectares of land available in the country, 47% (14.19 million ha) is classed as "disposable and alienable" (which means, notably, that this land can be sold to private owners, as has happened to over 64% of it already), including 9.67 million ha used for farming. Aside from this 47%, the other 53% (15.8 million ha) of the country is classed as "timber and forest land" belonging to the State, which may in some cases and under certain conditions allow this land to be utilised and/or worked (USAID, 2017). In reality, the country's forest cover has been severely reduced over the last century, chiefly due to the proliferation of mining concessions. Whereas swathes of forest used to cover about half the country's total area in 1917, they now cover only a quarter. These public lands also include coastal areas where construction of permanent structures is prohibited but where users' rights (e.g. rights of way) may apply (as opposed to infrastructure).

1| Profoundly unequal land access that puts family farming at a disadvantage

The Philippines has around 105 million inhabitants, with over half of them (60% of the female population) living in rural areas, and more than two thirds in "coastal" areas (USAID, 2017). A quarter of Filipino people work in agriculture, and more than two thirds depend on it for their survival, though this proportion is starting to fall (FAO, 2018).

However, 70% of these workers possess no land (USAID, 2017). According to the FAO's figures for 2013,

women are more vulnerable than men to land insecurity. In fact, half as many women as men possess a land ownership title (FAO, 2018). These farming men and women without land therefore end up working for others and/or illegally occupying public or private land.

Having said that, the situation for those who do own land is scarcely more enviable. In the vast majority of cases (89% of farms), the territory covers less than 3





ha, while 60% of agricultural land (including the richest and most fertile) belongs to just 13% of landowners, whose estates may extend to 30,000 ha (or even 100,000 ha for multinational companies) (USAID, 2017).

This means that even when they are not obliged to work for them, small-scale Philippine farmers must compete against large landowners and national companies that represent a concentration of economic – plus social and political – power. They also face competition from overseas companies favoured by free trade agreements¹, and a tariff removal policy that is all the more destructive for these small-scale farmers since the Philippines, unlike practically all other countries in the region, provides (almost) no subsidies for its agriculture. In this way, and having been a net exporter of rice for a long time, the country has in recent years become a net importer². It is not surprising, given this context, that nearly three times as many people live in poverty in rural areas (36%) as in towns (13%), with farmers and fishers “jostling” for the status of the nation’s poorest sector for an unbroken period since 2006 (FAO, 2018).

Fishers even more vulnerable

Small-scale fishers³ are another category of people at even greater risk as regards land access. The primary reason is that most of them reside in coastal areas that are especially vulnerable to the consequences of climate-related change, whether due to rising sea water or the increasing frequency and intensity of hurricanes (FAO, 2013). Another reason is that these

same areas usually belong to the State (see inset), which consequently remains at liberty to move the residents for reasons of varying legitimacy. In this way, efforts to combat climate vulnerability have been used recently as a pretext for moving fisher communities in order to benefit tourism-oriented projects or industrial fishing (Oxfam, 2014). For the two million small-scale fisherfolk who make up 85% of all fishers in the nation, climate insecurity usually goes hand in hand with the legal insecurity of not formally owning land, without mentioning the other challenges that weigh heavy on them, such as competition from major industry players from the Philippines and overseas, and the consequences of overfishing (Calvan, 2018).

COASTAL AREAS IN THE PHILIPPINES

The Philippine coastlines are subject to different delimitations that have different statuses and usage regimes attached to them. Among these, *foreshore* refers to the zone lying between the lines of highest and lowest tide, and *easement* (or recovery) designates the zone located less than 3 metres from the high tide line in urban areas, less than 20 metres from it in rural areas and less than 40 metres from it in forested areas.

These zones are public property but subject to a right of easement, or privilege without profit; for example recreational or fishing-related use. It is prohibited, however, to build permanent structures on them such as houses... or tourist resorts.

¹ For a list of these agreements, see: <https://www.export.gov/article?id=Philippines-Trade-Agreements>.

² In 2018, the Philippines’ rice imports totalled 736 million USD (double that of 2017, and making the country the world’s 7th biggest importer of rice in 2018), while exports for that year stood at 470,000 USD [source: <http://www.worldstopexports.com/rice-imports-by-country/>].

³ We generally make a distinction between three types of fishing in the Philippines: small-scale or municipal (see below) fishing, commercial fishing and fish farming. «Small fisherfolk» fall into the first category.



The special situation of indigenous communities

Indigenous people form another, separate category with regard to land access. There are actually more than 100 different ethnic groups⁴ in the Philippines (two thirds of them on Mindanao island alone) who between them lay claim to 2.5 million hectares of land in accordance with “ancestral domain”. However, even if the constitution and the “IPRA” (Indigenous Peoples’ Rights Act) of 1997 does indeed entitle them to claim ownership of these lands, the procedure to do so is long, complex and costly, even without the cultural, political and legal obstacles the indigenous people face. This explains why only a small portion of these lands are currently covered by a proper, formal ownership title. And even for those that are, the document is not always a sufficient guarantee against future land grabs (USAID, 2017). As a result, indigenous people also find themselves in the country’s poorest and most vulnerable sectors, with rates of unemployment and

poverty that are strikingly and systematically higher than the national average (IFAD, 2019).

Towns also affected by land insecurity

Finally, the situation is also problematic in urban areas. Poverty in rural areas has effectively led to a mass exodus towards towns, where a considerable number of inhabitants live in informal housing. In 2011 this was the case for 9 million people, out of a total urban population of 44.1 million. In Manila alone, the largest city in the Philippines, 25% of the population (more than 600,000 households) apparently live on riverbanks, under bridges or on landfill sites (USAID, 2017). And here, too, the increased number and intensity of climate-related catastrophes are likely to make the situation worse, with ever higher numbers of people displaced and/or forced to live in temporary housing.

2| Confusion and insecurity on legal aspects

According to the Philippine constitution, the State is the sole owner of public land, and determines whether or not this land is alienable, i.e. transferable to new ownership. In this context, access to land is gained either via the State – which may give of its own land or expel private landowners – or by way of a transaction or contract between private landowners (USAID, 2017). Land administration is relatively inefficient, however, resulting in particularly high transaction costs at the point of safeguarding, recording or transferring land ownership rights. The 11 million land parcels without official title documents are tell-tale signs of this problem. However, this land insecurity

is compounded by the fact that several different administrations share land-related competency areas, and sometimes their mandates partially overlap. The most important of these administrations include the Department of Agrarian Reform (DAR), the Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR, notable as it is responsible for public land) and also the National Commission on Indigenous Peoples (NCIP). Therefore, beyond the inequality of the land distribution, this insecurity and confusion over legal aspects also lies at the source of many agrarian conflicts in the country.

⁴ Nevertheless, there is no official figure for the exact population of the indigenous communities, which further complicates their struggles to have their rights recognised.

THE BROAD PRINCIPLES OF THE 1988 AGRARIAN REFORM (CARP)

The Comprehensive Agrarian Reform Program (CARP) adopted in 1988 rested on three major components, hence the justification for calling it “comprehensive”. The first (and most important) component concerned (re)distributing land to farming people who had none. This included farmers residing on the land they were cultivating, but also, and for the first time, people in regular farm work. Their sights were set on both private land (in theory, any portion of farm property exceeding 5 hectares per owner, plus 3 hectares per heir) and public land. The (re)distributions were supposed to have been carried out by the DAR for private land and by the DENR for public land. It was the DAR’s job to identify the private land, and then the beneficiaries would provide compensation, based on an estimate drawn up by the Land Bank of the Philippines, but which had to be agreed on by the former landowner. There were also several different (re) distribution options, not all of them necessarily involving an actual transfer of land (e.g. accepting stakes in a farming business).

The second component of the reform was a support system for the land beneficiaries, intended to help them maximise the potential of their new land and draw sufficient revenue from it.

The third and final component was a system to resolve conflicts linked to implementation of the reform, which notably awarded to the DAR exclusive jurisdiction for settling disputes involving the redistribution of private land.

In 2009, when the programme period had expired for the second time before all the land had been distributed, a new extension (CARP-ER) was voted for, but this time with reforms aimed at answering some of the criticisms expressed about the initial programme. As such, the new additions included a further extension of the potential beneficiaries, an increased budget for beneficiary support services, and the inclusion of provisions that showed sensitivity to the gender issue. This new extension, initially planned to span five years, also expired before the land (re)distributions were complete... in fact, they are still ongoing.

Limited, unfinished agrarian reform

Different agrarian reforms have been adopted in attempts to remedy this situation. The most recent to date is also the most significant: the Comprehensive Agrarian Reform Program (CARP, see inset), adopted in 1988, in other words one year after the 1987 constitution that brought the Marcos dictatorship to a close under pressure from a major popular uprising. The programme, with a planned roll-out of ten years, was in particular intended to redistribute 10.3 million hectares of land (6.5 million ha public, 3.5 million ha private) to farming folk who were landless. Nearly 30 years and two extensions later (the programme was first extended by 10 years in 1998, and then an “extension with reform” was adopted in 2009 for a new five-year period), the redistribution programme is still not finished but subject to mounting criticism (Ballesteros et al., 2017; Focus on the Global South, 2018).

One of the biggest criticisms was that only 88% of the identified lands have actually been distributed. Even within this figure, most of the distributed land was public and/or of poor quality, with the best land still held by the large landowners. The preferred transfer methods also posed a problem, since a number of

them actually enable the former landowner to retain control of the land, for example by personally choosing who will receive the “redistribution”, etc. “Forced transfers”, in which the relinquishing landowner has no say, have only been applied to 400,000 hectares to date, far behind the other forms of transfer. Yet it is the fairest, most uniform method of redistribution (Focus on the Global South, 2018). Taking a broader view, as underlined by the NGO Focus on the Global South, “*Since its adoption the CARP has been punctuated by countless legal failings, feeble implementation, high levels of resistance from the landowners and ineffective bureaucracy*” (18).

In addition, the programme anticipated that the beneficiaries would pay compensation to the former landowners. This was intended to make the reform more acceptable in the eyes of the landowners, but risked weakening the small farmers, especially as the support services available to them were insufficient and unsuitable. Result: many of the small farmers were unable to secure the long-term future of their new farmland, a situation that was compounded by the policies being pursued in parallel by the State to remove tariffs and support agro-industry (see below).

The 1997 “IPRA” law for indigenous communities

In parallel with the CARP, the State also adopted the Indigenous Peoples’ Rights Act (IPRA) in 1997 to deal with the specific situation of indigenous communities. Thanks to this law, such communities can now secure recognition of their rights to land in their “ancestral domain” by claiming a Certificate of Ancestral Domain Title (CADT) from the State. That said, the procedure takes several years, with no guarantees that it will ever come to fruition. Often, part or all of the land is claimed by private landowners, companies or even the State itself. Furthermore, the land statements are not always accurate, which fosters conflict (sometimes violent) between individuals, and also between administrations (see below).

Other problems are tied to the rationale of the law itself. The NGO “Legal Rights and Natural Resources Centre” (LRC, Philippine branch of Friends of the Earth), for example, underlines that the IPRA law is based on the requirement for the indigenous communities to take deliberate action (i.e. they must submit something) in order to have their rights recognised, whereas an automatic procedure could have been devised. The association also stresses the act that the very notion of land being privately owned is alien to the culture of these indigenous communities, who are nevertheless forced to adopt it if they hope to safeguard their land rights.

Lastly, even if the law clearly stipulates that land belonging to indigenous peoples must only be used for commercial purposes, for example, with their “prior and free” consent, in reality this obligation is often sidestepped or purely and simply ignored (LRC, 2012). In this respect, a pivotal legal battle is raging between those who defend the State’s absolute sovereignty over the territory and those who, instead, champion the idea that State sovereignty should be limited by indigenous peoples’ rights over their ancestral domains. This battle has concrete implications, for example in cases where the State awards mining concessions for land held by indigenous communities (see below).

Small-scale fishers sidelined

The reference document for municipal fisherfolk is the Philippine Fisheries Code which was adopted in 1998 (and amended in 2015), officially with a view to sustainable development (Aquino et al., 2013). Under this Code, for example, the rights to fish in municipal waters (i.e. the sea within 15km of the coast) are reserved for small fishers, and/or the law imposes participation-based management of the aquatic resources through creation of specific local bodies. Nevertheless, associations working to defend the rights of small fishers criticise this law for being somewhat removed from reality; for example, local participation is currently an illusion, given the imbalances of power that exist between the different actors; this is despite the fact that considerable effort went into encouraging participation after the law was adopted. These associations are also dismayed that, paradoxically, this law serves as a tool for criminalising small fishers under the pretext of protecting the environment⁵ (Lumibao, 2018).

As well as this, regarding access to land in the areas where they live, i.e. usually near the coast, small fishers are still subject to the Water Code of the Philippines adopted in 1976, which grants them, at best, the right to use the water. According to this law, the foreshore (i.e. the swathe of coast lying between the lines of highest and lowest tide) belongs to the State, and also no permanent construction is permitted in the zone located respectively less than 3 metres (in urban areas), less than 20 metres (in agricultural areas) and less than 40 metres (in forested areas) from the foreshore. However, these areas are usually where small fishers and their families reside, and while the State often tolerates this situation, it leaves these communities at the mercy of arbitrary decisions from above. Recently, due to the increasing number of climate-related disasters (hurricanes and floods), the State has become more strict about compliance with this law, often denying the displaced communities the opportunity to go back to their former homes, (purportedly) out of concerns for safety. In parallel, legal provisions for rehoming people do exist, but not without difficulties in terms of resource allocation and where to house the relocated individuals (see below) (Oxfam, 2014).

⁵ As such, the fines incurred for fishing illegally, for example, are proportionally far harsher penalties for small fishers than for the large commercial actors, who incur them for catches on a comparatively massive scale...



Farmers from Lanao del Norte during the national day of protest against the rice tariffication law on 20 November 2019.

3| A globally unfavourable political and economic context

Beside the limitations of the reforms and their application, small farmers, small fishers and indigenous communities are also facing a particularly adverse political and economic context. As we have mentioned, in the Philippines political and economic power have historically been concentrated and intermingled. However, since the 1970s-1980s the various administrations have been steering a national policy of openness, and inclusion in the globalised context, thus accentuating and increasing the complexity of this phenomenon, to the detriment of most of the population (Focus on the Global South, 2018). Creation of special economic zones, opening up to deal directly with foreign investors, tariff removal... the measures invariably sought to promote an agriculture, and more broadly an economy, dominated by the market and large companies. This was happening despite several years of discourse advocating the pursuit of “sustainable development”, and the adoption of a few laws or regulations that lacked the resources to fulfil their ambitions, for instance the notoriously under-funded law promoting organic farming (the Organic Agriculture Act, adopted in 2010).

Duterte and dashed hopes of a “populist” redirection

When Rodrigo Duterte took office in 2016, some might have felt a glimmer of hope that the country might change direction towards more favourable policies for small farmers (Focus on the Global South, 2017). Indeed, during his candidacy Duterte had regularly denounced the influence of the oligarchy in the country, and asserted his willingness to defend the environment and the rights of farmers and workers, particularly by negotiating a solution with the two armed conflicts that still continue (see below). Moreover, these hopes were strengthened at the start of his presidency, with the notable appointments of Rafael

Mariano and Gina Lopez as heads of the DAR and DENR respectively. The first is a former leader of the influential farmer movement Kilusang Magbubukid ng Pilipinas (KMP) with close ties to the communist party, and the second is a seasoned ecologist who has been particularly critical of mining extraction projects.

Nevertheless, a year down the line these hopes had been dashed (Focus on the Global South, 2017). The contradictions between the various components of the power alliance finally reached a resolution serving the interests of its neo-liberal and military groups, at the expense of the more progressive ones. In the end, the appointments of Mariano and Lopez were not confirmed by the appointments Commission (a constitutional body made up of members of the Senate and parliament, responsible for confirming certain nominations made by the President). Despite efforts to maintain at least a façade of “populist” leanings, at its core Duterte’s policy undeniably favours the economic interests of the country’s wealthiest and of the global business community. This is demonstrated particularly by its project to change the constitution, which among other things would allow foreign investors to purchase land in the country directly; only joint stakes with Philippine companies are authorised at the moment (Ellao, 2019). Further proof lies in the 2019 adoption of a controversial law on rice price setting, which has permanently removed the quantity restrictions and tariffs on rice imports into the country. This risks weakening the Philippines’ small-scale producers even further in the face of competition from highly subsidised foreign production, for example from Vietnam or Thailand⁶. Similarly, the far-reaching tax reform adopted in 2017 through the “TRAIN” law (Tax Reform for Acceleration and Inclusion Act), which Duterte presented at the time as a “fantastic Christmas present for the Filipino people”, finally proved instrumental to further deepening the nation’s poverty and inequalities (Punongbayan, 2019).

⁶ For more on this subject: <https://focusweb.org/farmers-protest-passage-of-rice-tariffication-bill/>.

The hazards of “fighting terrorism”

In parallel, after a year of negotiating with the communist guerilla group that is still active on Mindanao island (see below), negotiations finally broke down, and Duterte’s government reconnected with an ultra-repressive policy enabling him to justify many human rights abuses and violations in the name of “fighting terrorism” (Palatino, 2018). Moreover, the same logic is being applied to combating an Islamist insurgency, especially since the siege of the town of Marawi in 2017, and the subsequent application of martial law on Mindanao island (see below) (Chase-Lubitz, 2017). In this context, in 2018 the NGO Global Witness named the Philippines as one of the most dangerous countries for leading small farmers and ecologists, with a dark record of 30 assassinations registered in the past year, half of them people with links to agribusiness (Global Witness, 2019).

For his part, Duterte is also keen to bring the agrarian chapter to a close. In one particular move in that direc-

tion, he gave the DAR a mandate to allocate all non-distributed land by 2022 (DAR, 2019), sparking concern that the process could be botched and subsequently dogged by legal challenges. He also ordered the DAR to accelerate the conversion of certain lands targeted by the reform, which some people are interpreting as a roundabout way of withdrawing the best (or the most politically sensitive) land plots from any attempts at redistribution (Chavez, 2019)⁷. Lastly, once the reform is officially complete, all the legal systems it was in the process of setting up for small-scale farmers could be dismantled, starting with the DAR, leaving the farmers in an even more precarious position than today.

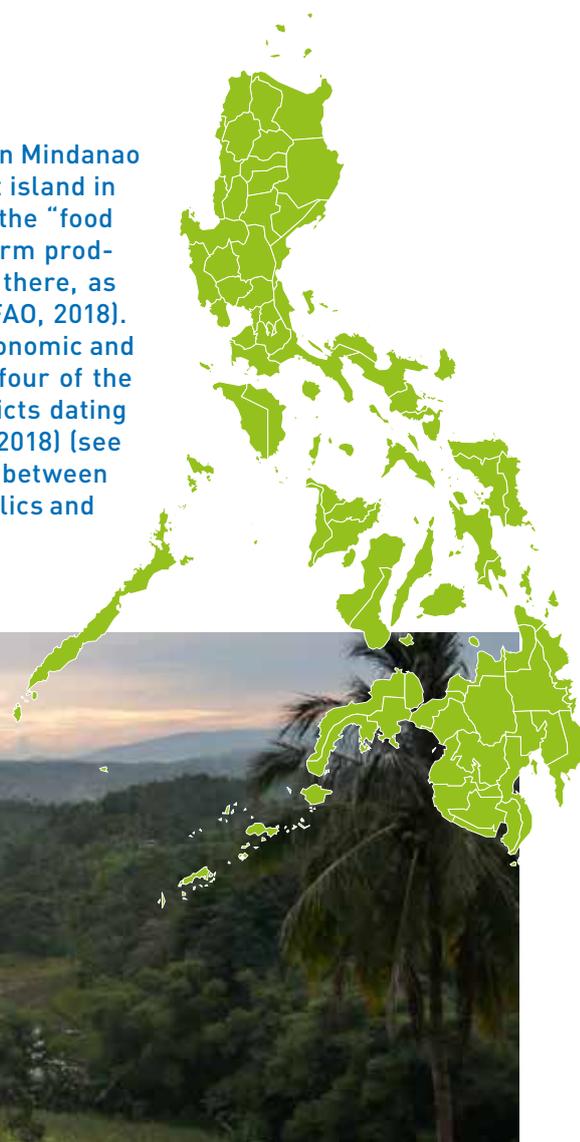
To sum up, whether due to abuses and intimidations, or indirectly through competition from overseas or the fall-out from natural disasters, access to land for rural communities in the Philippines is coming under considerable pressure. It is in this context that we took a close look at three conflict situations, each illustrating a different set of land access issues on Mindanao island. These will be covered in the sections below.



⁷ In fact, one strategy that has been used thus far by opponents of the reform has been to request that land intended for agricultural use be converted to another use (e.g. commercial) to render it exempt from redistribution (Focus on the Global South, 2018).

MINDANAO AND ACCESS TO LAND FOR SMALL-SCALE FARMERS, FISHERS AND INDIGENOUS COMMUNITIES: INTRODUCTION TO THE STUDY

This study is based on a survey conducted from July to August 2019 on Mindanao island, in the south of the Philippines – the country’s second largest island in terms of surface area and population. Mindanao is also considered the “food basket” of the Philippines, as most of the country’s cultivation of farm products for export (e.g. bananas, pineapples, rubber) is concentrated there, as are some of its most strategic resources (such as gold reserves) (FAO, 2018). However, the island is also a hotspot for certain significant socio-economic and political problems, including some specific to that place. As such, four of the nation’s five poorest regions are in Mindanao, and two armed conflicts dating back several decades are still being played out on the island (FAO, 2018) (see below). One of the causes of conflict is an often-difficult cohabitation between the three main groups of people on the island: Moros (Muslim), Catholics and indigenous communities.



A singular history

For a long time, Mindanao sat at the edges of colonisation, first by the Spanish, then by North Americans. Most of its inhabitants were part of either a large Muslim community (the “Moros”, or “Maures” in Spanish) in the western regions, or different indigenous ethnic groups scattered throughout the territory. However, this situation shifted in the aftermath of World War Two, when the national authorities encouraged people to migrate internally from Luzon to Mindanao to alleviate the growing need for land in the north of the country. The massive influx of migrants, most of them Catholic, then created an increasing number of conflicts with Mindanao’s Muslim and indig-

enous inhabitants. Further conflicts arose over the inherent inequalities of the nation’s agrarian (and more generally socio-economic) structure. This eventually resulted in two armed insurgencies that are still active today: the first inspired by Islamism and the second by communism (IRENEES, 2007).

The Moros demand independence

The first conflict resulted in the “Autonomous Region being created in Muslim Mindanao” (ARMM) in 1989; it was replaced by the “Bangsamoro Autonomous Region” in 2019. This outcome, though supported by the two oldest armed Islamist groups in the country –

the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) – is nevertheless rejected by the Abu Sayyaf group, the newest and most radical of them all, whose sights are still set on establishing an independent Islamic State. In 2017 it faced the Philippine army in a violent confrontation in the town of Marawi, which was under siege from May 23 until October 23 of that year (Rood, 2017). In the wake of this, President Duterte declared martial law over the whole island, which had not happened since Marcos' dictatorship of the 1970s; he renewed the decision in 2018 for an indefinite period. What makes this decision all the more problematic, though, is that it facilitates the displacement and repression of movements by farmers and indigenous people, to make way for mining or tourism projects (Chandran, 2018). Martial law effectively grants extended powers to the local, civil and military authorities as regards maintaining order, surveillance and repression, while at the same time limiting the possibilities for victims to go before the courts and contest any abuses of power.

In parallel, the transition process involved in establishing a Bangsamoro autonomous region is also stirring tensions and anxieties among the non-Muslim minorities who live there, and the same is true for the indigenous communities, who insist in particular that the process must include recognition of their land rights within the framework of Philippine law⁸.

Agrarian reform and social justice for the “New People’s Army” (NPA)

As regards communist guerrilla struggles, the New People’s Army (NPA) which was active all over the

Philippines for several decades, is now only present on Mindanao island, and chiefly in its most remote areas. The Communist Party of the Philippines (CPP) and more broadly the National Democratic Front (NDF), to which the NPA is affiliated, are still the main opposition movements at national scale (Rogatyuk, 2018). However, these three entities have been subjected to an intense campaign of repression since 2017, after peace negotiations failed having been relaunched by President Duterte shortly after he was elected in 2016. This enterprise gave the President and his supporters another chance to rid themselves of troublesome opponents on the pretext of “fighting terrorism” (Palatino, 2018) (see below).

The historical claims of the Philippines’ communist movement unsurprisingly include agrarian reform, and the “Genuine Agrarian Reform Bill” (GARB) legal proposal introduced in the country’s Parliament in 2009 is the most recent and most complete version. Unlike in the CARP of 1988, GARB included plans for mandatory redistribution of land with no compensation for the former landowners (Anakpawis, 2009). This difference in strategy on agrarian reform was one of the causes of a deep division in the Philippine social movement in the 1990s⁹. The schism endures to this day, with the still-dominant yet weakened NDF cluster on one side, and on the other a myriad of organisations and trends that tend to have one main point in common: rejection of the party line and radical methods defended by the NDF. Nevertheless, according to many of the people we spoke to, it would be worth overcoming these divisions at a time when attacks on human, economic and social rights in the Philippines have rarely been so frequent and violent.

1| Situations analysed

In this context, three conflict situations were analysed, regarding (respectively):

- Conflicts involving communities of farmers against landowners in the province of Lanao del Norte;
- Conflicts involving communities of fishers, again opposing landowners but over land belonging to the State, also in the province of Lanao del Norte;

- Conflicts involving an indigenous community confronted with a multinational company, in the province of North Cotabato.

These conflicts were selected due to the diversity of the challenges and actors underpinning them. Together they offer a panoramic view of the agrarian issues that characterise the Philippines in general, and Mindanao especially. Nevertheless, looking beyond their specific points, these different situations also have common traits, which we will return to in the penultimate section of this report.

⁸ For more on this subject, see: <https://focusweb.org/indigenous-leaders-call-for-full-inclusion-of-their-rights-in-the-new-philippine-bangsamoro-basic-law/>.

⁹ However, the agrarian reform strategy is not the only reason for the divisions; the stance to adopt in response to the Tiananmen Square massacre by the Chinese army in 1989 was at least as much of a deciding factor.

2| Methodology

A triple-approach methodology was used to conduct this study. First, we analysed a set of documents prior to the assignment. The goal of this step was to make a comparative analysis of the existing literature about access to land in the Philippines. Another facet was to place this question in the nation's specific socio-historical context. Also during this documentary step we were seeking as much information as possible about the different conflict situations being analysed, particularly from a legal standpoint.

Our second approach was to conduct targeted interviews with key local figures who are active in the different aspects covered in the study. The point of this was not only to add to and verify our information with people directly involved on the ground, but also to find out the most recent developments in the country's political situation in general. To do this, we started our visit by holding meetings in Manila with militants from the following NGOs:

- *Focus on the Global South*: NGO active throughout south-west Asia on themes such as land grabbing and corporate trade deals, with particular emphasis on research and lobbying;
- *Legal Rights and National Resources Centre (LRC)*: Philippine branch of Friends of the Earth, specialising in legal assistance for indigenous communities;
- *Katarungan – Rights*: NGO working to defend and support rural communities in the Philippines.
- At the end of our visit we also held debriefing sessions, first in Mindanao, with the following NGOs:

- *Mindanao Tri-people Women's Resource Centre (MTWRC)*: NGO that stands up for the rights of women in the three main groups of people on the island ("Catholic migrants", indigenous people and Moros).
- *Mindanao People's Peace Movement (MPPM)*: NGO that supports peaceful resolution of the conflicts that penetrate throughout Mindanao island, and defends the rights of the communities affected.

Then, in Manila again, we met not only with *Focus on the Global South* and *Katarungan* (see above), but also with the *Tambuyog Development Centre*, an NGO that acts at national level to stand up for the rights of small fisher communities.

The third and final part of our approach, and indeed the core of our study, was a ten-day mission in the three communities we had identified, to gather their first-hand accounts directly. To do this we were assisted by *Entraide & Fraternité's* partners in the region, starting with the NGO *Kilos Ka*¹⁰ which coordinated the whole mission, and also by the NGOs *DKMP*¹¹ and *LAFFCOD*¹², who enabled us to renew contact with (respectively) the small-scale farmers and fishers whose testimonials we will relate below. In each community, we carried out group interviews that enabled each person to help in constructing a shared account of the conflicts these people have come through, and their consequences. To add to these interviews, we then held more informal discussions and, where possible, went to visit the places being contested.

3| Next part of the report

The next three sections provide an introduction to and analysis of the conflict situations that were studied during our field visit. The section after that will go into more detail about the common lessons we might draw from all three. Lastly, the report will conclude by making some recommendations.

¹⁰ Platform for sharing information about the interests of Mindanao's rural communities and relaying it up to national-level politics.

¹¹ Democratic Movement of Farmers of the Philippines (Lanao Provincial Chapter), an association supporting the rural people in their struggles and their transition to agroecology.

¹² *Lanao Aquatic and Marine Fisheries Centre for Community Development*, an association supporting small fisher communities and helping to manage aquatic resources.

CASE 1: AGRARIAN REFORM AND FARMING CONFLICTS IN THE PROVINCE OF LANA DEL NORTE

These first cases involve four communities of small-scale farmers who obtained, in 1988 via the agrarian reform, redistribution of the land on which they had thus far been living and working for a private landowner. However, the handling of these (and many other) redistributions was rushed in order to bolster the statistics of the local DAR. One issue of this situation is that it offers private landowners a wealth of options to take legal action, even though the legal framework of the reform already favours them (see above) and they can, of course, count on support from the local authorities (and sometimes even top-level political figures).

In the cases examined here, the key challenge is linked to financial compensation of the landowners by the small farmers; the compensation procedure (see inset, above) can be manipulated in such a way as to deny the farmers their rights while ensuring they keep paying fees to the former landowners. This situation is encouraged by the legal framework of the reform, local authority bias, the farmers' limited resources and expertise, plus the influence of the feudal relationships that governed relations between farmers and landowners before the reform.

1| Sanciangco Estate, Simpapak, Lala, Lanao del Norte (43 hectares)

The first conflict concerns 29 households that received their "Emancipation Patent" (EP) under the agrarian reform of 1988. Following this, the Land Bank of the Philippines (LBP) worked out the compensation they had to pay to the previous landowner: 14,000 pesos (equivalent to about €250 today) per hectare. However, the landowner contested the price, believing it to be much too low.

The landowner then embarked on three different legal procedures. The first attempted to have the EPs cancelled. The second was aimed at having the farmers expelled from what he still considered his land. And the third sought to have the compensation sum re-evaluated. The first two attempts were rejected by the court, but the third led to negotiations,

during which the landowner asked for 73,000 pesos/ha while the farmers continued to lobby for the initial sum of 14,000 pesos.

The local DAR proposed that they meet in the middle at 45,000 pesos, which both parties accepted. However, when the farmers received the final document, the figure set down in it was the sum the landowner had asked for (73,000 pesos/ha). "Our lawyer had signed on our behalf," one farmer explained to us. "We still don't know whether he was bribed or just intimidated... but the fact remains that we were legally bound from then on, so we paid."

However, in 2009, when they had finally repaid the landowner in full, the farmers learned that the heirs of

Farmers protest against the expulsion of their own lands.



the (now-deceased) landowner were objecting to the entire procedure, on the grounds that there had been a land boundaries issue from the beginning (some parts were superimposed on each other). To avoid landing in another interminable and uncertain legal procedure, the farmers therefore agreed to use a “direct payment scheme” – a sort of amicable settlement – under which they again had to pay 73,000

pesos/ha. *“To us it seemed the best, or in any case the least worst, solution,”* our interviewee continued. *We just wanted it over with, once and for all.”*

Repayments of the second sum ended in 2018. At the time of interview (July 2019), the farmers were waiting to find out whether or not they would actually receive confirmation of their ownership title...

2| **Sanciangco Estate, Pendulonan, Lala, Lanao del Norte (61 hectares)**

The second conflict concerns another site belonging to the same landowner. This time, about twenty households also received their EP in 1988, but were not notified of this. *“This situation is not rare,”* we heard later from Raphael Baladad, from the NGO Focus on the Global South. *“The primary objective of many of the DAR’s local offices is to be able to display good statistics for their implementation of the agrarian reform, without taking the trouble and the risk of actually guiding the whole transfer process through to fruition. We call these “erroneous distributions”. They have taught us to be wary of the official statistics, which are often exaggerated”*¹³.

However, on hearing about the reform, in 1988, the farmers approached the DAR and the landowner to negotiate redistribution of the land on which they lived and worked, unaware that the plots had already been allocated to them. Following discussions, they agreed on a total sum of 130,000 pesos payable over 30 years, but this was never made official in writing. *“It might seem naive,”* acknowledges Jamel Caylan from Kilos Ka, who was also present at the interview, *“but these*

farmers take people at their word, and you have to remember that they were negotiating with someone they had thus far been bound to in feudal relationships.”

However, it wasn’t long before the landowner’s word proved insincere. Between 1993 and 2006, among other actions this person expelled nine households from land, even though they (unknowingly) held an EP for it and had settled all payments due. The other households, helpless in the face of these abuses, nevertheless continued to make their payments. *“What could we do?”* wonders one of these farmers. *“At least if we paid, there was a chance he might leave us in peace.”*

The sum that had been negotiated has now been paid in full. What’s more, in 2014 the farmers finally learned that they already held an EP in their name. In this context, they decided to stop paying and to rely on the DAR to intervene and provide definitive certification of their ownership. *“It wasn’t an easy decision to make,”* our interviewee continued. *“What would we do if they refused to rule in our favour?”*

3| **Sanciangco (father) Estate, Sitio Badac, Lanipao, Lala, Lanao del Norte (103 hectares)**

The third conflict relates to a property belonging to the father of the landowner involved in the two previous cases. It also concerns small farmer households that received an EP in 1988 as part of the agrarian reform. The farmers made an agreement with the former landowner, who accepted compensation in kind (in the form of a portion of the harvest), but its exact duration was not defined. *“Once again, the agreement was verbal,”* notes Jamel from Kilos Ka, with regret.

After about 20 years, however, the farmers wanted to have the land evaluated to see whether, and for how

much longer, they needed to keep repaying. To do this, they went to the local DAR, who explained to them that this could only be evaluated for the community as a whole, and not for individual plots as they were requesting. *“The problem,”* explained one of the farmers involved, *“was that not all the farmers still held their EP. Some of them had only received a copy of it from the DAR, while others had had theirs taken back on the pretext that it needed correcting. Furthermore, not all the farmers had reached the same point in their repayments, hence the request for evaluations on an individual basis.”*

¹³ For more on this point, see also Focus on the Global South (2018).

Given this situation, it turns out that individual evaluations are impossible, but so are the collective evaluations required by the DAR. *"This led to tensions,"* recalls another farmer present, *"especially between farmers who had been in a good position and those less so."*

And yet some time later, following a staffing change at the DAR, the farmers found out that it was in fact possible to be evaluated individually, contrary to what

had always been asserted before. The new DAR team has even promised to handle the procedure themselves. *"We're still sceptical,"* maintains one of our interviewees. *"The new head of the DAR is an old school-friend of the former landowner..."* Pending a resolution of the situation, the farmers are still giving part of their harvest to the landowner, without knowing when or how their "debt" will finally be settled.

4| Fuentes-Garcia Estate, Pinuyak, Lala, Lanao del Norte (9.5 hectares)

Lastly, our final example again involves households that received an EP in 1988. Subsequently, these EP holders negotiated an agreement to compensate the former landowner. However, the procedure was interrupted after a complaint was lodged by a third party claiming to be the real owner of the land; this will be confirmed by a trial.

"The problem," says one of the farmers concerned, *"is that the newcomer 'landowner' didn't want either to negotiate or to let us stay on the land. So to try and make us leave he sent the police round, and even armed men to intimidate us."* The farmers refused to leave, however, a move encouraged by a legal advisor from the DAR who explained to them that they were within their rights, as holders of an EP. *"The intimidations didn't stop, though,"* continued our interviewee, *"and it got so bad that 6 of the 13 households there decided to destroy their own homes and get out."*

In parallel, the landowner also submitted a request to have the EPs cancelled and the remaining families ousted, but put it before a jurisdiction that is not

normally authorised to rule on this kind of dispute, since all land conflicts connected to the agrarian reform usually have to be settled by the DAR. Nevertheless, the court declared itself competent on the issue, and finally ruled in the landowner's favour.

"So from our perspective, we went to the DAR," another farmer explains, *"to have our EP recognised as valid by the jurisdiction normally authorised to do so."* Following these efforts, the small farmer families not only won their case, meaning that they avoided expulsion, but they even secured a restraining order prohibiting the landowner from coming near; he has nevertheless appealed this decision.

At present the procedure is still in progress, and the farmers are anxious because as yet they have not even received their official document stating validity (following the first decision); the local DAR maintains that they are awaiting the necessary documents from Manila...

5| Conclusion

This first series of cases clearly illustrates that the framework and official objectives of the agrarian reform are out of step with its actual implementation. First, we find that land is effectively being redistributed in a rushed way, with the sole aim of achieving and promoting good statistics, and without fully adhering to the procedure. This is then compounded by the reticence and manipulative actions of the former landowners, intent on using all means (legal and illegal) at their disposal to sidestep the redistribution decisions that affect them. Lastly, this all happens in a context of profound power imbalance between the major landowners and the small farmers who are the

reform's intended beneficiaries. This asymmetry is reinforced by the political and institutional string-pulling available to the former, and the weight of the feudal relationships that characterised farmer-landowner interactions before the reform.

It is therefore understandable that resistance is difficult and sometimes causes conflict even within the communities, since a way out can seem so uncertain and high-risk. Therefore, the advantage of organisations such as Kilos Ka and DKMP is that they offer support (organisational, legal) but also bring the communities together to maximise their impact and develop broader solidarity and mutual assistance networks.

CASE 2: COASTAL AREAS AND ACCESS TO LAND FOR SMALL-SCALE FISHERS IN LANA DEL NORTE

This second section focuses on two conflicts involving fisher communities in the Province of Lanao del Norte. In both cases, the conflict originated when the authorities fraudulently recognised as “private property” the coastal (and therefore public) zones where the communities in question live and/or work. Beyond the challenges posed by collusion, corruption and confusion between the different local authorities, these conflicts also reflect the particular difficulties that the fishers face in their struggle for land access insofar as, unlike small farmers or indigenous communities, the fisherfolk have no legal framework (even minimal) on which to base their claims.



1| Barangay Baybay, Titunod, Kolambugan, Lanao del Norte

This first conflict concerns an area that has been occupied by a fisher community since the 1930s. “*Back then,*” the village elder explains, “*about a dozen families came to settle here. Five generations later, there are a hundred families.*” Officially, the land belonged to a private owner who died in 1976. However, in that same year the national Water Code confirmed that foreshore land, such the areas where the fisherfolk live, could not be privately appropriated. Despite this, the heirs of

the deceased landowner went on to sell the plots to the neighbouring landowner, as farmland.

However, since 1999, this new owner has been trying to evacuate the fishers so as to make money from their land. “*Probably to turn it into a tourist resort,*” our interviewee supposes. The small fishers subsequently reached out to the DENR for assistance. An officer rushed to the site, and confirmed that the land in ques-



Pictures of the damaged houses after the fishermen were evicted.

tion is indeed within the foreshore. Following this, in 2002, the small fishers received the first of the necessary documents to confirm this status. They were then able to submit a request for a “foreshore lease agreement”¹⁴, the only means by which they can secure a right (usage only) over their land. *“Unfortunately the procedure will be blocked, since the DENR officer who had supported us until that point has died,”* the fisherman explains, *“and the new officer replacing him is less inclined to help us...”*

In parallel, the “landowner” has been far from idle. He decided to take about a dozen families in the community to court in an attempt to have them removed. *“He deliberately chose young families who have little understanding of the local history and the legalities,”* the old man pointed out. In addition, these families received “assistance” from a lawyer recommended to them by the government, but who also advises one of the richest landowners in the area... During the trial, this lawyer did not present all the necessary documents, and in the end the families lost the case, since the court considered – contrary to the evidence and the legal reality – that the plots in question were farmland that genuinely belonged to the plaintiff. *“Clearly, this lawyer also ‘forgot’ to advise them to appeal,”* said our interviewee, bitterly. Final result: the houses will be demolished. Three of the affected families therefore decided to leave. The others stayed, either staying with parents nearby, or building a new house in the same place.

“We really were caught off-guard by the demolitions and by the procedure in general,” explained the fisherman. Nevertheless, faced with the threat of other court cases, the community decided to react. Their strategy is twofold. *“First, we set about contesting the plaintiff’s ownership title,”* continued our interviewee. This involved writing to the President’s office in 2017 to

explain their case. The President then ordered the local authorities to open a review procedure into the ownership title, but

this might take time and of course the community was still not immune to a new legal “trick”... even though this time, on the advice of Kilos Ka, they would be choosing their own lawyer.

In parallel with this, they are also negotiating a relocation agreement with the government and the landowner. *“This type of agreement is set down in the law,”* the old man points out. *“In particular, it places an obligation on the landowner to offer a relocation site whose ownership must first be transferred to the State. The State then makes the necessary adjustments and guarantees to ensure that the relocated families have use of the site.”* However, the elder tells us that *“Too often, there is little or no compliance with these agreements; for example the government sub-contracts tasks to private operators who perform the work badly or leave it unfinished. Also, as well as a place to live, we want guarantees regarding the fishing we depend on. Will our access to a fishing area be as easy as it is here? Will we have the necessary amenities to store our equipment? And who will keep an eye on the equipment during the transition?”*

So many questions that are pushing the fisherfolk to try and secure as many guarantees as possible before potentially accepting a relocation agreement; according to our interviewee, this is the option preferred by most families in the community. *“At least that would put an end to the legal insecurity we’re in, because even with a foreshore lease agreement we would only have peace of mind for 25-year renewable periods.”*

At the start of the negotiations, however, the government and the landowner were only proposing to relocate 40 families, with no specific guarantees on how this would be implemented in practical terms or on

¹⁴ This contract grants the holder exclusive use of a foreshore area for a renewable period of 25 years.



supporting the families afterwards. *“Obviously, we refused,”* explained the old man. *“We’re asking for an agreement that includes all 105 families, assistance to help us stay afloat socially and economically afterwards, and a location that has been effectively transferred to the State.”* The fishers have also resolved that they will agree to move only if, as a minimum, the new houses have already been built. With this on the table, the government and the “landowner” then revised their offer and proposed an additional 25 million pesos to be

spent on assistance, but this may not be enough to guarantee the medium- and long-term survival of the community. And no credible guarantee has been secured regarding the other requests. Nevertheless, at the time of writing, the community has decided to accept the offer, while vowing to keep applying pressure on the government to make sure the conditions are met, and most importantly, to try and find a solution for the sixty-odd families who are not covered by the agreement...

2| Caromatan Mangrove Growers Association – (with support from LAFCCOD)

This second conflict involves members of a community in the Tubod region (of Lanao del Norte) who created, in 1991, an association (the “Caromatan Mangrove Growers Association”) seeking to restore huge mangrove zones in the coastal areas, in agreement with the local authorities. They had two objectives, as their current President explains. *“First, we wanted to work on restoring/preserving this ecosystem that is important for the region and the island. Second, we also wanted to ensure an income source through sustainable cultivation of the land.”*

Between 2007 and 2016, the association sustained two successive legal cases, initiated by a private landowner in the region who claimed that part of this land belonged to him. And once again, the land in question is of a kind that cannot be privately appropriated. This is firstly because the mangrove falls in the category of forested land, and secondly because in any case, and by definition, this land lies in coastal areas, i.e. also State-owned. The association won both court cases, but only after nine years of legal battles, uncertainty

and significant expense, our interviewee points out. She also emphasises the fact that in order to take place at all, the legal proceedings had to be validated beforehand by the “Barangay” president¹⁵; although this person is in the association, in parallel he also owed a debt to the plaintiff...

Meanwhile, the association also learned, in 2012, that it had been selected by the DENR and the *Bureau of Fisheries and Aquatic Resources* (BFAR) to receive a fish breeding programme, which would be developed in another part of the zone. However, the good news was short-lived, because once the area had been marked out and the project outline established, a third party again came forward to claim ownership of the land.

“So we brought an expert in to confirm the public status of the zone,” our interviewee told us *“an approach that the BFAR fully supported.”* This did not prevent the president of the Barangay from again supporting the plaintiff’s legal petition. Consequently, and certain she was in the right, the President of the association went

¹⁵ A «barangay» is the smallest administrative unit in the Philippines, and roughly corresponds to a district.



to the assessor's office to obtain written proof of the land's public status. *"But lo and behold, I discovered that there really was a private ownership title for this land, issued by the DENR!"* In the face of this blatantly illegal document, she then set out to confront the authorities and began negotiating with the mayor to find a solution. In the meantime, however, the plaintiff had the area closed, rendering it inaccessible to the association members who were relying on it to bring in some extra income.

On the advice and with the assistance of Kilos Ka, these members therefore decided to apply pressure directly on the DENR to revoke the ownership title that

it had itself issued illegally. *"We suggested they use a strategy that has worked before: 'pressure/negotiation',"* explains Jamel Caylan from Kilos Ka. *This involves negotiating with the authorities while at the same time holding demonstrations where the negotiations are taking place, to create a better bargaining position."* For this reason, Kilos Ka also suggests trying to gain support from other members of local communities (including the one involved in the conflict described immediately above), in exchange for supporting them in their ongoing and/or future actions. This way, they will collectively all have more influence on the authorities and private landowners, while also developing more tangible forms of solidarity.

3| Conclusion

This second series of cases illustrates the particular problems facing traditional fishing communities in terms of their access to land. The additional difficulty in their case (cf. for small farmers) is generally having to claim access to coastal areas that are State-owned by definition. This situation may be an asset when contesting illegitimate or illegal appropriations of land by major landowners, but it nevertheless deprives the small fishers of their indisputable right to occupy this land, which means they are always at the mercy of arbitrary decisions by the State.

Compounding this particular situation are the difficulties already mentioned with regard to agrarian reform, for example the central role played by the local authorities in implementing and defending the legal framework in force. This requires the struggling communities to be highly vigilant towards the authorities at all times, hence the importance of the legal and organisational support provided by organisations like LAFCCOD and Kilos Ka, but also the key role of social and political mobilisations that keep up the pressure and help establish a more favourable bargaining position.



CASE 3: INDIGENOUS COMMUNITIES AND MULTIPLE PRESSURES ON THE LAND IN NORTH COTABATO

This third section is about conflicts involving the Erumanen ne Menuvu tribe in the municipality of Carmen (North Cotabato). The land in question is subject to different conflicts of use dating back to 1941 if not earlier, explains the tribal Chief who is our host. In that year, when the Philippines and Japan were at war, the army and the indigenous community made a verbal agreement that the former could use 50 ha of the latter's land for a 25-year period, after which the land would be returned, with guarantees that the community would then enjoy a whole range of services (school, seeds, health facilities, etc.). *"However, this promise was never upheld,"* our interviewee tells us sadly. And even worse, from the 50 ha initially agreed, the occupied area eventually reached 400 ha.



Picture taken during a ritual between representatives of three indigenous communities, including the Erumanen ne Menuvu, for peace in Mindanao.

It was in this context that starting in 1991, certain community members began rallying together to occupy the land again, which led to confrontations, some more violent than others, with the local authorities and military personnel. *"The new Constitution had been adopted not long before, and we were determined to ensure that the land rights that it acknowledged as ours were respected,"* recalls the indigenous Chief. However, they had to wait until 1997 and the adoption of the IPRA for these rights to be tangibly represented in the law. On this basis, in 2012 other members of the community put in a request for certification of their "ancestral domain" which included the zone being contested. Ancestral domain status was granted for a surface area of about 13,000 ha, covering 13 of the 28 barangays in the Carmen municipality; the borders of this land would be marked out by the NCIP and confirmed in a resolution sent to tribe members. *"However, we are still waiting for the certificate that will validate, definitively, the recognition of our right to these lands."*

In addition, there is still uncertainty over the 400 ha seized by the government in 1941. In fact, according to the law, land that was covered by an ownership title before certification was an option cannot be included in the ancestral domain. And yet, part of this land is being used by government agencies (the Department of Agriculture in particular) for agronomic projects, while other plots have been illegitimately passed to private owners who are connected to (or are themselves) local politicians. *"The law clearly states that only land covered by a legally-obtained ownership title can be excluded from the ancestral domain, but then there's the issue of proving legality,"* our interviewee explains. In addition, this uncertainty leads to institutional conflicts between different government agencies, among them the DAR which wants to redistribute part of the land under the agrarian reform, the DENR which wants to keep it as a reserve of the government, and the NCIP which acknowledges that it forms part of the Erumanen ne Menuvu's ancestral domain.



The multinational company Univanich is involved in the land grabbing of indigenous communities within their ancestral domain. 10,000 households are affected by the company's palm oil production.

1| The arrival of Univanich in 2014

In 2014, when the situation was already strained, things became even more complex following the arrival of a Taiwanese multinational company specialised in manufacturing palm oil: Univanich. *"Its activity currently impacts on roughly 10,000 indigenous families,"* maintains the indigenous Chief, *"and that's without having even a single oil palm tree!"* Rather than setting itself up as an owner of oil palms, the company is using different strategies to procure its raw materials.

The first involves making delivery agreements with major private landowners, even when the latter's ownership titles are being contested by indigenous people on the basis of their ancestral domain. These major landowners are even trying to seize yet more land, targeting in particular plots that are not yet covered by a definitive ownership title, or plots that have been seized due to someone defaulting on a payment, for example. *"The problem is that that are easily able to access this information, given their close links with the local politicians,"* our interviewee says, angrily. In his view, the major landowners also do not hesitate to mobilise the agrarian reform law to try and obtain land by way of redistributions, usually by resorting to dummy identities. *"And yet, the DAR should not have competence to rule, since the land in question is part of our ancestral domain. However, as soon as they*

are able to, these "landowners" rush to start planting oil palms on it. This serves to render any subsequent claim more difficult, and means they can start reaping the rewards as quickly as possible."

Alongside this, Univanich's other strategy is to propose that small-scale landowners, including many indigenous people, become its oil palm suppliers via its "plant now, pay later" programme. Officially, it offers an economic development opportunity to some of the nation's most vulnerable rural people. *"This is a programme supported by the local authorities, including the mayor, who we suspect may have shares in the company,"* the Chief continues. *It can be accessed by people who own land parcels covering less than 2 ha, for which they hold a legal ownership title. People who join the programme can then access seeds, fertilisers and everything necessary to grow oil palms, which they then pay for when the crop is harvested."* This second, more insidious, strategy – which is essentially a form of contract farming¹⁶ – relies on the economic vulnerability of a large number of small-scale farmers (indigenous or not) in the region. As such, it renders the farmers highly dependent on the company, while also adding to the pressure to move toward more widespread adoption of a monoculture, with disastrous environmental consequences. *"And this then creates conflict in our communities,"* our interviewee says with regret,

Transport of the palm oil trees grown on the land of the ancestral domain of the Eromanen ne Menuvu indigenous community for the benefit of the Univanich company.



“between people who are participating in the programme and those who have either no wish or no means to.”

This all contrasts radically with the image that Univanich likes to present, making itself out to be a socially responsible company. In reality its attitude is reprehensible, for at least three reasons. First, because it rides roughshod over the conflicts and claims surrounding these lands from which it draws raw materials. Second because it encourages, whether directly or indirectly, new land grabs that are detrimental to the indigenous people. Third, because it also uses the economic vulnerability of the small-scale farmers (indigenous or not) to manipulate and encourage them to convert to growing a crop that harms their environment, their economic security and their food security. It is therefore a long way from being the “sustainable development” that Univanich

claims, and which is cynically backed by the local authorities.

Faced with this situation, the priority for the mobilised indigenous people is to obtain their definitive Certificate of Ancestral domain as quickly as possible. *“At least, with this document, we have a chance to put the brakes on new land grabs and also contest old ones,”* the Chief of the tribe tells us. *Or otherwise, as a minimum, to obtain part of the profits produced through the use of our land. In the meantime, we’re trying to document as much as possible of the abuses of which we are victim. We are also trying to put pressure on the decision-makers, particularly at the top levels, and to forge alliances with other actors to defend our cause, along with the broader cause of everyone who is suffering because of the agricultural development model in this country.”*

2| Conclusion

This last case illustrates the problems that the indigenous communities face over their access to land. First, we see how long and cumbersome the procedure to gain recognition of their “ancestral domain” can be. We also see that even after a positive outcome, certain details in the IPRA law can be mobilised to circumvent this recognition, starting with the fact that private domains covered by a “legitimate” ownership title before the start of the procedure are exempt. Lastly, as for the dispute with the multinational company Univanich, this clearly illustrates the economic and

social vulnerability being experienced by most of these communities whose people, even when they officially own their land, are subject to insidious forms of land grabbing with dramatic consequences. In this context therefore, collective mobilisations – and the outside support they can draw on – have become crucial once again, even if they are suffering from the authorities’ manipulative use of the “fight against terrorism”, and/or from the intra- and inter-community divisions that characterise the Philippines in general, and Mindanao island in particular.

¹⁶ De Schutter (2011) defines contract farming as follows: «An agreement between farmers and agri-food or commercial companies (or both) for the production and supply of farm products based on fixed-term contracts, often at a price that is established in advance.» These agreements have been particularly popular with agri-food multinational companies for the last decade or so, insofar as they provide the means to impose strict quality standards, yet without assuming direct responsibility for either the process or even production. They are also a clever way of circumventing the criticisms that have proliferated in recent years with regard to land grabs.



GENERAL OBSERVATIONS

Several general lessons can be learned from an analysis of these different conflict situations, beyond the actors and specific challenges characterising them.

A progressive legal framework

The Philippines has a relatively progressive legal framework concerning access to land, especially compared to the situation prevailing in other countries at similar stages of development. For example, the 1987 Constitution, adopted in response to pressure from a social movement galvanised by its victory against the Marcos dictatorship, is one of the most advanced in the world in terms of access to land. Furthermore, the country adopted most of the international instruments (binding and non-binding) related to land issues¹⁷.

Although they are not perfect, the laws on agrarian reform (CARP(ER)) and on the rights of indigenous peoples (IPRA) undeniably offer useful legal tools for the target communities. All the community members we talked to acknowledged the strategic importance of these laws in their own struggle to secure land. Even the fisherfolks, whose legal position is the most critical given the absence of a specific legal framework protecting their right to the land, are not completely bereft of rights. They can rely on these laws to defend their interests towards the authorities and landlords.

Nevertheless, we face real limits in the spirit of the laws...

However, some aspects of the existing legal framework risk to legitimise certain contradictory aspects in the struggle for access to land. For example, when indigenous communities claim the implementation of the IPRA law, they implicitly legitimise the concept of land being perceived as private property. Or, by championing the 1988 agrarian reform, small peasants implicitly legitimise its logic against that of alternative, more progressive programmes. The first case goes against the principles of a community-based and non-commercial concept of land ownership, while in the second example, the principle of redistributed land being repurchased by the land reform beneficiaries is being validated. Yet, **it is a big loss for the public debate if the concepts of 'community-based'**

and 'non-commercial' land titles, or the principle of redistributed land being repurchased by the agrarian reform beneficiaries, are excluded from the policy agenda. As explained by one of the land reform activists, the challenge is to make optimal use of the possibilities offered by the existing legal frameworks, while maintaining a long-term vision on objectives that could lead to a call to modify or replace them. "The objective to move towards an ecological transition is critical as it is not certain that this challenge is compatible with the concepts of land that underpin our current laws, even when they intend to favour small farmers. However, it seems difficult to fight for this kind of transition while the survival and the fundamental rights of these same farmers are not ensured. This means we must use all the tools available to secure this assurance, even if we must challenge the laws afterwards."

...and still more in their deployment

Beyond the limitations associated with the laws' conception, most of the current injustices in the legal frameworks related to access to land in the Philippines nevertheless occur during the implementation of these laws. Practically every conflict that was analysed is caused or aggravated by a failure to respect or a manipulation of the legal constraints by landowners, and in many cases, also by local authorities. Worse still, both groups generally show no hesitation in harassing and intimidating small farmers, indigenous peoples, or small fisherfolks. Sometimes, they hire private militias to harass, threaten, or persecute the local communities, or to punish them by looting their harvest. This does not surprise Danny Carranza, Secretary General of the peasant organization Katarungan, who reminds us that the State and its laws are "*contested realms in the clutches of those who traditionally hold power. This means that the laws are not automatically enforced by the Philippine State. Its institutions are not impervious to the pressure exerted by the business world. And there are also internal weaknesses. They apply laws that have flaws or gaps, and the majority of officials are corrupt. Therefore, the movements of*

¹⁷ Example: «Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security» (FAO, 2012), «Reducing CO2 emissions from deforestation and forest degradation» (REDD+, 2008), «Declaration on the Rights of Indigenous Peoples» (UN, 2007), «Declaration on the Rights of Peasants and Other People Working in Rural Areas» (UN, 2018), etc.

rural people and those fighting for the right to land must seek to have their rights enforced. And to achieve that, they have to be organised, with the capacity to defy the power of the State and the private sector.”¹⁸

Individualism and fragmentation of the fight

It is problematic that these strategies are clashing with an increasing individualism and a fragmentation of the social struggles. This was clear in most cases as described above. In the rural communities of Lanao del Norte, for example, many people regretted that some farmers are settling their problems on an individual basis, instead of opting for a more collective approach. “Because they’re afraid that Duterte will suddenly end the agrarian reform,” one farmer pointed out, “lots of people are trying to sort out their own situation as quickly as possible, while forgetting we’re always stronger together.” Speaking for the fisherfolks, our interviewee affirmed that “there’s no solidarity, it’s shameful that several families tried to settle their own issue without going via the collective”. This was also observed while interviewing indigenous peoples, where they emphasised the existing divisions in their community between people who are mobilising and others who are not, divisions that the authorities and landlords happily exploit and exacerbate, particularly by playing the “terrorism” card.

Moreover, the increasing criminalisation of struggles for rural and environmental causes, to mention just two, goes a long way toward explaining the difficulties experienced by rural communities who mobilise to defend their right to land. In effect, being an activist inevitably means putting oneself in danger, including death. Despite this, mobilisations are happening, as the different cases analysed in this study give evidence, as well as other accounts of mobilisations from the rest of the Philippines¹⁹.

In this context, the role of peasant organisations such as Demokratikong Kilusang Magbubukid ng Pilipinas (DKMP) and Kilusang Maralita sa Kanayunan (KILOS KA) is crucial, as confirmed by the communities. They provide valuable assistance to the communities setting up their collective dynamic. “It goes beyond technical or legal support; they also help us to become aware of our common interests, and to connect with other stakeholders or other movements, both at local and national level.” However, there used to be many support organisations like these, but now they are increasingly rare. To take one example, in the province of Lanao del Norte, DKMP and Kilos Ka are the only two organisations left providing this kind of support, whereas there were more before.

¹⁸ A transcription of this interview is available on the CETRI website via the following URL: <https://www.cetri.be/Philippines-reflexions-sur-l-etat>

¹⁹ Among these symbolic struggles, we were regularly reminded about Sicogon island. For more than 15 years a small island community of Iloilo Province has been going head-to-head with the biggest industrial conglomerate in the country, the Ayala group. The latter, with the support of local and national authorities, wants to turn the island into a luxury tourist destination, with no regard for the interests or wishes of the island’s historical inhabitants. This particular battle is regularly cited as an example because of the stubbornness and inventiveness shown by the families leading it, even though the imbalance between their means and those of their opponents could not be more vast. For further detail, this piece is recommended in particular: <https://news.abs-cbn.com/blogs/opinions/07/05/19/opinion-sicogon-island-for-1-percent-or-for-the-people>



Ever fewer young people involved

One of the reasons may lie in the fact that it is difficult to pass the baton to the new generations – another challenge that was underlined repeatedly in our interviews. The new generation tend to feel discouraged and disillusioned in the face of the financial, legal, political difficulties experienced by their parents, and many of them ultimately aim to get away as soon as possible, to the city or even to find work overseas. One fisherman told us: *“Clearly, it’s not only an economic problem but also a cultural one. The government does nothing to maximise the potential of training of future peasants or fisherfolks. Instead, it promotes hard sciences and jobs in the industrial or services sectors.”* Along similar lines, one indigenous community member felt sorry that youngsters are increasingly drawn to “gadgets”, and more widely to a way of life very different from their parents. *“It’s so regrettable since our culture is oral, and there’s a growing need to convey our culture through concrete activities”*. He underlined the importance of peaceful and harmonious methods of conflict resolution in their customary law, but this is threatened because the custodians of this knowledge are growing older, and if they die, the knowledge will die with them.

As a result, all of this imperils the longevity of these communities, and discourages the people who are prepared to pick up the struggle for land as they fear it will be in vain because of the lack of enthusiasm from the new generations. In an attempt to address this, efforts are in progress to train and engage young people very early on and give them a better preparation to face challenging situations. There are also specific grassroots organisations to assist fisherfolk communities to run specific programmes and activities targeting young people, aiming to raise awareness on the importance of continuing local farming and conservation, helping them with these processes and including them as much as possible in the decision-making bodies. This allows the younger people to add their own concerns and priorities to the local discussion.

The same applies to the indigenous communities where there are efforts to include young people in the representative bodies and in community activities, particularly in setting up local business. One interviewee gave the example of a new programme to prevent illegal fishing; notably, it relies on surveillance and mediation patrols, carried out by the youngsters. *“They frequently encounter illegal, armed fish-*

ermen, so some youngsters asked to have their own weapons, but the elders refused this. For them, peaceful resolution of conflicts is an extremely important value.”

Women mobilised despite obstacles

Concerning the involvement and the role of women, we should draw attention to the Philippines’ egalitarian legal framework. Legally speaking, women have the same rights as men regarding access to land. This equality is actively promoted through special instruments, including the Constitution, and the “Magna Carta of Women”, adopted in 2009²⁰. As confirmed by a women’s rights campaigner in Mindanao, *“the Philippines is one of the most advanced countries on women’s rights.”*²¹

This translates into strong female involvement in collective mobilisations in which women often take up the lead. We heard from the rural people of Lanao del Norte, *“Women often take bigger risks than men because they know it’s more difficult for security forces to lash out at women.”* These women stated they do not face particular discriminations. A similar story was echoed in a small fisherfolk community, although one of the women pointed out that it is harder for a woman to impose herself and be heard. As a consequence, female community members tend to rely on strong women to speak out. *“If such a role model is not present, it’s more complicated for women to get an equal treatment.”*

We are touching on cultural issues here, which, as emphasised by the Mindanao Tri-people Women Resource Center (MTWRC) representative, are still present. *“Even though women in the Philippines may be more fortunate than those in other countries, that doesn’t mean everything’s perfect. For example, we are still dealing with a marked culture of misogyny, and unfortunately the situation became worse after Duterte came to power and made a whole series of sexist declarations in the media. Specifically, on the ‘access to land’-framework, it is usually the husband’s name that appears on land titles because the man is considered the head of the family. The same goes for government agencies, civil servants usually give priority to male speakers to the detriment of women.”*

The situation varies depending on the community’s own specific cultural habits. We should not reduce women to stereotypes neither stigmatise them, but it is generally recognised that women face specific challenges, for example in the Moros or indigenous people communities. Significantly, the only place where interviews took place without any female participants was in the

²⁰ “A comprehensive women’s human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors.”, see: <https://www.dbp.ph/wp-content/uploads/2018/06/Magna-Carta-of-Women.pdf>

²¹ Interview with Sindy Soler, from the Mindanao Tri-People Women’s Resource Centre (MTWRC), accessible on the CETRI website at the following address: <https://www.cetri.be/Luttes-rurales-et-mouvements-de>



indigenous community of the Erumanen ne Menuvu in North Cotabato, even though our local contact person had underlined the importance of the presence of women. *“However, such issues are often combined with socio-economic problems such as poverty or lack of education, which have a negative impact on women. Therefore, there is a need to work on these determining factors in a way that is relevant to all women, but adjusted to the needs and reality of each community,”* the MTWRC coordinator continues.

Growing contradictions between the rights and principles guaranteed by the legal frameworks and the socio-economic policies rolled out by the government

We observe a growing contradiction between land rights as recognised and guaranteed by the Philippine State and the current socio-economic policies and development paradigm pursued by the different administrations. Specifically, financial and trade liberalisation are likely to reinforce the economic and therefore the political influence of the agro-industry at the expense of small producers. The latter are struggling to have their rights respected, and by consequence, to ensure their social and economic survival. For example, the NGO Focus on the Global South refers to the agrarian reform as an “orphan programme”. In its view, the reform *“took place in an environment where the structural policies and conditions of the programme were often contrary to its successes”*. It gives the example of “past and current administrations’ penchant for liberalising land ownership in the nation.” (Focus on the Global South, 2008: 35).

Moreover, this trend is more topical than ever with current President Duterte, as one of his objectives is to

remove the existing constraints on foreign ownership of land in the Philippines. Another worrying development under his administration is the increasing criminalisation of rural people’s movements, or even the social movements at large, on the pretext of “fighting terrorism”, and the impunity it encourages in order to repress or even kill local activists.

A necessary ecological transition under threat

The agrarian structure in the Philippines is discriminate small peasants, fisherfolks, and indigenous communities. However, this translates into repeated violations of the fundamental rights of the various marginalised groups, and weakens the capacity of the entire nation to guarantee its food sovereignty and security, to respond to climatic changes and, more widely, to begin the necessary ecological transition towards sustainable methods of production and consumption. Furthermore, Danny Carranza underlines just how difficult it is for small rural producers in the Philippines to move toward more environment-friendly ways of farming in a context where their land rights are not guaranteed, and they also face extremely stiff competition from the big national and international producers. *“Small farmers who want to ride the agro-ecology route receive no support from the State, and in addition they face potential bankruptcy because the neo-liberal policies impose conditions that are extremely difficult for farmers to cope with. The luckiest ones can become independent agro-ecological farmers, thanks to external support, but this is not the case for the vast majority of rural peoples who still might have to start fighting for ownership of their land.”*

RECOMMENDATIONS

Maintain and strengthen support that benefits local actors who mobilise to defend land rights in order to ensure development in rural areas

It was evident from our interviews that local actors who mobilise to defend land rights in the Philippines need external support in several forms. **Financial resources** is a priority that goes hand in hand with logistical and organisational support. They also need **visibility** in the international media to highlight the conflicts and perilous situations they are involved in, and are taking place out of sight. In fact, given the frequent collusions between local authorities and landlords or multinational companies, the ability to call for vigilance, if not intervention, from the national authorities and, more widely, international public opinion, may bring a critical advantage. However, the embattled communities often have very little resources to do this, even though many examples bear witness to their determination and inventiveness in this context (see note 19 above on Sicogon island struggle).

Foster connections and unifying movements

External support may also **help to connect and unify individual struggles and isolated communities**. This is critical since the Philippines is a vast archipelago, which makes it particularly difficult for communities in jeopardy to travel. As the main decision-making centres are based in Manila, many local communities, and especially those coming from Mindanao, do not have the resources to access national institutions without external assistance. Likewise, most of the Manila based actors, e.g. Focus on the Global South, do not have enough resources to visit the most remote parts of the country very often, and yet conflicts occur most frequently in these places. One point on which foreign (donor) NGOs need to stay vigilant is to provide support to the existing actors to reinforce their capacities for action, instead of substituting them, or using the local actors for purposes that are not necessarily their own. In particular, this means respecting the cultural differences between communities while helping them to solve the specific problems they may encounter.

Pay specific attention to young people and gender issues

It is also necessary to devise specific responses to the problems faced by the younger generations. All our interviewees stressed the fact that over time, regeneration issues threaten the very survival of their communities. The same goes for gender, not only because a number of inequality problems still persist

in the Philippines, and even worse, the situation is deteriorating, especially since Duterte came to power. This implies the need to consider supporting programmes to boost women's capacities to claim their rights. Hence, it is important to use those programmes to steer change in the attitudes and practices of the entire Philippine society, and targeting men as well.

Exert pressure on the Philippine State

Another crucial step is to pressure the Philippine State to **make the government uphold its international commitments, along with its national legislation on the access to land**. As we have mentioned, these commitments already offer a solid basis for democratising and safeguarding access to land, but in too many cases they are incorrectly applied or easily circumvented. This happens for multiple reasons, varying from conflicts between administrations, overlapping mandates, to collusion between authorities and landowners; but in all cases, the underlying factors are institutional, cultural, and socio-economic. Therefore, there are multiple solutions, but they all require prior recognition because a law or regulation, even if progressive in nature, is never sufficient. **Implementation measures** must accompany the legislation, which will ensure the desired effect(s). In the case of access to land, for example, the simple official recognition is not sufficient to guarantee the implementation of this right. The potential beneficiaries of the right must be able to enforce it, which implies that they know about it and have the means and capacities to claim it.

In domains where the existing legal framework is insufficient or unsuitable, it is necessary to put pressure on the Philippine State to revise them or **adopt new regulations**. This is particularly the case for small fisherfolks as they are the most vulnerable sector regarding access to land. Another key element concerns the future of the agrarian reform law. While the law officially expired in 2014, land distribution has not reached its completion. Even though Duterte has announced his intention to finalise the full implementation by 2022, the method he has in mind for closing the programme and what will come after continue to raise huge concerns. Peasant organisations consider the outcome of the reform 'mitigated', to say the least.

It is also crucial that the Philippine State comes out with more coherent policies. Particularly, it must synergise its purported objectives on access to land, and its sustainable development agenda in general, with its core economic strategies and policies. Apart



from their intrinsic limitations and the aborted implementation, the present standards concerning access to land are threatened by the economic policies of the last thirty years in embracing the globalisation agenda. This strategy failed to meet food sovereignty, food security and further eroded the rights of small farmers, fisherfolks, and indigenous communities.

Remind the need of coherence to the Philippines international partners (such as Belgium and European Union) between their economic and commercial policies and their commitments to protect human rights and engage in sustainable development

It is important to underline the role played by the Philippines' international partners such as Belgium and Europe, which aggravate the problem if their own development policies are out of step with their economic and commercial policies. The **European Union is the Philippines' fourth largest trading partner** (after China, Japan and the USA), and its main source of development assistance (325 million Euros for the 2014- 2020 period, plus funds allocated individually by specific Member States)²². The Philippines is also one of the 8 countries that is a beneficiary of the extended "**Generalised Scheme of Preferences**" (GSP+), a mechanism offering preferential access to the European market for countries that implement 27 international conventions related to

human rights, labour rights, protection of the environment and good governance²³. And since 2008, there has also been a **Framework Agreement on Partnership and Cooperation (APC)** between the EU and the Philippines that covers areas as wide-ranging as migration and energy. Yet, Europe is not using these tools to put **pressure on Duterte's government to end its repeated violations of fundamental laws and human rights**, even though the European Parliament²⁴ and civil society organisations in the Philippines²⁵ have called the EU to walk its talk.

Worse, the EU has not taken an official stance on the status of the Free trade agreement negotiations with the Philippines that started in 2015. These negotiations fail to heed the reality of human rights in the country, and risk placing yet more emphasis on economic and commercial liberalisation, at the expense of the interests of small producers and, more broadly, a genuine sustainable development agenda.

Hence, Europe should at the very least ensure that the Philippine government upholds its commitment under the GSP+ and other agreements, especially when it comes to protecting those who champion human rights and supporting civil society. If new negotiations take place, they must align with the interests of food sovereignty and small food producers in the Philippines while also respecting their human rights.

²² Source: https://ec.europa.eu/europeaid/countries/philippines_en.

²³ Further details can be found on the European Commission website: <https://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/>.

²⁴ In particular, see the following resolution: http://www.europarl.europa.eu/doceo/document/RC-8-2018-0198_FR.html.

²⁵ See article here: <https://focusweb.org/withdraw-eu-trade-preferences-to-the-philippines-under-gsp-trade-justice-pilipinas/>.

Remind the regulating role of Belgium and the European Union vis-à-vis European companies and/or investors

As a final point, it is also fundamental that Belgium and Europe maximise their resources to make sure European companies or investors respect the internationally-recognised right of the communities affected by any investment project, such as Free, Prior and Informed Consent (FPIC), and also respect the Filipino people's rights for access to land and food security. This implies that all types of support for export to Europe or investments in the Philippines will be conditional upon strict constraints. Belgium and Europe could also draw inspiration from existing initiatives on the corporate "duty of vigilance", and adopt similar

schemes. Taking a broader view, they should also support international initiatives seeking to regulate the way multinational companies operate, starting with the Binding Treaty on business and human rights currently under negotiation in the framework of the United Nations.

Belgium and Europe should challenge the very principle of growing economic and commercial integration that benefits a handful of multinationals to the detriment of local communities and the environment. As a minimum, this should start by including in FTAs a binding chapter on sustainable development, accompanied by mechanisms for complaints and sanctions.

BIBLIOGRAPHY

- Anakpawis (2009), "Comparison Between the Genuine Agrarian Reform Bill (GARB) and the Comprehensive Agrarian Reform Program (CARP)": <https://www.bulatlat.com/wp-content/uploads/2009/01/8-49-ap-garb-vs-carp-ok.pdf>.
- Aquino A., Ani P. A. & Festejo M. (2013), "The Philippine Fisheries Code: National Policy for Sustainable Fisheries", *FFTC Policy Paper*.
- Ballesteros M., Ancheta J. & Ramos T. (2017), "The Comprehensive Agrarian Reform Program after 30 Years: Accomplishments and Forward Options", *Discussion Paper Series* n°2017-34, Philippine Institute for Development Studies.
- Calvan D. (2018), "Sea change for small-scale fishers", *Rappler* (30 May): <https://www.rappler.com/views/imho/203653-sea-change-small-scale-fishers-philippines>.
- Chandran R. (2018), "Driven from home, Philippine indigenous people long for their land", *Reuters* (19 April): <https://www.reuters.com/article/us-philippines-landrights-crime/driven-from-home-philippine-indigenous-people-long-for-their-land-idUSKBN1HQ034>.
- Chase-Lubitz J. (2017), "Duterte's War on Terror Also Looks Like a War on Civilians", *Foreign Policy* (9 June): <https://foreignpolicy.com/2017/06/09/dutertes-war-on-terror-also-looks-like-a-war-on-civilians/>.
- Chavez C. (2019), "Mariano lashes back at Duterte; calls fast-track land conversion a form of corruption", *Manila Bulletin* (10 February): <https://news.mb.com.ph/2019/02/10/mariano-lashes-back-at-duterte-calls-fast-track-land-conversion-a-form-of-corruption/>.
- DAR (2019), "DAR targets complete land acquisition and distribution by 2022": <http://www.dar.gov.ph/articles/news/101256>.
- De Schutter O. (2011), "Towards more equitable value chains: alternative business models in support of the right to food", Report presented at the 66th Session of the United Nations General Assembly [A/66/262].
- Ellao J. A. (2019), "In 2019, charter change may 'unite' the few and the powerful", *Bulatlat* (11 January): <https://www.bulatlat.com/2019/01/11/in-2019-charter-change-may-unite-the-few-and-the-powerful/>.
- FAO (2013), "Philippine fishers and fish farmers facing immense damage to sector": <http://www.fao.org/news/story/en/item/209889/icode/>.
- FAO (2018), "Country Gender Assessment of Agriculture and the Rural Sector in the Philippines", Manila.
- Focus on the Global South (2017), "Unpacking Duterteism: What to Make of President Duterte's Year One", *Policy Review*, vol. 6, n°1.
- Focus on the Global South (2018), "Narratives on Agrarian Conflicts, Transitions and Transformation", Manila.
- Global Witness (2019), "Enemies of the State? How governments and business silence land and environmental defenders", London.
- IFAD (2019), "Country Profile: Philippines", <https://www.ifad.org/en/web/operations/country/id/philippines>.
- IRENEES (2007), "History of the conflict in the Philippines: an overview": http://www.irenees.net/bdf_fiche-analyse-692_en.html.
- Lumibao R. (2018), "Fisheries code worsened poverty of fisherfolk for 20 years – fisherfolk group", *Bulatlat* (26 February): <https://www.bulatlat.com/2018/02/26/fisheries-code-worsened-poverty-fisherfolk-20-years-fisherfolk-group/>.
- LRC (2012), "Revised Guidelines on Free and Prior Informed Consent", Manila.
- Oxfam (2014), "Rebuilding Fishing Communities and Fisheries – Post-Haiyan reconstruction in the Philippines", *Joint Agency Briefing Note*.
- Palatino M. (2018), "The Trouble With Duterte's New Terror List", *The Diplomat* (3 April) : <https://thediplomat.com/2018/04/the-trouble-with-dutertes-new-terror-list/>.
- Punongbayan J.-C. (2019), "How the TRAIN law worsened poverty, inequality", *Rappler* (25 April): <https://www.rappler.com/thought-leaders/228952-how-tax-reform-law-worsened-poverty-inequality-philippines>.
- Rogatyuk D. (2018), "The Fate of the People's War – An interview with José Mariá Sison", *Jacobin*: <https://jacobinmag.com/2018/07/communist-party-philippines-sison-duterte>.
- Rood S. (2017), "Marawi and beyond: a look at violent extremism", CETRI – Centre Tricontinental: <https://www.cetri.be/Marawi-and-beyond-a-look-at>.
- USAID (2017), "LandLinks Country Profile: Philippines": <https://www.land-links.org/country-profile/philippines/>.

ACCESS TO LAND FOR SMALL-SCALE FARMERS, FISHERS AND INDIGENOUS COMMUNITIES IN THE PHILIPPINES

CASE STUDIES ON MINDANAO ISLAND

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