

A Philippines Programme Publication

FOCUS ON THE **GLOBAL SOUTH**

VOL. 1 NOS. 3 & 4 January-June 2011

POLICY Review



Why land to the tiller, why now

by Mary Ann B. Manahan

Photo by Noel Celis

This double issue of *Policy Review* will argue on behalf of the immediate completion of agrarian reform, especially of land distribution, and strengthened implementation of the support services component of CARPER. Arguments will be made on facts and analyses through various articles tackling head-on the challenges to agrarian reform and government's obligations to complete land distribution, ensure the economic viability and political empowerment of land reform beneficiaries, and usher a lasting era of social justice in the countryside.

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◀ WHY LAND TO THE TILLER...from page 1

Here are some hard facts: one-third of the country's population is found in rural areas and poverty incidence in rural families is 46.9 percent (based on the 2000 FIES). The poorest occupation classes are also found in the countryside—with the highest poverty incidence in 2006 found among corn farmers (41 percent); rice and corn farm-workers (36 percent); sugarcane farm-workers, coconut farm workers, forestry workers (33 percent); and fishermen (31 percent)¹. Poverty incidence is high among landless agricultural workers and farmers cultivating small plots of lands.

Rural poverty is highly correlated with access to land. The 1996 World Food Summit in Rome recognized that access to land and land tenure security are critical to rural poverty alleviation and achieving a hunger-free world. Land is life for many rural folks. Agrarian reform and rural development play an essential role in "promoting sustainable development, which includes the realization of human rights, food

security, poverty eradication and the strengthening of social justice, on the basis of the democratic rule of law."² In the Philippines, government data reveal how poverty is highest in the top 15 provinces where there have been backlogs in land redistribution. Meanwhile, the recent Supreme Court decision not to distribute parts of Hacienda Luisita's lands claimed by its farm-workers has again underscored the kind of challenges posed against the agrarian reform law. Under CARP, nine million hectares or 92 percent of total agricultural lands should have been given to more than six million landless farmers and farm workers, as redistribution of land, wealth, income and power in favor of the marginalized has been enshrined in the 1987 Constitution.

Other major obstacles present themselves as resistance from clans with big landholdings, lack of commitment from government to provide resources and inefficiencies in lead implementing agencies. But these challenges do not constitute a breakdown in the implementation of the law, and are discussed in this issue to underscore the importance, urgency and necessity of seeing the completion of an agrarian reform program that secures land ownership for small farmers and provides adequate support services. This should be coupled with the right policy environment that will ensure food security and improve farmers' lives.

CARPER provides a narrow window of opportunity for government's implementation and consequently for beneficiaries to finally have a piece of land they can call their own. President Aquino can either rise to the occasion or choose to stay at the sidelines. If it's the latter, the country will continue to be hounded by this age-old problem of land, social injustice and inequity. **R**

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1 Philippine Council for Agriculture, Forestry and Natural Resources Research and Development (PCARRD), 2003.

2 See www.icarrd.org.

Three years to go: P-noy government to hurdle landlords, inefficient system and deficient budget

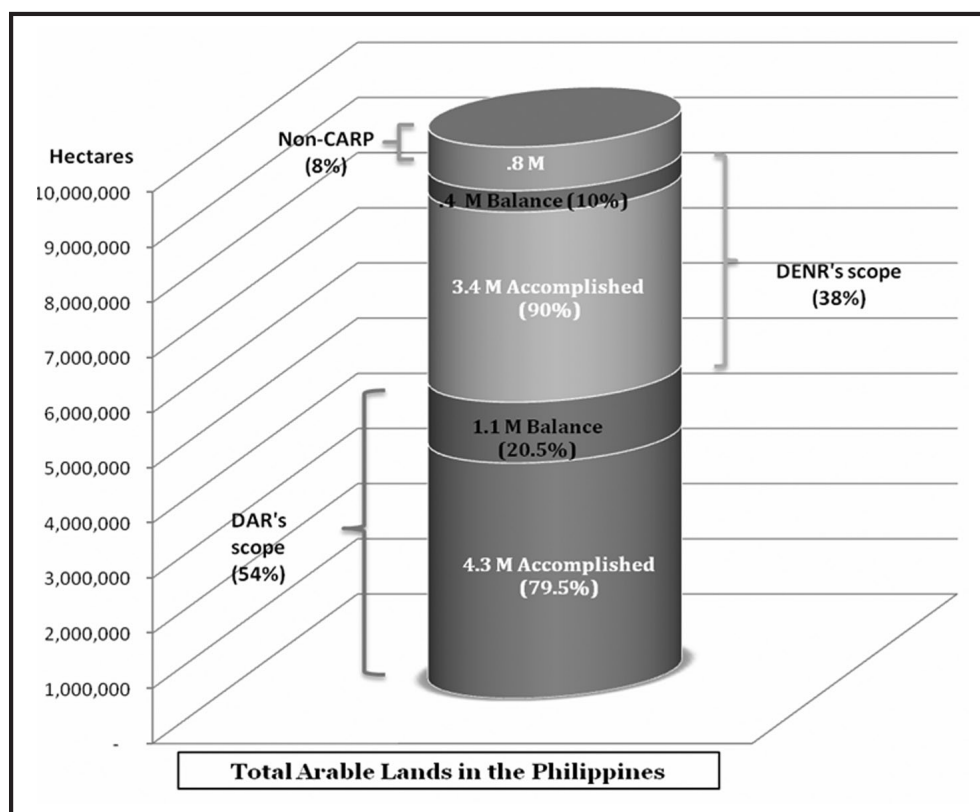
By Carmina B. Flores-Obanil and Mary Ann B. Manahan

CARPER's biggest challenge is distributing 1.5 million hectares of land in barely three years.

From August 2011, the second anniversary of the passage of CARPER, to mid-2014, the Department of Agrarian Reform will only have 35 months or barely three years to acquire and distribute these lands—comprising 1.1 million hectares for distribution by the DAR and close to 400,000 hectares by the Department of Environment

and Natural Resources. June 2014 is the deadline of the land acquisition and distribution component of the extended agrarian reform law. There are 600,000 beneficiaries targeted by DAR and more than 500,000 by DENR, or a total of 1.1 million agrarian reform beneficiaries. According to the law, the total budget that should

Figure 1: Status of CARP Accomplishment, 1972-2010; CARPER Balance, 2011-2014; and Non-CARP Lands



Source: DAR Roadmap 2014, Sec. Virgilio delos Reyes' Presentation to the National Anti Poverty Commission and Civil Society Dialogue, February 2011, Quezon City.

be allocated for CARPER's five-year implementation is PhP 150 billion or P30 million a year, 60 percent of which is for LAD and agrarian justice delivery, and the rest is for support services.

The effective, efficient and equitable acquisition and distribution of lands will largely depend on the political will and leadership of DAR as lead implementing agency, on the accurate determination of intended beneficiaries and of which lands shall be acquired and distributed, and on the budget that government will commit to acquire these lands and provide much needed support to the ARBs.

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◀ **THREE YEARS TO GO...from page 3**

The Challenges

The size and ownership of most of the remaining lands for distribution pose the greatest challenge. (See Table 1) These are private agricultural lands above 24 hectares and where relations between the tenants and landlords continue to be highly feudal and exploitative. DAR is up against landowners who have successfully evaded land distribution for the last 23 years. These were the same landowners who had aggressively and relentlessly opposed CARP since its inception in 1988. Worse, the government in many occasions has accommodated the demands of these landowners to delay if not to avoid redistribution. These accommodations have resulted in the cancellation of titles, land decision reversals, problems in installing farmers and non-redistribution of landholdings. The controversial non-redistribution of the Arroyo and Cojuangco sugar-lands in Negros Occidental and the coconut lands owned by the Reyes clan in the Bondoc Peninsula and the exclusion of commercial landholdings in Mindanao owned by the Floirendos are examples of land reform evasion.¹

From 1997 to the present, most of DAR's backlog comprised private agricultural lands, at 94 percent of its 1.1 million balance; more than one-third or 41 percent are large landholdings or above 24 hectares in size and 62 percent will be acquired through compulsory acquisition. Majority of these large landholdings are planted to coconut (28 percent), sugarcane (24 percent) and rice (21

percent). (See figure 2). For the period January 2011 to June 2014, DAR will have to target 314,884 hectares per year to complete land redistribution by mid-2014. On a per month basis, DAR should be able to distribute 26,240 hectares.

With little change observed in the top 15 provinces with the biggest number of undistributed lands from 1997 to the present, much political will by DAR under the P-noy administration is warranted. (See Table 2) In 2011, these provinces account for more than one-third the total LAD balance. This information is significant because these provinces also figure prominently in the list of provinces where the poorest families can be found. Negros Occidental, Camarines Sur, Leyte, Iloilo and Lanao del Sur are among the top 10 provinces with women in poor households, according to the 2009 National Household Targeting Survey for Poverty Reduction of the DSWD. The National Statistics Coordinating Board also reported that the magnitude and share of Negros Occidental, Camarines Sur, Leyte, Iloilo and Masbate in the total number of poor families and population in 2003 was quite high.² Table 2 shows that in 2009, 30 percent of the country's total poor population was found in the top 15 provinces with the highest land redistribution backlog. Thirteen (13) out of these 15 provinces have poverty incidences above the national average of 26.5 percent while two provinces, Masbate and Maguindanao, have averages more than twice the national.

Assessment studies conducted by Balisacan (2007), Gordoncillo (2008) and Reyes (1998) have also pointed

Table 1: Schedule of Distribution under CARPER

Phasing	Land Category
First Phase – Started on July 1, 2009 and will end on June 30, 2012	<ul style="list-style-type: none"> All landholdings 50 hectares and above (which have been issued notice of coverage by December 10, 2008) All lands under VLT (voluntary land transfer) and VOS (voluntary offer to sell)
Second Phase – Starts on July 1, 2012 and ends on June 30, 2014	<ul style="list-style-type: none"> All landholdings 24 hectares and above (without notice of coverage) All landholdings below 24 but above 10 hectares (which have been issued notice of coverage by December 10, 2008)
Third Phase – Starts on July 1, 2013 and ends on June 30, 2014 (will start only after 90 percent of the two previous phases have been completed)	<ul style="list-style-type: none"> All lands below 10 hectares (in excess of the allowed 5-hectare retention)
To be covered anytime and is not subject to any phasing schedule	<ul style="list-style-type: none"> Public agricultural lands

Source: Republic Act 9700

out that poverty situations in these areas could be linked to the slow implementation of agrarian reform. The technical working paper of the World Bank (2009) posited that the modest impact of CARP on poverty alleviation and growth had been mainly due to DAR's inability to prioritize the acquisition of private agricultural lands through compulsory acquisition.³

Four out of 15 provinces with land redistribution backlogs and high poverty incidence were found in Mindanao. The issue of poverty and landlessness in the region is multifaceted, and has been further complicated by armed conflicts and competing land claims among three different sets of actors (the indigenous peoples, Moros and Christian settlers) with varying layers of demands for political participation and space to express cultural and ethnic identities. The implementation of the agrarian program in the region demands serious consideration of these historical, cultural and complex realities.

DAR's achievement vs. targets have been dismal and its implementation of the program slow. Figure 4 shows the relatively reasonable LAD accomplishment of the department, but this is only because DAR recalibrated or lowered its targets, thus a higher accomplishment rate. For example, from 2001 to 2007 under former President Gloria Macapagal Arroyo, the government's annual agrarian reform target was lowered from 200,000 hectares to 100,000 of private agricultural lands. If the original target of 200,000 were used, DAR's accomplishment rate would have ranged from as low as 48 percent (2003) to 67 percent (2007), or an average of 65 percent, which would be lower than its reported recalibrated target and accomplishment rate. This practice is also being continued under P-Noy's administration. From July to December 2010, DAR's target was now lowered from 200,000 to 140,515 hectares and distributed lands amounted to 88,545 hectares, still only 63 percent of the already lowered targets.

Table 2: Top Provinces with Highest Land Redistribution Backlog, 1997, 2008, 2011; Poverty Magnitude and Incidence, 2009

Provinces	Remaining Lands for Distribution in Hectares under CARP			Poverty (2009)†	
	1997 (a)	2008 (b)	2011 (c)	Magnitude (poor population)	Incidence (in percent)
Negros Occidental	154,246	147,888	144,861	915,157	32.2
Camarines Sur	86,365	54,433**	63,042	794,832	47.0
Masbate	78,229	57,007	33,156	441,688	54.2
Cotabato	74,863	60,186	40,703	344,421	33.3
Negros Oriental	69,391	34,892	24,027	485,080	41.9
Leyte	66,067	60,260	36,007	628,472	34.3
Albay	42,418	Not in the top 10	Not in the top 10	512,079	43.6
Northern Samar	40,833	Not in the top 10	Not in the top 10	292,874	51.2
Iloilo	32,991	Not in the top 10	25,019	569,097	21.8
Camarines Norte	32,503	Not in the top 10	Not in the top 10	232,685	42.3
Isabela	Not in the top 10	49,708**	57,730	283,068	21.2
Lanao del Sur	30,311*	43,988**	39,567	363,340	44.8
Maguindanao	Not in the top 10	Not in the top 10	29,034	437,790	53.7
Sorsogon	Not in the top 10	32,796	Not in the top 10	374,183	41.3
Saranggani	Not in the top 10	30,161	18,450	249,410	51.8

(a) Workable balance based on the Ramos Legacy in Agrarian Reform: A Transition Report. In 1997, Congress debated first extension period of CARP and enacted RA 8532, which mandated an additional PhP 50 billion funding for the program's land redistribution component.

(b) Based on DAR's Data as of March 2008, which was computed and used by Focus on the Global South staff during the Reform CARP Movement campaign.

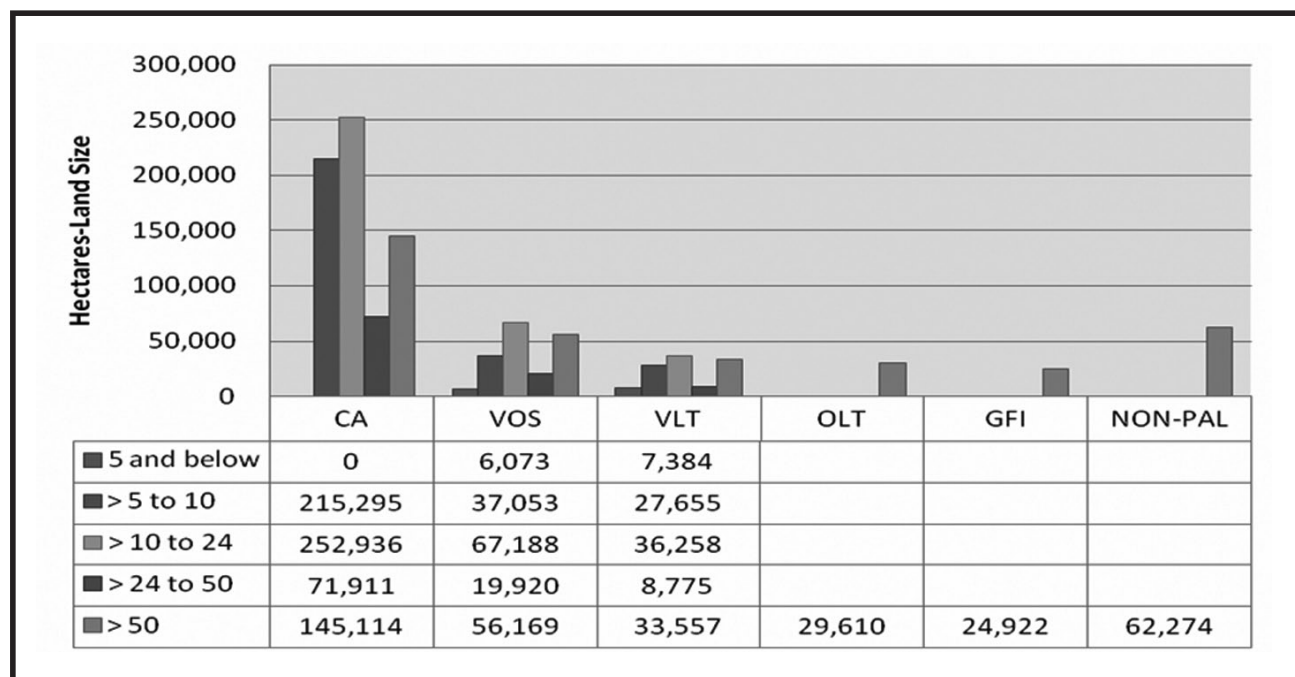
(c) Based on the PARC-DAR Data, March 2011.

* ranked 12th in 1997.

** no explanations on why there was an increase in the 2011 figures.

† National poverty incidence in year 2009 is 26.5% and magnitude of poor population is 23.14 million.

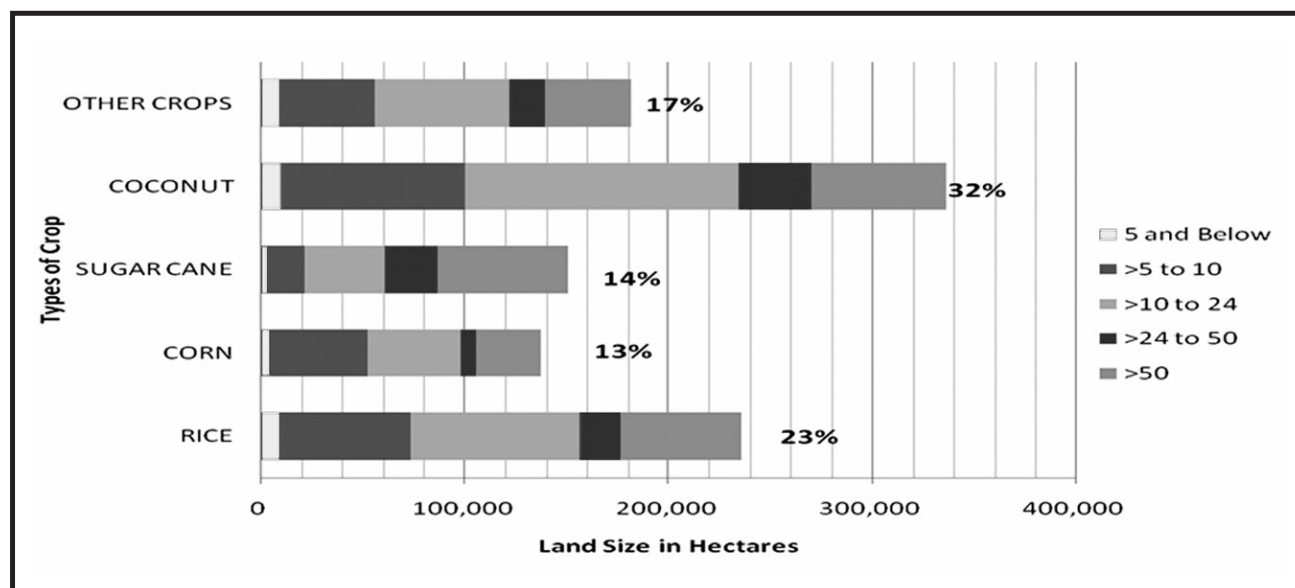
Figure 2: What Needs to Be Distributed: DAR's LAD Balance by Land Type/Land Size and Mode of Acquisition



Source: DAR Roadmap 2014, Sec. Virgilio delos Reyes' Presentation to the National Anti Poverty Commission and Civil Society Dialogue, February 2011, Quezon City.

Mode of Acquisition: CA: Compulsory Acquisition; VOS: Voluntary Offer to Sell; VLT: Voluntary Land Transfer; OLT: Operation Land Transfer (under P.D. 27 for rice and corn lands); GFI: Government Financial Institutions; Non-PAL: Non-private agricultural lands are government-owned lands such as KilusangKabuhayan at Kaunlaran or KKK lands and resettlements.

Figure 3: What Needs to be Distributed: DAR's LAD Balance by Type of Crop



Source: DAR Roadmap 2014, Sec. Virgilio delos Reyes' Presentation to the National Anti Poverty Commission and Civil Society Dialogue, February 2011, Quezon City. *Other crops include banana, palm oil, vegetables, abaca, etc.

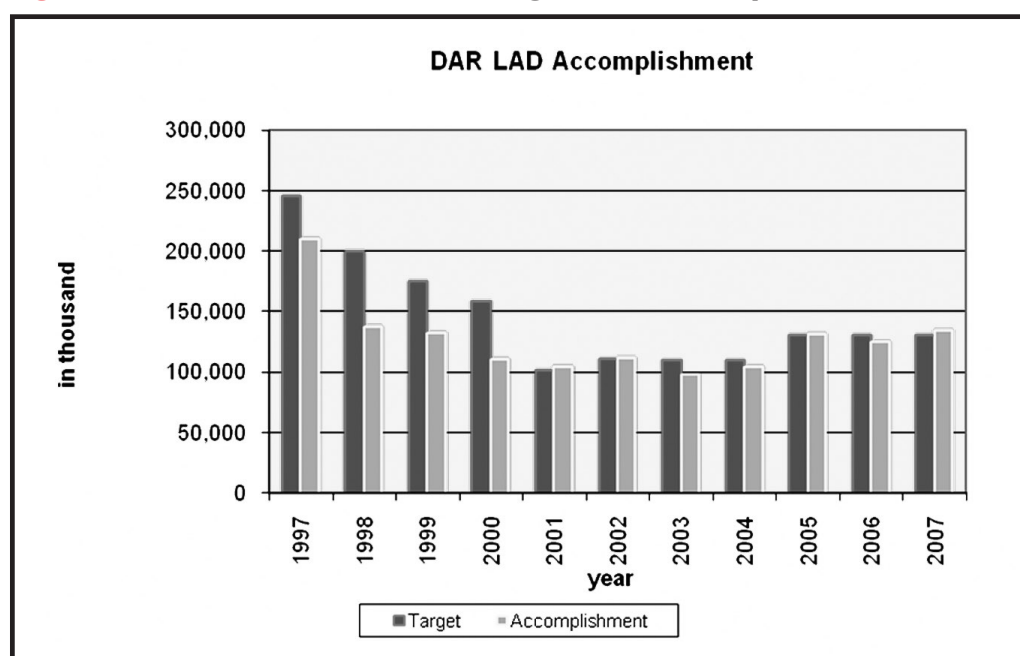
From January to June 2009, only 6.3 percent of the original target of 200,000 hectares per year had been redistributed and from January to June 2010, only 9.3 percent of these lands. For the slow pace, DAR had blamed the delay in the passage of CARPER and in the creation of its implementing rules and regulations in 2009. It also attributed the delay to the law's provision that lengthened the acquisition process by two months.

The second major obstacle is the changing and confusing targets for land distribution. Even within similar government agencies the targets vary. (See Table 3)

Data coming from two sources within DAR, the department's CARP Scope Inventory Project and its website, already differ in the number of total targets, balance and distributed lands. In the Philippine Development Plan there are even three varying figures for two categories (balance and total scope).

Though DAR can easily point out that the figure 1,102,095 hectares should now be used since this is the most updated of the targets, it should explain the reason for the disparities and changes in targets, accomplishments and their implications for the potential

Figure 4: DAR's LAD Recalibrated Targets and Accomplishment



Source: DAR Planning, *1997 and 2007 were the start of Congressional debates for CARP's first and second extension, respectively.

Table 3: Changing Targets for Land Distribution

	Accomplishment	Remaining Balance/Target	Total Target/Scope
DAR ICS	4,002,677*	1,161,074*	5,163,751*
PDP	4,113,247**	1,102,095*****	5,215,342
PDP	4,113,247**	1,281,033 ***	5,484,058
PDP	4,113,247**	1,034,661****	5,237,686
DAR Website	4,203,025*****	1,102,095*****	5,305,190

* reported accomplishment, balance and target/scope as of June 2008 under DAR ICS

** reported accomplishment on the Philippine Development Plan as of June 2009, p. 149, PDP

*** reported remaining balance/target including estimated retention area as per PARC Resolution No. SP 2010-04, p. 249, PDP

**** reported remaining balance/target excluding estimated retention area as per PARC Resolution No. SP2010-04, p. 249, PDP

***** reported remaining balance/target as of March 2011 as presented to PARC

***** reported accomplishment in the DAR website

beneficiaries of the program, and ultimately for the quality and effectiveness of CARPER's implementation.

Third, the system of identifying target beneficiaries has been problematic too. As a result, there have been numerous cases in which landowners have circumvented the law by depriving people of their status as legitimate beneficiaries. Landowners were able to circumvent the program by identifying their own set of beneficiaries loyal to them (such as the case in Hacienda Velez-Malaga in La Castellana, Negros Occidental), even if the beneficiaries were not the actual tenant tillers or farm workers. There were also disputes between settlers and landless residents (such as in the lands owned by the Araneta family in San Jose Del Monte City, Bulacan). DAR's action on these cases was merely to revise targets for agrarian reform beneficiaries for 2011 – 2014 under CARPER. It identified 1,174,145 actual and potential agrarian reform beneficiaries of land distribution, which it presented to PARC last March 31, 2011. Regular, seasonal and other types of farm workers have also not been identified as beneficiaries, even if the law had qualified them.

Now, landowners are even using a loophole in CARPER; its Sec. 5 which amended Sec. 7 of RA 6657 (CARP) states that landowners shall issue the so-called "attestation of landowners" which will certify whether a person is a farm worker or tenant in his landholdings. While there is a safeguard provision stating that "any person who shall

cause undue delay of the implementation of the program shall be criminally penalized" and there is remedy and relief under the IRR on LAD, DAR will really have to ensure the integrity of the identification and selection process, even if it has to come to contesting the attestations of landowners. To do this, it has to again muster political will as well as rally the support of agrarian reform advocates in civil society and local governments.

Fourth challenge is the redistribution of public forest lands under the DENR, which embodies complex issues in public land reform. The department has to redistribute two types of public forest lands—alienable and disposable (A&D) lands and community-based and – managed forest lands, which are actually cultivated farmlands. Based on the DENR's official figures, about 3.4 million hectares have been redistributed or 90 percent of the total target to over two million agrarian reform beneficiaries. While the remaining balance is only close to 400,000 hectares, these landholdings are nonetheless problematic. For example, effective control by influential families such as the Reyeses and Uys of Bondoc Peninsula in Quezon exists even if these are classified as public forest lands and "actual land use often contradicts what is reported in official land use categories."⁵ The DENR has to deal with: (1) private and public land overlaps in the delineation of landholdings; (2) reversals in the declaration public lands because of reclassifications; (3) de-prioritization of CBFM lands; (4) competing claims over the contested public forest land due to different policies and laws governing public land reform; and (4) documentation or non-documentation of untitled properties.

The image problem of CARPER's implementing agencies, especially DAR and DENR has to figure in as major challenge. The ARBs, people's organizations and NGOs have a general perception that these agencies are inept and corrupt, which has made it more difficult to gain public support for agrarian reform. There are stories of entrenched "syndicates" inside the departments, especially inside DAR. Bureaucratic corruption is usually related to the processing and expediting of land use conversion cases, reversals and anti-reform decisions. Controversies involve personnel who are regularly in contact with rich and large landowners.

But in the end what will spell the success of CARPER is the president's commitment to complete what the law has set forth to implement. This commitment can begin with the provision of enough resources for implementation. The budget cut for agrarian reform in 2011 to fund

ARBs	Agrarian Reform Beneficiaries
ARCs	Agrarian Reform Communities
CARP	Comprehensive Agrarian Reform Program
CARPER	Comprehensive Agrarian Reform Program Extension with Reforms
DAR	Department of Agrarian Reform
CBFM	Community-based and Forest Management
DENR	Department of Environment and Natural Resources
LAD	Land Acquisition and Distribution
NGO	non-government organization

Table 4: Top 3 Destination Countries for “Large Scale” Land Investments

Top countries							
Top 3 Destination countries by region						Origin	
Africa		Latin America		EAP			
Country	Total	Country	Total	Country	Total	Country	Total
Sudan	6.4	Brazil	3.6	Indonesia	3.6	China	10.5
Ghana	4.1	Argentina	2.6	Philippines	3.1	UK	10.5
Madagascar	4.1	Paraguay	0.8	Australia	2.8	S. Arabia	9.8

Source: Klaus Deininger, World Bank, “Large scale land acquisition: What is happening and what can we do?”, presentation to Land Day event hosted by the Global Donor Platform for Rural Development and FAO/SDC/IFAD on 24 January 2010, <http://www.donorplatform.org/content/view/332/210/>

EAP stands for East Asia and the Pacific

other programs such as the conditional cash transfers is not great indication of P-Noy’s commitment to CARPER. The cut took place despite the fact that there are only three more years left for this government to complete land redistribution. For its 2012 budget, the Department of Agrarian Reform has proposed close to PhP 18 billion (PhP 17.92 billion), 96 percent of which will be sourced from general funds. This amount is PhP 1 billion higher than the 2011 budget, but far below the mandated PhP 30 billion allocated under CARPER.

DAR seems to be operating still on a “Hercules scenario”, a term coined in the 2005 DAR-GTZ report to refer to a political environment hostile to agrarian reform and rural development as reflected in declining budgets and the lack of political support from then President Gloria Macapagal Arroyo.

The lack of commitment is seen too in government’s aggressive investment policy on food and fuel, which is not in harmony with the goals of CARPER. Table 4 shows that the Philippines is the second top destination country for large scale land investments, with government earmarking 3.1 million hectares of lands for such investments. The rising commercial transactions and deals around large-scale agricultural land acquisitions for the production, sale and export of food and biofuels globally have now given rise to a phenomenon called global land grabbing. This was triggered by the complex and intermeshing crises of food, fuel, energy and finance. The Philippine government

for its part has committed vast tracts of lands to foreign and domestic corporations for food, fuel and energy projects. The entry of the investments for fuel and energy had been mandated by the Philippine Biofuels Act of 2006 or RA. No. 9367, which aimed to “develop and utilize indigenous renewable and sustainable clean energy sources to reduce dependence on imported oil.” The lands to be developed according to the law are “idle, new, untenured and marginal”; the investments should be guided by laws that respect agrarian reform, forest land and indigenous peoples’ rights. However, recent case studies on land deals and agro-investments have uncovered that lands converted for biofuel production are in fact areas planted to rice, some of which have irrigation facilities. Some land deals have led to the cancellation of farmers’ CLOAs, violated their land rights and may likely lead to the re-concentration of land ownership.

The critical role of Hacienda Luisita, which is deemed the litmus test of the president’s commitment to agrarian reform, has to be at the crux of the agrarian reform issue. This is not only because of the president’s familial interest in the property but more so because Hacienda Luisita’s fate may well dictate the direction and fate of the agrarian reform program. P-Noy could have ordered the immediate distribution of Hacienda Luisita after the temporary restraining order against land distribution lapsed in 2010;

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Heavy Reliance on ODA: boon or bane?

By Mary Ann B. Manahan

The achievement of agrarian reform's goals relies heavily on the annual budget allocated by Congress. Under CARPER, the program should receive at least Php 30 billion per year to support land acquisition and distribution for five years, the provision of support services and delivery of agrarian justice. Sixty (60) percent of the budget goes to land redistribution and the remaining 40 percent to support services. Anything less than the actual mandated budget could undermine the completion of land redistribution by 2014 and puts to question the seriousness of support for the program.

In 2010, Php 4 billion was slashed from the proposed 2011 DAR budget of Php 20 billion which signaled that the program is a low priority under P-Noy's administration. The budget cut had huge implications for new and old agrarian reform beneficiaries since what was taken out was for socialized credit and initial capitalization or subsidy.

The proposed budget for 2012¹ is a billion pesos higher than 2011's. However, a comparison of the 2011 and proposed 2012 budgets, as summarized in Table 1, reveals that the budget for land distribution dipped by eight percent; the decrease is equivalent to a little over Php 800 million. This decrease represents the amount allocated to the Department of Finance-Land Bank, which is the budget for landowner's compensation or initial cash payment for lands acquired. The upside is that the budget for DAR and DENR went up. Whether this will improve the capacity of the implementing agencies in beating the 2014 deadline for land acquisition and distribution remains to be seen. Historically, budget allocation has been skewed in favor of land redistribution. This is expected as the budget allocation pre-CARPER was 70-30 in favor of LAD (vs. support services). A 2009 study on CARP's budget done by the Philippine Partnership for the Development of Human Resources in Rural Areas showed that except in 2003, LAD comprised half of the allotted agrarian reform fund, which had been the major source of CARP funding before the passage of RA 9700 (CARPER). This trend continues in the 2012 budget, which will be sourced from the general funds. LAD is 52.5 percent of the overall budget.

In the period 2004-2005, the allotment for support services decreased by 12 percentage points. For 2011-2012, the allotment for support services under CARPER decreased by three percent. The budget for support services or program beneficiaries' development has ranged from five percent to 18 percent of the overall CARP budget from 2000 to 2007.²

For 2012, support services will only be nine percent of the total budget for CARPER, a little smaller than the budget for operations. What is not indicated in the budget is how much will be earmarked for initial capitalization, subsidy and socialized credit for the new and old agrarian reform beneficiaries, a new provision under CARPER.

This trend for support services is not surprising as the allocation scheme upholds the spirit and intent of the program, i.e. to carry out land redistribution. Support services such as credit, irrigation, farm-to-market roads, access to input, which complement land redistribution, have been financed through other fund sources, in particular by overseas development assistance (ODA). Interestingly, the budget for foreign assisted projects will double in 2012—the total amount is almost half the total budget allotted for LAD, and is one-fourth of the overall CARPER budget (see Table 1).

ODA—more infrastructures, more debts, less social justice?

The lack of funding commitment from the national government has, in the past and even presently, increased reliance on ODA, especially for support services. ODA packages have come from multilateral (e.g. World Bank, Asian Development Bank, UN bodies), bilateral (USAID, JICA/JBIC, GTZ), or international private organizations, voluntary agencies and international research organizations. From the early '90s onwards, agrarian-related ODA to the Philippines significantly increased (see Table 2). ODA funding could be considered more substantial compared to the total CARP approved budget under DAR for the last 20 years. From 1992 to 2010, DAR generated ODA loans and grants amounting to more than Php 76 billion for 61 projects (54 completed and seven on-going) and 20 that are still in the pipeline are worth Php 41.367 billion.

Table 1: Proposed Budget for CARPER (in million pesos) under P-Noy

Items	2011	2012	% Change**
LAD/AJD (for the Requirement of CARPER)	10,251.208	9,410.215	-8
DAR	5,714.840	6,095.437	7
DENR-Office of the Secretary	464.213	580.282	25
DENR-LRA	106.045	234.496	121
DOF-Land Bank of the Philippines	3,966.110	2,500.00	-37
PBD*	1,730.020	1,676.806	-3
DAR	1,256.666	1,214.958	-3
DA-NIA	248.176	235.904	-5
DTI-Office of the Secretary	75.178	75.944	1
DENR-Office of the Secretary	150.00	150.00	0
Operations	1,663.85	1,711.103	3
LAD	1,382.460	1,420.638	3
Land Use Management and Land Development	63.245	65.936	4
PBD	13.525	13.168	-3
Agrarian Legal Assistance	17.894	19.647	8
Agrarian Legal Service	162.603	167.274	3
Operations Support to Agrarian Reform Information and Education	24.122	24.440	1
FAPs*	2,397.953	4,574.989	91
Locally-Funded Projects	-	17.623	
General Administration Support	209.684	409.962	96
Support to Operations	112.799	120.147	7
TOTAL	16,365.513	17,920.845	10

Source: Government Expenditure Program Fiscal Year 2011 and 2012

* Under the 2011 and 2012 Expenditure program, the PBD and FAPs are earmarked to support the programs and projects of the Agriculture and Fisheries Modernization Program (AFMP). Historically, the government has not allocated money for the whole Agriculture and Fisheries Modernization Act which is part of the reason why the program has not been implemented since 1998 and was thus, extended in 2008.

** Rounded figures.

Since 1992, the total loan-grant mix has been highly skewed in favor of the loan component, with 66.39 percent of ODA comprising of loans and only 8.51 percent grants; the remaining 25.11 percent is Philippine government's counterpart, in cash or in kind through the DAR, other national government agencies, local government units and/or beneficiary-farmers and their organizations or cooperatives (see Table 2).

Of the 61 projects, 32 cost Php 88 million (see Table 3) and passed through the Investment Coordination Committee (ICC)³-deliberation and approval process of the National Economic and Development Authority. A key criticism here is that the loan has contributed to the debt accumulation of government. In 2008, for example, DAR was responsible for Php 21 billion of the country's foreign debt.

In the period 1996 – 2010, completed sub-projects in infrastructure development numbered 4,751 and were worth Php22 billion; these projects included farm-to-market roads, irrigation systems, post-harvest facilities, potable water systems and solar dryers. Such projects aimed to integrate the ARCs into the national economy. Fifty-five (55) percent

of the funds for these completed sub-projects had come from the Government of France; the Japanese government contributed 21 percent, while the Asian Development Bank (ADB) accounted for 15 percent and the World Bank for nine percent. But cumulatively, for both completed and on-going projects, the Government of Japan had been CARP's top donor, contributing 30.64 percent of total project funds, followed by the Government of France (28.76 percent), the Asian Development Bank (14.8 percent), World Bank (5.47 percent) and the European Union (three percent). Grants came from other donors such as the Belgian government (2.7 percent), IFAD (2.5 percent) and UNDP (.8 percent).⁴

DAR estimates that a total of 881,143 ARBs in 1,284 ARCs have directly benefited from agrarian-related ODA investments. Sixty-three percent of the ARBs in 913 ARCs directly benefited from completed physical infrastructures; 80 percent of these beneficiaries benefited from farm-to-market roads in 693 ARCs; and 398,089 jobs were created through infrastructure projects. More than half of these jobs had been generated by farm-to-market roads, 13 percent by potable water systems, 10 percent by irrigation, eight percent by bridge

Table 2: Status of Resource Mobilization, 1992-2010

Projects/Types of Assistance	No. of Projects	Total Cost (PhP Million)			Total
		Loan	Grant	GOP*	
Completed	54**	21,268.34	6,183.50	10,343.	37,795.74
Ongoing	7	29,614.91	337.68	8,898.95	38,851.54
Capital Assistance	5	29,614.91	317.68	8,890.95	38,823.54
Technical Assistance	2	-	20.00	8.00	28.00
Subtotal	61	50,883.25	6,521.18	19,242.85	76,647.28
In the pipeline	20	29,929.37	2,211.16	9,227.03	41,367.56

Source: DAR ODA Portfolio Review, December 31, 2010.

*Government of the Philippines

** includes Integrated Programme for the Empowerment of Indigenous Peoples and Sustainable Development of Ancestral Domains, which was transferred to NCIP on its 3rd year of implementation.

Table 3: CARP Approved Budget under DAR vs. NEDA-Investment Coordination Committee-Approved DAR Foreign Assisted Projects (FAPs), 1995-2010 (in PhP Million)

Year	CARP Approved Budget	ICC-Approved DAR FAPs
1995	4,602.75	4,000.17
1996	7,068.54	4,920.58
1997	6,033.75	611.62
1998	5,250.34	9,420.72
1999	5,070.23	6740
2000	10,065.96	4,152.13
2001	6,731.31	2,540.67
2002	5,976.44	5,921.96
2003	3,454.13	600.46
2004	9,048.86	0
2005	8,232.91	1,460.21
2006	7,060.48	19,707.4
2007	8,779.16	8,647.21
2008	--	18,792.24
2009	--	500.00
2010	--	0
Total	103,946.14	88,015.38

Source: DAR ODA Portfolio Review, December 31, 2008; DAR CARP Approved Budget from FAPSO. Also see Borras Saturnino, Manahan, Mary Ann, and Tadem, Eduardo, "Foreign Aid and CARP Extension", Philippine Daily Inquirer, July 5, 2008.; Data from 2008-2010 were not provided.

construction, three percent by solar power and post-harvest facilities, and the remaining seven percent by other infrastructures. Majority of the foreign-assisted projects and consequently the ARCs and direct beneficiaries are found in Mindanao, then Luzon and the Visayas. (See Table 4)

This seeming feat, however, needs to be balanced with social and political dimensions of agrarian reform. Community and institutional development support, agricultural productivity and rural enterprise development, basic social services, land tenure improvement, and gender and

development were components of agrarian-related ODA that have taken a back seat to infrastructure development.

Contested Impacts

The extent of ODA's impact on the agrarian reform process is still contentious. While the agrarian reform department reports more than 800,000 beneficiaries in 1,284 ARCs, this is a measly 23 percent of the total 2.3 million ARBs of CARP. As most of the sub-projects were construction-related, and which were therefore labor-heavy, the estimated total employment generated by this intervention reached 398,089 jobs or 45 percent of the total ODA land reform beneficiaries. But these construction-generated jobs have limited shelf life and are not sustainable.

DAR assumes that the cumulative effect of project interventions under its foreign-assisted projects has driven the positive change in the overall socio-economic conditions of land reform beneficiaries in ARCs, in effect improving their quality of life. As of December 2009, there was a recorded increase in average annual household income in nominal terms from 19 percent to 49 percent, or from Php 20,656 to Php 71,778.⁵ This was based on its baseline survey of six projects covering 69 provinces, 388 ARCs and close to 200,000 land reform beneficiaries. This is a welcome development but still falls short when compared to the average annual household income at 2006 prices of Php 172,000.

The ARCs, supposedly DARs main mechanism for extending support services reached only a limited number of beneficiaries, as two-thirds of beneficiaries have remained outside the ARCs and have therefore been unreached by ODA projects.

Furthermore, the World Bank, as the trendsetter in agrarian-related policy since the 1960s, had taken an anti-CARP position and piloted its own version of land reform in the mid-90s. The WB's agrarian market-assisted land reform (MALR) and land administration and management projects, which had operated in a "willing buyer-willing seller framework" and land transfer through the market, had undermined the land redistribution potential of CARP. A home-grown version, the World Bank-funded Community-Managed Agrarian Reform and Poverty Reduction Project (CMARPRP) had been marked by highly questionable land transactions

(landlords and corrupt bureaucrats pressed for the voluntary land transfer mode to evade CARP and with relatives of landowners ending up as beneficiaries), inappropriate projects and interventions by landlords and speculators. CMARPRP also had strings attached to it (i.e. tied aid) that hadn't been the best approach to make CARP effective.

ODA as CARPER Funding

To sustain the gains of the agrarian reform program, the current DAR administration under Sec. Virgilio "Gil" delos Reyes has again identified the "enlargement of ODA portfolio" as a strategic priority. ODA funds for CARP to a large extent remains significant but far from adequate and in many instances inappropriate. There are certainly challenges and implications for land rights advocates, ODA watchers, and more so, for DAR which will continue to tap such overseas aid for CARPER's implementation.

But for such development interventions to really work and be sustainable, a strong rural social movement is indispensable. National ownership, accountability and real participation can only mean something if agrarian-related ODA understands that partnerships are based on the recognition that power is differentially distributed among interest groups at the grassroots level. In other words, put an emphasis and bias on the landless and near-landless cultivators and provide them with enough space and opportunities to take an active role in pursuing their rights to land, food and other productive resources. By so doing, the impacts and value of ODA can hopefully take root more deeply and gain wider ground.

ODA might have bridged shortfalls in government budget, but resulted in DAR's heavy reliance on it to provide support services. With ODA being considered again as strategic source of funds, it is important to look critically at its previous impacts and how the funds will be utilized this time. It remains to be seen also how the slight increase in the 2012 budget for DAR and DENR's land redistribution will be maximized and used, and if such increase will translate to real benefits for agrarian reform beneficiaries. **R**

** This article builds on a collaborative piece, "Foreign and CARP Extension" by Saturnino Borrás, Jr., Mary Ann Manahan, and Eduardo C. Tadem, which first appeared in the Philippine Daily Inquirer's "Talk of the Town," July 5, 2008. This is also part of*

Table 4: Foreign Assisted Projects ARC Scope by Region, 2010

ISLAND	SCOPE					
	Province	Municipality	ARC	Barangay	ARB	No. of FAP
CAR	6	38	39	248	39,795	6
Region I	4	62	64	283	37,002	9
Region II	5	63	72	367	50,341	11
Region III	7	66	82	322	70,950	11
Region IV	10	68	100	327	68,599	13
Region V	6	64	86	364	49,744	13
Luzon	38	361	443 34%	1,1911	316,431	14
Region VI	6	86	114	328	63,530	10
Region VII	4	55	71	350	63,879	9
Region VIII	6	102	109	753	86,019	12
Visayas	16	243	294 23%	1,431	213,428	15
Region IX	3	69	119	547	65,381	13
Region X	5	76	109	440	48,445	18
Region XI	4	49	80	276	70,812	16
Region XII	4	46	72	174	68,225	13
CARAGA	4	64	93	484	72,840	14
ARMM	5	57	74	256	25,581	13
Mindanao	25	361	547 43%	2,177	351,284	25
Grand Total	79	965	1,284	5,519	881,143	25

Source: DAR Portfolio Review, December 31, 2010, p. 15

an ongoing policy-oriented study on ODA and agrarian reform in collaboration with several researchers and with the Asian regional office of the Belgian Coalition of North-South Movements or the "11.11.11-Pilipinas" and Focus on the Global South.

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- 1 Interesting about the 2012 budget is the statement that "DAR shall gradually scale down its Organizational and Staffing structure in anticipation of the completion of land acquisition and distribution under the CARP on said date [2014]. It shall likewise begin the transition process by gradually transferring all the support services for the Land Tenure Improvement to the DA and other appropriate agencies of the government". This is a clear indication that DAR will likely close shop in 2014.
- 2 See. PhilDHRRA's report, Department of Agrarian Reform's Budget in Focus: Discussion Papers and Case Study, August 2009, www.phildhrra.org
- 3 "The ICC is mandated to evaluate specific major capital project with respect to their technical, financial, economic, social, environmental and institutional development feasibility/viability and from the context of sectoral plans and geographical strategies." It then recommends this to the NEDA Board. See <http://www.neda.gov.ph/Subweb/oda/ICC/icc.htm>, accessed, August 17, 2011.
- 4 DAR ODA Portfolio Review, December 31, 2010, p. 14.
- 5 DAR ODA Portfolio Review, Executive Summary, p. ii.

CARPER 101

CARPER is the newest piece of legislation mandating the implementation of agrarian reform in the Philippines. Signed on 7 August 2009, the CARPER law (Republic Act. No 9700) gave the original Republic Act 6657 or CARP five more years to get done. This is the program's second extension period. In 1998, CARP's land acquisition and distribution component was given its first 10-year extension and additional funding of PhP 50 billion through RA 8532.

For more than two decades now, CARP has been touted as the longest running program being implemented under a democratic set-up, post-EDSA 1986. The program seeks to address rural poverty and agrarian problems by restructuring the agrarian landscape in the country, and thereby promote social justice and improve farmers' incomes and productivity. Anchored on the principles of inclusiveness and participation, the program is supposed to benefit five million landless men and women farmers and farm-workers. It requires the potential agrarian reform beneficiaries to form cooperatives or associations, which in essence promotes collective behavior or working together to make the land productive. But CARP and now CARPER have yet to fulfill the promise of social justice through agrarian reform as articulated in the 1987 Constitution.

The extension period primarily highlights completion of land distribution by June 2014. The program should get PhP 150 billion for five years or PhP 30 billion per year for land acquisition and distribution and agrarian justice delivery (60 percent), and support services (40 percent).

CARPER introduces other meaningful reforms articulated by agrarian reform advocates, especially by the Reform CARP Movement¹. These are measures to address loopholes in CARP and problems that arose from its implementation, which have beset the program since its inception more than two decades ago.

Killer Amendments

However, CARPER still falls short of what the farmers and supporters of agrarian reform have hoped for. Anti-CARP legislators inserted a 'killer amendment' which could potentially undermine key reforms in the bill, its implementation and even reverse CARP's gains. This is found in Section 5 of the law, which states that "only farmers (tenants or lessees) and agricultural farm-workers actually tilling the land, as certified under oath by the Barangay Agrarian Reform Council and attested to by the landowner are the qualified beneficiaries."

This provision is dangerous on two counts. First, it can exclude seasonal farm-workers as qualified beneficiaries. They comprise the majority of workers found in the targeted lands under the LAD component, especially the sugarcane and coconut areas. Second, the "attestation" of landowners can put at risk the integrity of the selection and identification of beneficiaries. This can be used as an instrument of landowners to evade or stall the program, which they have done before, because it will enable them to identify their own sets of beneficiaries loyal to them or opt not to cooperate at all. This becomes more problematic in the absence of a comprehensive database of agrarian reform beneficiaries.

The pro-reform members of the bicameral committee knew the gravity and implication of the "attestation" clause and were quick enough to include a safeguard measure in CARPER, i.e. a provision that shall penalize and hold criminally liable "any person who shall cause undue delay in the implementation of the program." **R**

Key Meaningful Reforms based on

Land Acquisition and

Prioritize acquisition and distribution of large lands (more than 24 hectares and 24-50 hectares)

Re-instate compulsory acquisition and Voluntary Conveyance as the main modes of acquisition; remove the Voluntary Conveyance mode by June 30, 2009 [Note: This was a mode for land owners to voluntarily convey land to the state]

Continue the process of coverage sans protest; remove the exemption/exclusion by landowners

Enforce the Certificate of Landownership Award (CLOA) and Emancipation Patents (EPs), so that once land has been registered, it cannot be re-claimed by others and the CLOA can't be used by landowners to contest the titles. Failure to do so means that the landowner has waived his or her right to contest the titles.

Remove non-redistributive schemes like the State Land Use Conversion (SLUC)

Disallow the conversion of irrigable and irrigated lands into non-agricultural uses that has been used to directly subvert the acquisition and distribution of land and to dispossess the farmers of lands already awarded

Automatic CARP coverage of lands targeted for acquisition; the automatic plan has not been implemented 5 years after approval

Individual CLOAs shall be awarded, not collective CLOAs. In the case of mother CLOAs, DAR needs to subdivide the land into individual beneficiaries, but farmers can opt to be collective beneficiaries

Recognize usufruct rights of beneficiaries, so that once land is transferred from the previous landowner, the beneficiaries can occupy the land even before the actual awarding of CLOAs

The awarding of land to beneficiary must be completed within the date of registration of the land title in the National Office of the Philippines

That crops are currently planted on lands for agricultural purposes cannot be an excuse to evade distribution; these "standing crops" shall be valued by the Land Bank of the Philippines and the amortization to be paid by the beneficiaries

Amortizations shall be paid one year after the completion of the land by the beneficiaries, [Note: This is in order to ensure the vulnerability and to give them lead time needed to move to other lands]

The Registry of Deeds is assigned ministerial duty to register land in the name of the Republic of the Philippines. The Philippines has certified that the necessary deposit of the landowner constituting full payment in cash shall be made to the landowner; register the certificate of land ownership; and cancel previous titles pertaining to the land

Uphold the indefeasibility of the Certificate of Landownership Award (CLOA) and Emancipation Patents (EPs); once the land is awarded to a farmer, nobody can claim that the land is still under the landowner's control. Under the CLOA and EP, the landowners cannot contest the titles. The failure to do so means that the landowner has waived his or her right to contest the titles. The failure to do so addresses the cancellations of CLOAs and EPs even before the awarding of the beneficiaries]

¹ The Reform CARP Movement is a coalition of peasant organizations and agrarian reform advocates. Though their version was later revised based on the CARP law, it remains a significant reference.
² CARP implementing agencies or CIAs include the following:

CARP's Program Components

Distribution	Support Services	Agrarian Justice Delivery	Other Reforms
<p>landholdings exceeding 50</p> <p>Offer-to-Sell scheme as the primary Land Transfer (VLT) after <i>farmers to evade the program</i></p> <p>s from or application for</p> <p>ds (CLOAs) and Emancipation transferred to the farmer, this can't be cancelled; one year is given to do so within the allowed period or her right.</p> <p>Stock Distribution Option (SDOs)</p> <p>land lands. <i>[Note: Land conversion and distribution centerpiece of CARP, awarded to them]</i></p> <p>or conversion if the conversion application for conversion</p> <p>ve or mother CLOAs. In the case these to individual titles for lease owners.</p> <p>that once DAR has acquired the titles can use and cultivate the lands or EPs</p> <p>completed within 180 days from the date of the Republic of the Philippines</p> <p>acquisition can't be used as "proofs" shall be included in the titles and computed into the titles</p> <p>actual occupation and cultivation <i>[recognition of their economic contribution to make the lands productive]</i></p> <p>uty to: register the title of the lands, after the Land Bank of the Philippines has been made in the name of the owner or in bond with due notice of the ownership award issued to the owner or her right.</p> <p>landownership Awards (CLOAs) and has been registered to the DAR, only one year is given to do so within the allowed period or her right. <i>[Note: This is the case when they have been awarded to]</i></p>	<p>Provide integrated support services using 40 percent of the allocated budget, or equivalent to PhP 60 billion; 30 percent of this shall be for agricultural credit facilities, which shall be further divided into: 1/3 for subsidies to support new ARBs' initial capitalization for agricultural production & 2/3 for socialized credit for existing ARBs and leaseholders.</p>	<p>Uphold the legal standing and personality of agrarian reform beneficiaries, so that the courts cannot dismiss any land cases because the farmers' do not have 'legal standing' <i>[Note: Before CARPER, potential agrarian reform beneficiaries could not defend their rights in legal disputes over lands they were already tilling; they had no "legal standing or personality" with regular courts since they were only "potential" owners of the lands. In most cases, after an adverse ruling from the Office of the President, DAR could not appeal the case with the Court of Appeals or Supreme Court, leaving the potential ARBs defenseless or without recourse]</i></p> <p>Uphold the DAR's exclusive jurisdiction over agrarian reform-related cases <i>[Note: This is to preclude previous practice of municipal, municipal circuit, regional and metropolitan trial courts of accepting agrarian-related cases or which stem from agrarian disputes]</i></p> <p>Institute a referral system which would expedite the de-criminalization of agrarian reform-related criminal cases filed against tenants <i>[Note: The referral system means that city, municipal and regional courts shall immediately refer cases which involve landowners and farmworkers, tenants, leaseholders to the DAR. This is to prevent previous practice of landowners filing criminal cases like "theft, unlawful entry, trespassing, etc." against potential agrarian reform beneficiaries in a bid to evade land distribution]</i></p> <p>Give immunity to CARP implementing agencies from undue interference filed against their personnel such as temporary restraining order, injunctions, prohibition or mandamus issued by the regional trial courts, municipal trial courts, municipal circuit trial courts and metropolitan trial courts <i>[Note: It has been the recourse of landowners to petition regional, municipal, municipal circuit and metropolitan trial courts to issue orders that will stop DAR and other CARP implementing agencies from initiating the distribution of their lands]</i></p>	<p>Articulate/recognize women as agrarian reform beneficiaries, and accord women equal access to support services in consideration of their well-being</p> <p>Create the Joint Congressional Oversight Committee on Agrarian Reform (COCAR) that will oversee the implementation of the program and ensure the accountability of the CARP implementing agencies² especially DAR</p> <p>Implement stiffer penalties for any person who knowingly and willfully violates the law. From the previous penalty of imprisonment of not less than one month to not more than three years or a fine of not less than P1,000 and not more than P15,000 or both at the court's discretion, the penalties now consist of:</p> <p>"Imprisonment of three years and one day to six years or a fine not less than P50,000 and not more than P150,000, or both, at the discretion of the court upon any person who violates the (a) retention limit provisions; (b) fraudulent claims as ARBs; (f) sale, transfer or conveyance of beneficiaries usufructuary rights; (g) unjustified, willful and malicious act by gov't officers; (h) undue delaying of CARP implementing agencies to submit reports;</p> <p>"Imprisonment of six years and one day to 12 years, or a fine not less than P200,000 and no more than P1,000,000 or both, at the discretion of the court upon any person who violates (c) conversion of land by landowners to evade CARP; (d) obstruction by any person to evade implementation; (e) land conversion and sale outside what is allowed by the law; (i) undue delay in attestation."</p>

Organizations and agrarian reform and rural development advocates that pushed for the passage of a new, extension law. RCM is the coalition responsible for crafting the draft of CARPER provisions included by Senators and Representatives, the bulk of reform provisions were authored by RCM members. *Source: DAR, DENR, DA, NIA, DPWH, DOJ-LRA, DOLE, DTI, and Land Bank of the Philippines.*

ODA: Dodging the Political Issues?¹

By Jerik Cruz

The Agrarian Reform Communities Project (ARCP) comprised the largest ODA project in DAR's foreign-assisted projects portfolio at the time of its inception. The project was formulated at a time when land redistribution was receiving less priority in agrarian-related ODA compared to financing channelled to the delivery of support services; it suffered from real difficulties in upgrading land tenure security among its beneficiaries.

The ARCP was financed by a loan of \$93.16 million extended by the Asian Development Bank for a variety of project components such as rural infrastructure, land survey and titling, development support and project management interventions. Carried out from 1999 to 2007 in over 165 ARCs in 33 provinces, its proponents claimed that significant participatory and demand-driven features were integrated into its operational structure.

For these innovations as well as for laudable project performance, the ARCP was awarded as one of the best ODA projects in the Philippines by the time of its completion in 2007. According to impact assessments conducted in 2008 in selected ARCs, household incomes increased by 108 percent, to PhP 125,036, with on-farm incomes rising in share from 55 percent to 68 percent of total income. Travel time to the market declined from 1.63 to 0.63 hours, on account of infrastructure development that increased access; water-borne diseases plummeted by 90 to 92 percent on average; and the usual time to fetch water dropped from 25.42 to 7.29 minutes per trip. A total of 1,232 kilometres of farm-to-market roads were built and 7800 hectares of agricultural land were covered by the new irrigation systems. If anything, these were clear indications that the ARCP brought about meaningful change for many of its beneficiaries.

But agrarian reform is not merely about infrastructure development; its essence is and has always been land to the tiller. The crucial political dimensions of land transfer have received less attention than rural infrastructural development leading many obstructions to fair land distribution in many ARCP communities such as spurious surveys and ghost Certificates of Land Ownership Award (CLOA), while multiple land claims remained unchecked. By the project's end, it appears that only 57 percent of the lands covered by the Land Survey and Titling Component were actually located within the target ARCs themselves, with a number of these communities continuing to report falsified land titles². The credit component had flopped due to the restructuring of the Land Bank's loan channels in favor of agribusiness rather than small farmers, partly because of previous 'technical assistance' engineered by the ADB³. Many rural enterprises set up for the ARCP, and

agricultural development assistance packages had, in similar manner, collapsed by the end of the project period due to a lack of 'fit' with the socio-economic context of the beneficiaries.

While the ARCP has been lauded for its participatory bent, the political dynamics at the level of local governments have not been addressed. Project documents cited cases of several LGUs demonstrating clear "political biases" and "conflicting interests"—as was the case in the Samar Settlement Project ARC, where patronage considerations rather than inclusive development dictated the recipients of infrastructure improvement, labor recruitment and capital build-up efforts⁴.

More quandaries existed in relation to agribusiness. In ARCP documents, large-scale agribusinesses were treated as viable development "partners" of the ARCP beneficiaries, capable of extending market and income-generating opportunities to small farmers. Yet actual developments in the field showed otherwise. In Baranggays Dalion and Tamayong in Davao, for example, agri-venture agreements with Dole-Stanfilco and SFI—though celebrated on paper—had effectively led to the dumping of operational costs on the farmers, aerial spraying and the ceding of tenure control to the companies⁵. In the same fashion, rather than farmers principally benefitting from the ARCP's infrastructures, the greater share of benefits from the project had effectively been turned over to the companies. Agribusinesses too, due to their sheer size and accumulated wealth, have easily acquired power over smallholders and the course of development processes, not only subjecting them to exploitative practices, but possibly even reversing the gains of land reform.

The changing socio-political relationships have never been without resistance on the part of those who derive their wealth and power from the status quo; hence, if policy makers and project officials are intent on staying true to the demands of pro-poor agrarian reform, they must also devise ways to override the immediate pressures and opposition that landed blocs are certain to exert. **R**

¹ This piece is a summary of the Agrarian Reform Communities Project case study under the Overseas Aid and Agrarian Reform Working Papers Series, a joint research initiative and publication of the Belgian Alliance of North-South Movements (11.11.11) and the Focus on the Global South-Philippines.

² Jerik Cruz, "The Agrarian Reform Communities Project: A Case Study". Working Paper. Focus on the Global South-Philippines: 2009. 11.

³ Cruz, 13.

⁴ Cruz, 21.

⁵ Cruz, 20.

The Land Question in Mindanao

Most of the agrarian reform beneficiaries that DAR's foreign assisted projects benefited from 1992 to 2010 were from Mindanao, yet landlessness, complex land ownership regimes and rights-based claims on lands and cultural identities continue to contribute to conflicts in the region. The paper "Land, Foreign Aid and the Rural Poor in Mindanao"¹ of Eddie Quitariano discusses these interlinked issues. It is Quitariano's thesis that: "The land questions in Mindanao are not so simple and reducible to how far the CARP is able to reconstruct agrarian institutions or rearrange land ownership and user rights regimes...Neither is it an issue of how far foreign aid is able to support agrarian reform intentions" because the question of land, poverty and restlessness in the context of Mindanao is a "mix of poverty and armed conflict, along with the Moro and indigenous peoples' historical land claims and demand for adequate space for political participation and expression of their cultural and ethnic identity."

Quitoriano is an activist researcher who was born and raised in Mindanao and has done extensive work on agrarian reform, food security, conflicts and institutional development for various international development agencies and Philippine NGOs since the '90s.

Legacies of Colonial Property Regimes

The paper traced the marginalization of ethnic communities in Mindanao, including Islamized communities, to two colonial legacies in property regimes, namely "the Regalian Doctrine imposed by the Spanish colonizers and the Torrens concept introduced by the American colonizers." Because land was not only a material entity for these ethnic populations or a mere source of economic sustenance but has always been considered an integral part of their history and evolution as distinct, diverse peoples, the marginalization occurred not only in the change in land ownership and control but these legacies have also "diluted...

the richest pre-colonial experience in state building and governance structures of communal and feudal agrarian institutions."

The paper further explained how these legacies have changed the concept of public and private ownership, and that this shift has resulted in another layer of marginalization mainly through government promotion of "voluntary settlements" and the establishment of huge plantations.

Both state-driven voluntary settlements and "investments in mining, forestry and agribusiness" contributed to the increase in the populations coming from Luzon and the Visayas. Specifically, the paper noted, the plantations (devoted to paper production, timber, banana, coconut and rubber, among others) brought in workers, such that a drastic decrease in Muslim population was witnessed—from 76 percent of the island's population in the beginning of the last century down to almost half, 34 percent, during the Commonwealth period (or a span of only around

three decades). This figure further declined to "32 percent during the post-war period and to 23 percent in 1980." The government's National Statistic Office placed the number of Lumad population at 5.1 percent and the Muslim population at 18.9 percent of the total population of the island in 1990. A study made by the Western Mindanao State University in 2005, which Quitariano's paper cited, put the Muslim constituency at 28.23 percent of total Mindanao population and the Lumads, five percent.

Not that the paper was making a judgment call that the influx and eventual settlement of populations from Luzon and Visayas should be deemed entirely negative, but the fact was presented to show that the "ethnic configuration of communities in and around the plantations" radically changed, and that this change would eventually impact on the land and poverty issue in Mindanao, specifically on the implementation of agrarian reform.

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◀ **THE LAND QUESTION**
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Which Lands are Available

According to Quitariano, “The CARP’s push for democratization of land ownership is encountering problems not only from resistance by landowners and the finiteness of agricultural land but also from its own constraints. The original CARP scope in Mindanao was 2.6 million hectares or 65 percent of total agricultural areas. The deducted scope consists of only 1.38 million hectares (or 33.6 percent of total agricultural areas) of which 1.1 million were reportedly distributed by 2003. This suggests that at least 25 percent of agricultural areas should be in the hands of agrarian reform beneficiaries. The 2002 NSO Census of Agriculture data suggested however, that on the average, only 4.2 percent of households in every region (except in the (Autonomous Region of Muslim Mindanao) acquired their land from CARP.” During the writing of the paper, CARPER was yet to be legislated.

Availability of land for disposal and distribution was further constrained by “legal and illegal land conversions to commercial and industrial uses” and the monopoly of big businesses over huge tracts of agricultural land, such as the plantations.

Forest areas encompass a huge portion of lands in Mindanao

at 5.7 million hectares of which 4.3 million hectares are timberlands, one-third of which is controlled by private firms, but these are not easily re-classifiable for inclusion in the agrarian reform program by virtue of the 1975 Forestry Code and the Indigenous Peoples Reform Act “which recognizes IP ownership of ancestral domain areas, administrative policies promoting commercial and community forestry and individual stewardship.” The paper also pointed out that the Mining Act of 1995 has helped exacerbate “competing claims in forest areas.”

Role of Foreign Aid

Specifically in the case of foreign aid support for agrarian reform, the paper said that this aid program facilitated the channeling of assistance from the donor to the target group, where there was merely “an accountability system between the bilateral partners and their target groups.” Thus, such arrangement “tends to overlook the larger accountability system where, for example, the definition of agrarian questions need to be contextualized according to its historicity and broadened according to the larger political market.” Even if the foreign-funded agrarian reform programs are nearing completion or closure, the paper still proposes that the experience deserves a critical look so as to learn from it and to know “how much more effective they could

have been had things been done differently” and therefore, if there will be another period for accepting foreign-assisted land programs, the challenges previously encountered can help “improve program designs, objectives formulation and strategies for implementation.” **R**

¹ This is part of the Overseas Aid and Agrarian Reform Working Papers Series, a joint research initiative and publication of the Belgian Alliance of North-South Movements (11.11.11) and the Focus on the Global South-Philippines. Activist researchers from various non-governmental research institutions have come together to carry out this collective undertaking. It aims to provide a one-stop resource to activists engaged in local and national campaigns for progressive land policy reforms. The research covers analysis of the policies of the following institutions and themes: (1) World Bank, (2) European Union; (3) International Fund for Agricultural Development (IFAD); (4) Belgian Development Aid; (6) Canadian International Development Assistance (CIDA), (7) Japanese aid, (8) Asian Development Bank (ADB), (9) a Mindanao-focused study covering various aid agencies, and (9) an overview analytical paper that covers the remainder of aid agencies (FAO, UNDP, AusAid, GTZ, USAID) and links the various findings to the broader issue of agrarian transformation and development in the Philippine countryside. The research is coordinated, and the working paper series edited, by Jun Borras, Jennifer Franco, Mary Ann Manahan, and Eduardo C. Tadem.

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CARPER's Gender Provisions: Promise vs. Reality

By Carmina B. Flores-Obanil

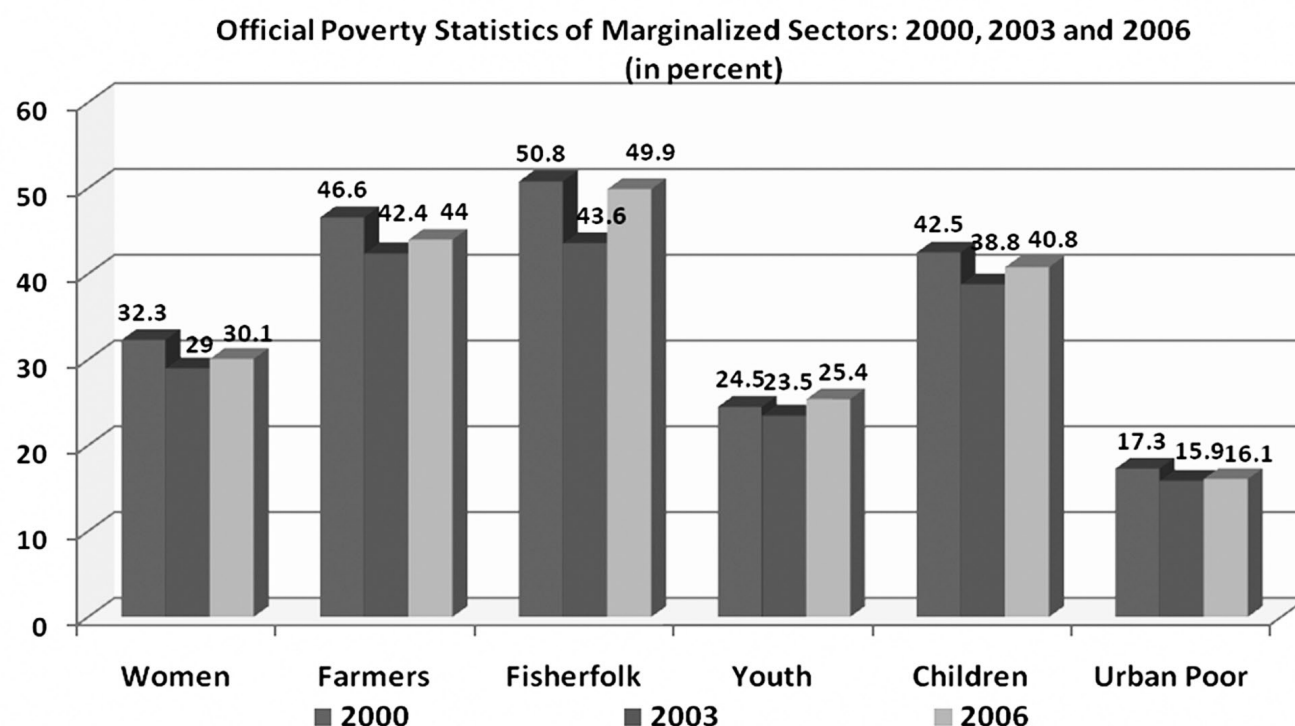
“Women are basically propertyless and powerless.”

-Dr. Lucille Mair, Secretary General, World Conference of the United Nations Decade for Women

Official poverty statistics on marginalized sectors show that poverty remains largely rural, with farmers and fisher folk (see Figure 1), mostly women, comprising the majority. These poor women's conditions are further characterized by the lack of effective access to land, productive resources

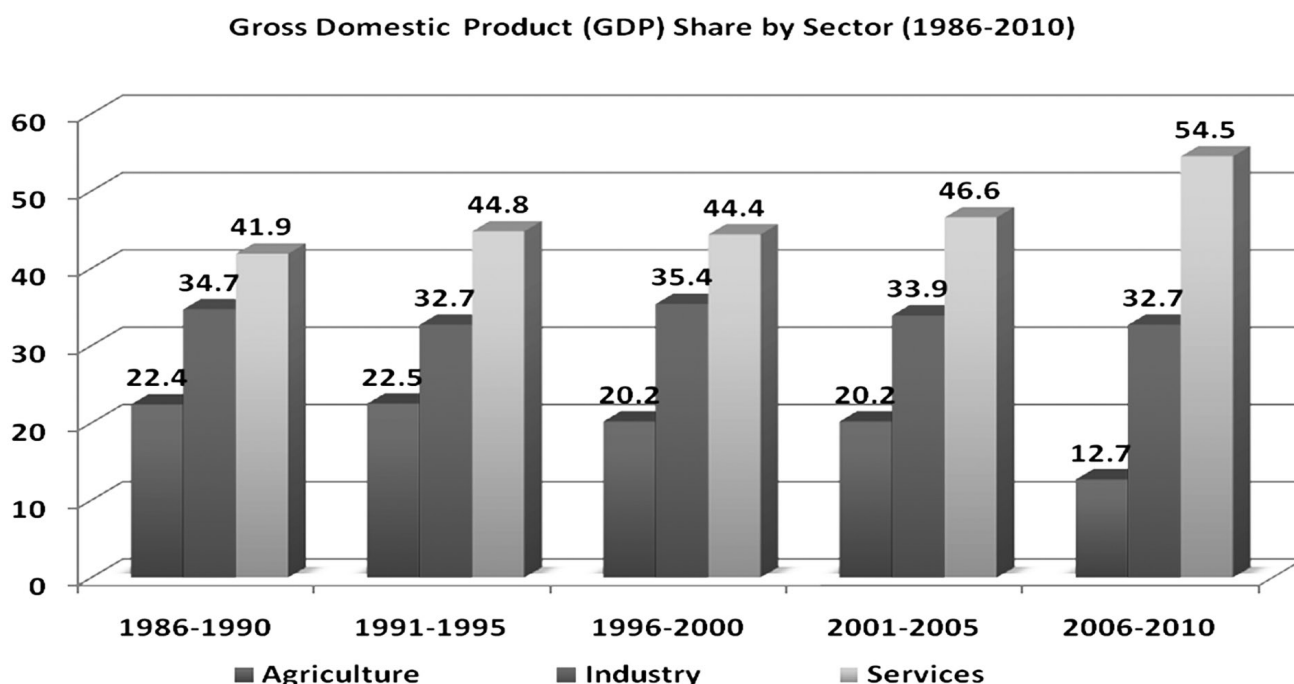
and decision making processes, and of recognition as farmers in their own right. Poverty among rural women can be linked directly to the failure of agrarian reform to deliver on its gender provisions, even as the share of agriculture in Philippine economy continues to decline (see Figure 2).

Figure 1. Poverty Incidence in Basic Sectors: 2000, 2003, 2006



Source: NSCB, 2000, 2003 and 2006

Figure 2. Declining Share of Agriculture in GDP



Source: BAS, as cited in Obanil, 2008; NCSB, 2010

A nationwide survey conducted by Centro Saka Inc. in 2008 showed that only 23 percent of the 1,200 respondents were women-beneficiaries of CARP. Out of the 995 respondents who were married, only 29 respondents said that their wives were given separate titles in recognition of their status as farmers and potential beneficiaries. The figure was merely four percent (29 out of 665) of the total number of surveyed wives who were supposedly tilling the lands alongside their family (Obanil, 2008).

In another survey conducted by Centro Saka in 2008 focusing on women in agriculture, the women respondents said that they spent between eight to 11 hours a day in productive and reproductive work. The majority of the survey respondents believed they contributed to the household income primarily through their participation in farming activities like accessing capital for farming, planting seedlings, harvesting the produce, undertaking post-harvest activities and marketing the produce both from the farm and the backyard. They also spent one to

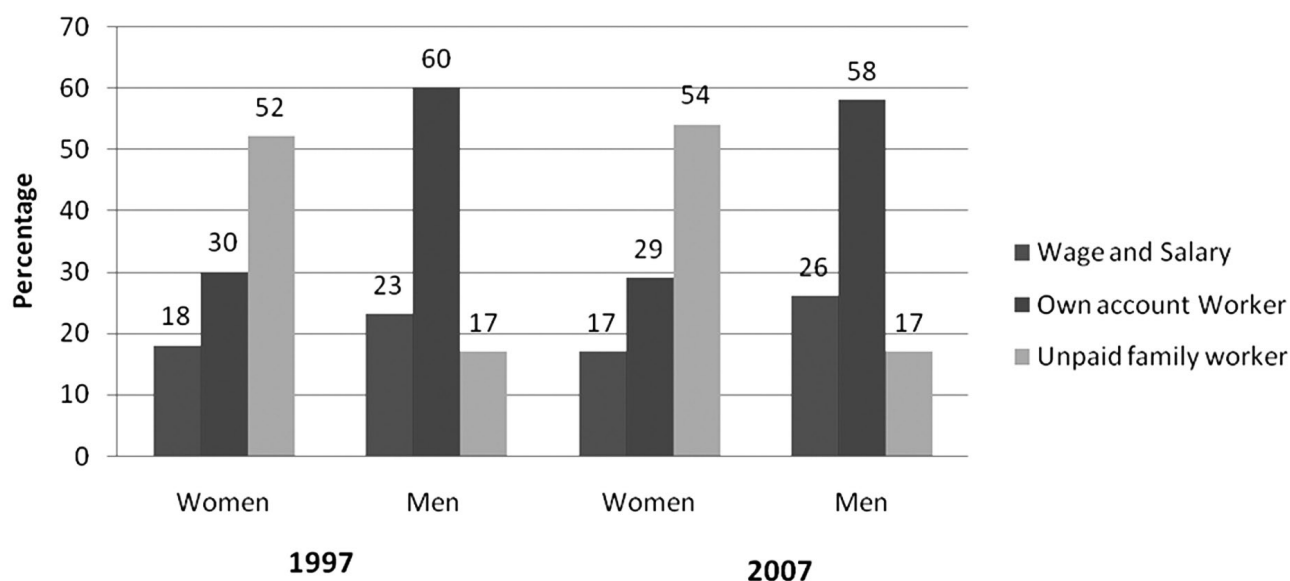
six hours providing for their household's survival needs. (Leyesa, 2008)

But this recurring cycle of both productive (e.g. farm-related activities) and reproductive labor (e.g. growing food, food preparation, raising children, family health care, maintaining a house, water and fuel collection) that Filipino rural women did, especially the reproductive work, had been rarely recognized much less quantified in economic analyses.

Data from the National Statistical Coordination Board (NSCB) in 1997 showed that more than half or 52 percent of women working in agriculture were classified as unpaid family labor. Ten years after, this figure increased by two percentage points. (See figure 3)

Securing women's access to and control over land is not only important in establishing the equal right of men and women over productive resources but also in ensuring that their contribution (both productive and reproductive) is recognized.

Figure 3. Distribution of Workers in Agriculture by Class of Work and by Sex (1997 and 2007)



Source: National Statistical Coordination Board

A More Gendered Agrarian Reform Program

Republic Act No. 9700 or the CARP Extension with Reforms Law was designed and passed to respond to the gender gap in agrarian reform. Rural women, civil society groups and peasant organizations pushed hard for the recognition of women's land rights, equal access to support services and participation in decision making processes during the crafting and passage of CARPER. This advocacy is now reflected in the language of and the way the law was written. From the declaration of principles;

- "the State shall recognize and enforce, consistent with existing laws, the rights of rural women to own and control land, taking into consideration the substantive equality between men and women as qualified beneficiaries, to receive a just share of the fruits thereof, and to be represented in advisory or appropriate decision-making bodies. These rights shall be independent of their male relatives and of their civil status". (Section 1, Declaration of Principles, RA 9700).

In the definition of rural women, it is also stated that:

- "(j) Rural women refer to women who are engaged directly

or indirectly in farming and/or fishing as their source of livelihood, whether paid or unpaid, regular or seasonal, or in food preparation, managing the household, caring for the children, and other similar activities." (Section 2, Definition of Terms, RA 9700),"

In gender-specific provisions on support services, decision making process and institutionalization of women's participation are also ensured:

- "Support services shall be extended equally to women and men agrarian reform beneficiaries. (Section 14, RA 9700)"
- "The PARC shall ensure that these support services, as provided for in this act, integrate the specific needs and well-being of women farmer-beneficiaries taking into account the specific requirements of female family members of farmer-beneficiaries. (Section 15, RA 9700)"
- "The PARC shall likewise adopt, implement, and monitor policies and programs to ensure the fundamental equality of women and men in the agrarian reform program as well as respect for the human rights, social protection, and decent working conditions of both paid and unpaid men and women farmer-beneficiaries." (Section 14, RA 9700)

- *"The PARC shall also ensure that rural women will be able to participate in all community activities. To this effect, rural women are entitled to self-organization in order to obtain equal access to economic opportunities and to have access to agricultural credit and loans, marketing facilities and technology, and other support services, and equal treatment in land reform and resettlement schemes." (Section 14, RA 9700)*
- *"That at least one of them shall be from the indigenous peoples: provided, further, that at least one (1) of them shall come from a duly recognized national organization of rural women or a national organization of agrarian reform beneficiaries with a substantial number of women members: provided, finally, that at least twenty percent (20%) of the members of the PARC shall be women but in no case shall they be less than two (2)." (Section 17, RA 9700)*
- *"The DAR shall establish and maintain a women's desk, which will be primarily responsible for formulating and implementing programs and activities related to the protection and promotion of women's rights, as well as providing an avenue where women can register their complaints and grievances principally related to their rural activities." (Section 15, RA 9700)*

Unfortunately, the law is not self-implementing.

On land distribution, despite provisions that will ensure "substantive equality between men and women as qualified beneficiaries," the data sheet from NSCB shows that as of 2009 only 537,320 women agrarian reform beneficiaries have received Certificates of Land Ownership Award as compared to the 1,130,737 male beneficiaries. There is a mere nine percent increase from the 2008 figures of 512,565 women beneficiaries reported by the Department of Agrarian Reform.

As for the provision on support services, CARPER mandates equal support services for men and women, and makes available these services that cater to the specific needs and well-being of women.

Sufficient budget, specifically targeting the implementation of these provisions for women, is needed; for 2011, there are only two items where gender funds have been allocated. The first has been marked as "gender responsive capacity development of ARBs and ARCs" and the other, "support services for rural women." The "gender responsive capacity development" refers to trainings that will target 218,855 ARBs, while the "support services for women" refers to the number of women's

desks (582 desks for 2011) which will be established by DAR. But both items do not specify how many women will actually benefit, and what information and dissemination activities will be conducted to ensure women benefit from these women's desks.

Beyond the trainings and the women's desks however are more crucial support services such as credit and capital subsidy, for which no funds have been earmarked in the current budget.

Similarly, the provisions ensuring that women are amply represented in CARP decision making bodies, such as in the Presidential Agrarian Reform Council—the highest policy-making body for the agrarian reform program—remains unrealized. **R**

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Responsible Agricultural Investments: another threat to CARPER?

By Joseph Purugganan

Since January 2010, global institutions such as the World Bank, the Food and Agricultural Organization, the International Fund for Agricultural Development and the United Nations Conference on Trade and Development have been pushing for the adoption of the Principles of Responsible Agricultural Investment as means to address growing concerns over the possible negative impact of huge acquisitions of agricultural lands on people's rights and livelihoods.

While deemed by some as representing a huge opportunity in terms of facilitating much needed agricultural investments to spur agricultural growth and rural development, these huge land purchases or leasehold transactions under RAI have nevertheless raised serious concerns because of their negative impact on peoples' rights and livelihoods.

Social movements representing peasants, small farmers and farm workers, as well as networks working on agriculture and agrarian issues are not buying the idea of rationalizing large-scale investments which they claim are even resulting in more opportunities for land grabbing. Groups like the Global Campaign for Agrarian Reform, a campaign led by international peasant movement La Via Campesina, human rights group Foodfirst Action Network and the Land Rights Action Network

have strongly rejected the RAI initiative and the principles themselves as means to legitimize the long-term corporate takeover of rural peoples' farmlands.¹

In the Philippines, one of the most recent and highly controversial land deals involved the proposed lease of one million hectares of agricultural land for the production of hybrid varieties of corn, rice and sorghum. Covered by a Memorandum of Agreement between the Philippine and Chinese governments (through the People's Government of Jilin and the China Development Bank) and a private corporation (the Jilin Fuhua Agricultural Science and Technology Development Corporation, Ltd), the deal, together with 18 other such agreements involving both public and private parties from both China and the Philippines, was hailed as a major accomplishment in facilitating Chinese investments in agriculture and fisheries in the Philippines².

Questions on the constitutionality of the Philippine-China agreements and the ensuing public outcry over the lopsidedness of the deals however eventually led to the suspension of these agreements. One of the most critical issues in the whole fiasco was the virtual transfer of ownership of land rights afforded under these agreements to the Chinese government and private corporations at a time when the future of the Philippine's agrarian reform program hang precariously in the balance. The land investment deals contained in the scrapped agreements

The current Philippine government has no clear position on RAI

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with China were by no means the last of its kind; there are others in the horizon. According to the WB's Foreign Investment Advisory Services and the Philippine Board of Investments from 2008-2009 there was in the pipeline around US\$1 billion of potential investments in land and 200 new expansion opportunities for investors.³

In 2002, FIAS conducted a review of laws on Philippine investment incentives with the objective of removing constraints to foreign direct investments. In 2006, with inputs from the Multilateral Investment and Guarantee Agency, FIAS provided assistance to the BOI for the development of a program for foreign investment retention, expansion and diversification.⁴

BOI	Board of Investments
FAO	Food and Agricultural Organization
FIAN	Foodfirst Action Network
FIAS	Foreign Investment Advisory Services
IFAD	International Fund for Agricultural Development
LRAN	Land Rights Action Network
PADCC	Philippine Agricultural Development and Commercial Corporation
RAI	Responsible Agricultural Investments
UNCTAD	United Nations Conference on Trade and Development
WB	World Bank

The current Philippine government has no clear position on RAI. The Department of Agriculture, however, the same agency that led the negotiations for the MOAs with China, has identified as priority the promotion of agricultural investments in the country. Through the Philippine Agricultural Development and Commercial Corporation, the government has two main initiatives that provide agribusiness investment opportunities—the agribusiness land investments center, which consolidates basic information about available new agribusiness lands throughout the country and its attendant agribusiness opportunities to spur investments, and the agribusiness exports showroom, a one-stop display and promotion center showcasing exportable fresh and processed Philippine made products and also packages the export and mainstream markets.⁵ The Department of Agrarian Reform, for its part, identified public-private partnerships, enlargement of its official development assistance portfolio and convergence with initiatives of other agencies such as the DA and DENR for developing CARPER's support services.

The strong push by the Aquino government for public-private partnerships and more foreign and domestic investments in the country are already strong signals indicating Philippine support for RAI, which raises concerns about further loss of agricultural lands intended for farmers and/or land re-concentration and re-consolidation of land ownership in the hands of big business. How the government will navigate around sensitive issues of land ownership at this critical stage of CARPER implementation and in the wake of continuing threats to food sovereignty needs careful watching. **R**

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- 4 Ibid.
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Desisyon ng Korte Suprema sa Hacienda Luisita— pagbaluktot sa layon ng repormang agraryo¹

Dalawang bagay ang naganap dahil sa desisyon ng Korte Suprema na magsagawa muli ng referendum sa Hacienda Luisita sa halip na ipamahagi na ang mga lupa sa mga magsasaka at manggagawang-bukid dito: una, ito ay malaking hakbang paatras sa pakikibaka para sa distribusyon ng lupang nasasakupan ng mga Cojuangco at pangalawa, binigyan pa ng imprimatur ng husgado ang namayaning kaayusan sa Pilipinas na nagbibigay ng pribilehiyo sa mga interes ng korporasyon sa halip na lutasin ang matagal nang di-makatarungang kalagayan ng maliliit na magsasakang Pilipino.

Hakbang Paurong

Ipinag-utos ng Korte Suprema noong Hulyo 5, 2011 na muling magsagawa ng referendum sa Hacienda Luisita upang matukoy kung ilan/sino sa 6,296 manggagawang-bukid ang nagnanais na manatili bilang “stockholder” ng Hacienda Luisita Incorporated at sino ang may gusto na maipamahagi na ang natitirang lupang agrikultural sa loob ng hasyenda.² Tunay na nakakagalit ang paggamit na ito sa referendum, na dapat sana’y isang demokratikong gawain/proseso, upang mapalawig pa ang elitistang interes. Sa isang pantay at ideyal na kalagayan, kung saan ang mga manggagawang-bukid ay may sapat na impormasyon at may tunay na kalayaang mamili o magdesisyon, isang demokratikong pamamaraan ang referendum.

Ang sabi ng mga husgado ng Korte Suprema, hindi raw maaaring magbulag-bulagan ang korte sa katunayang tinanggap ng mga magsasaka’t manggagawang-bukid sa hasyenda ang Stock Distribution Option noong una itong inalok sa kanila. Ngunit

nagbulag-bulagan ang mga ito sa kalagayan ng mga magsasaka’t manggagawang-bukid na hanggang ngayon ay napapailalim sa isang piyudal na kaayusan kung saan ang may kontrol at kapangyarihan ay ang mga may-ari ng Hacienda Luisita. Paano magkakaroon ng tunay na pagboto at pagdedesisyon ang matagal nang naghihirap, nagugutom at lugaming mga magsasaka’t manggagawang-bukid?

Ang nasa pusod ng programa para sa repormang agraryo ay pagkakamit ng katarungang panlipunan sa pamamagitan ng pamamahagi ng lupa at pagbibigay ng suporta sa mga magsasaka’t manggagawang-bukid na nagsisimula bilang mga bagong may-ari ng kanilang lupain. Kalokohan na sabihin ng Kataas-taasang Hukuman na may iba pang kahulugan ang repormang agraryo, na may iba pang pamamaraan at kaayusan para ito makamit, dahil na rin umano sa mga nakaraang karanasan na nagpakita na hindi

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and again recently after the Supreme Court's decision to hold another referendum on Hacienda Luisita, but he only gave the green light to the DAR and the Office of the Solicitor General⁷ to appeal the court's order. All these are seen as very strong signals that agrarian reform is not a priority of this administration.

However, the authors would rather be proven wrong and hope that P-Noy rises to the occasion. The clock is ticking and if CARPER's implementation is again delayed, its true legacy unfulfilled, then the incremental efforts of non-governmental organizations and peoples' organizations to address rural poverty might not be enough to stem the discontent in the countryside. **R**

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◀ DESISYON NG KORTE SUPREMA...from page 25

naging maayos at produktibo ang buhay ng mga maliliit na magsasakang nagtamo ng maliliit na sukat ng lupain. Ang repormang agraryo ay di lamang usapin ng kahusayang pang-ekonomiya, dapat ding bigyan ng pantay na pagpapahalaga ang tungkol sa pagpapalaya sa mga magsasaka sa pagkaalipin sa piyudal na sistema, pagbibigay ng panlipunan at pang-ekonomiyang kapangyarihan sa kanila; at ang pagtatamo ng kahusayang pang-ekonomiya ay kaakibat na tungkulin ng gobyerno sa ilalim ng batas.

Pribilehiyo para sa Interes ng Korporasyon

Nakakabahala ang desisyon ng Korte Suprema dahil muli nitong pinagtibay ang kaayusan sa bansa kung saan ang kalakhan ng mga polisiya ay pumapabor na sa mga interes ng malalaking negosyo. Malinaw na makikita ang ganitong pagpabor sa deklarasyon ng mga husgado na pumabor sa referendum: "ang isang kooperatiba o kaayusang may kooperasyon ay mas madaling makakakuha ng pondo at mas magiging matagumpay bilang *agri-business* kaysa sa indibidwal na magsasaka." Panibagong pagkitil sa buhay ng mga magsakang Pilipino ang desisyong ito ng korte; itinuturing nang nasa laylayan ng lipunan at walang puwersa sa harap ng batas ay muli na namang minaliit ng mga makapangyarihan.

Si Pangulong Noynoy Aquino ay may kakayahan at kapangyarihang bigyan ng solusyon ang kalagayan ng mga magsasaka't manggagawang-bukid sa Hacienda Luisita na pag-aari ng kanyang pamilya. Nangagaling ang kapangyarihang ito sa kanyang pagiging pangulo ng bansa, pinuno ng Presidential Agrarian Reform Council at miyembro ng pamilya Cojuangco. Pamamahagi ng lupa ang sagot, hindi referendum. **R**

- 1 Ang artikulong ito ay batay sa press statement ng organisasyong KATARUNGAN noong Hulyo 6, 2011
- 2 Malaking bahagi na nang lupain ang sumailalim sa "land conversion" at ginawa ng HLI na industriyal/komersyal

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DAR should convene a multi-agency initiative—the Department of Interior and Local Government, National Irrigation Authority and Housing and Land Use Regulatory Board to: (1) tighten the policy on conversion of agricultural lands; (2) clarify various agencies' policies and jurisdictions, especially with respect to the Local Government Code's mandate for reclassification of lands; (3) roll out a clear database and systematic plan to monitor and implement this provision.

On the budget and financing support services through ODA

- **Allocate the maximum budget required** especially for land redistribution. The CARPER should get an average of P 40 Billion a year starting 2012 to compensate for the previous years' backlogs.
- **Use ODA based on differentiated, locally appropriate, culturally sensitive and localized approaches. Reliance on the same ODA project design must be avoided.** ODA's thrusts and their responsiveness to agrarian reform objectives need to be critically examined. For example, can ODA really facilitate the transfer of wealth and power from the landed to the landless and near-landless? In what conditions will this happen? Secondly, aid must be utilized according to the needs-based and rights-based perspective. This means asking questions of how, why and where funds are utilized for whose rights. Such a framework can guide the targeting of beneficiaries and will ensure equity and gender-just interventions, including identifying the appropriate sectors, geographical scope, beneficiaries and fund components (loan-grant ratio).
- **Address the policy contradictions perpetuated from years of ODA-funded project implementation** by (1) rationalizing government's policy of passing on to foreign donor community the responsibility of funding agrarian reform; and (2) making government's macroeconomic policies congruent with agrarian reform, because as it is now policies favoring liberalized agriculture, privatization of support services and agribusiness over smallholder agriculture negate the implementation of agrarian reform.

On Implementation and Congressional oversight

- **The extension period should not be "business as usual". DAR should be transparent and accountable.** The department should implement the Memorandum Circular on the right to information to effectively monitor

key aspects of implementation, such as the budget and expenditures for land acquisition and distribution as well as for support services and credit facilities, the identification of target beneficiaries and the status of disputes. Access to information can provide a counterweight to corruption within DAR.

- **Strict monitoring of the program by the Congressional Oversight Committee on Agrarian Reform.** The COCAR should come up with clear accountability mechanisms for DAR and other CARP implementing agencies to ensure that the provisions of the law are followed and to enable DAR to counter the delaying tactics and resistance of landowners. COCAR should also solicit the aid of other government agencies, especially the National Anti-Poverty Commission, and peoples' organizations and NGOs in closely monitoring the program.

On the gender gaps

- **Implement the Administrative Order on gender and monitor impacts on the ground.**
- **Appoint women representatives to the Presidential Agrarian Reform Council.**
- **The women's desk which will be established in DAR should conduct information and education campaigns inside the DAR bureaucracy, among other CARPER implementing agencies, and even among local government units** for them to understand women's rights and situation, to recognize women's contribution to over-all development and to ensure that there are mechanisms and procedures for implementing the gender provisions.

Finally, it cannot be overstated that President Noyon Aquino must intervene in the Hacienda Luisita case. Agrarian reform is one area of governance that merits his direct intervention and leadership. P-Noy should give the farm workers of Hacienda Luisita a real fighting chance. It is well within his power to order DAR to redistribute land in the hacienda as mandated by CARPER. He cannot afford to stand on the sidelines on this issue. His social contract with the Filipino people calls on him to rise above his family's interests, as a signal of his seriousness that he is on the right path towards *Matuwid na Daan* and that structural reforms are possible under his helm. **R**

¹ These proposals echo the demands of pro-CARPER advocates.

² In 2007, farmers/indigenous peoples from Sumilao, Bukidnon walked 7,000 kilometers from Mindanao to Malacanang to demand for the distribution of their lands under CARP.

³ The 2008 rice and food crisis also highlighted the urgency of banning land use conversion of irrigated and irrigable lands. Huge public funds have been allocated for irrigated farmlands. For instance, the National Irrigation Authority spends an average of PhP9 billion per year for the country's irrigation systems. Conversion puts such investment to waste.

How to Make CARPER Work: Policy and Implementation Proposals

For the program to finally see its completion, CARPER needs not only the government's political will but also its economic support. Concretely, CARPER advocates propose the following:

On land acquisition and distribution

- **DAR should speed up the distribution of private agricultural lands, especially in the top 20 provinces with the biggest backlog.** Ensure that the ARBs are awarded ownership especially in sugar lands, coconut lands and other problematic landholdings measuring above 24 hectares.
- For its part, the **DENR should make its list of public forest lands which are up for redistribution publicly disclosed and available.** It is important to have transparency in targets, accomplishments, location of landholdings, number of target ARBs, etc. For problematic untitled landholdings, the two main agencies—the DENR's Land Management Section, the Central and Provincial Regional Offices of DENR and the Department of Justice, in particular the Land Registration Authority and Registry of Deeds under it, should closely coordinate and speed up the documentation of untitled lands. The DENR-Office of the Solicitor General should fast track the resolution of the case folders containing complaints on timberlands, for example annulment of title and reversion of public land reclassification from being alienable and disposable lands to timberlands.
- To counter anti-reform forces, DAR and DENR should mobilize serious pro-CARPER NGOs and people's organizations for the completion of land acquisition and distribution before the 2014 deadline. Critical collaboration with organized NGOs and POs will help not only identify priority landholdings and consequently facilitate distribution but can also verify the targets, performance and department's database. For alienable and disposable lands under DENR, farmers should organize to contest the fraudulent claims of landlords.
- **DAR and DENR should make transparent the land redistribution accomplishment based on their yearly target.** A database of priority landholdings for distribution in the top 20 provinces should be made available and publicly disclosed.
- **DAR should roll out a clear, organized and systematic identification and selection of beneficiaries that should** (1) address the overlapping of beneficiaries under the agrarian reform law and the Free Patent Law; (2) ensure that ample safeguard measures are in place to counter the "attestation of landowners" provision; (3) penalize and hold criminally liable any person who will cause the delay of the implementation of the program; (4) clarify the bodies responsible for the process, adopt "best practices" and make clear the identification rules; (5) disclose to the public the complete list of identified qualified beneficiaries; (6) put in place a mechanism and procedure for recognizing rural women's right to own and control land as stipulated in CARPER, especially at the municipal and provincial levels.
- **CARPER is very specific that the main mode for LAD is compulsory acquisition and voluntary offer to sell, and this should be upheld.** Non-redistributive schemes such as SDO and leaseback arrangements which undermine the right of landless farmers and regular farm workers to own directly or collectively the lands they till, or in the case of other farm workers, should be prohibited.
- **Check the conversion of irrigated and irrigable agricultural lands.** Land conversion has been used to directly subvert land redistribution and to dispossess the farmers of lands already awarded to them, such as what happened in the iconic Sumilao case in Mindanao. DAR needs only to implement the amendment in Sec. 65 of RA 6657 (Sec 22. Under CARPER) which provides "that irrigated and irrigable lands, shall not be subject to conversion: Provided, finally, that the National Irrigation Administration shall submit a consolidated data on the location nationwide of all irrigable lands within one (1) year from the effectivity of this Act."

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