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Struggles Over Land Resources in the Philippines

JENNIFER C. FRANCO AND SATURNINO M. BORRAS, JR.

In April 2006, Enrico “Ka Eric” Cabanit was shot dead by masked assassins in Davao. He was the General Secretary of UNORKA (National Coordination of Autonomous Local Rural People’s Organizations), a national movement of peasants struggling for land reform. Cabanit was a former farmworker in the country’s largest Cavendish banana plantation owned by the powerful Floirendo family, a conduit of global fruit giants Dole and Del Monte. In the 1980s and 1990s, Cabanit, together with thousands of farmworkers in banana plantations who had asserted their legal land rights claims over the plantations, had been expelled from the plantations. Still, by 2006, some progress, albeit limited, had been made in the farmworkers’ land rights claim-making efforts, despite intense landlord resistance.

Cabanit’s assassination was not an isolated case. That same month, two other UNORKA leaders were assassinated in other parts of the country. Their deaths were in addition to the slaying of local leaders of two other peasant groups in Negros Island during the same quarter. More than a year earlier, several workers were killed in a picket line in front of the *Hacienda Luisita*, the sugarcane plantation owned by the family of former President Corazon Cojuangco-Aquino.

These were just some of the more recent cases of land-based violence that resulted in the deaths of peasants and rural workers. Although these cases seemed dispersed across the country and unrelated to each other, there is a common thread that binds them together: all of these cases of violence had, as underlying conflict, the imposition by government of market-oriented land transfer schemes. In *Hacienda Luisita*, the owners, supported by the government, distributed corporate stocks instead of land. The workers gained nominal, but minority equity, in the corporation; they have no control over the supposedly awarded land. The only chance for improvement in their livelihood is if there would be net profit to be distributed.

But there was none. Apparently, the owners were successful in accounting manipulation to make it appear the company is losing money year after

year. In Negros Island and in Davao, landlords coerced farmworkers to enter into an agreement on “voluntary” offer-to-sell or “voluntary” land transfer schemes that are conditioned upon the workers’ signing into a subsequent long-term (sometimes 60 years) “lease-back” arrangement. On paper, the workers own the land, but in reality, landlords have retained effective control.

Partly inspired, and actively supported, by mainstream thinking on market-oriented land policies that is dominant in many international development and financial institutions today, such schemes have failed to redistribute control of land resources to poor people, have guaranteed perpetual control by landed elite, have divided the ranks of the landless rural poor, and have provoked further conflict and violence. Moreover, such an approach has also impacted negatively the communities of indigenous peoples, including the Muslim minority—all in the name of promoting (trans)national investments to combat poverty and foster peace. Unsurprisingly, the currently ongoing peace negotiation between the Philippine government and the Moro Islamic Liberation Front (MILF) has hit an impasse. The reason is that they started to deal with the most contentious root of the Muslim rebellion: control over the latter’s ancestral land.

In the Philippines, land-based conflict and violence are not new. Many current conflicts have deep and long historical roots, often related to land issues in a variety of ways. The hundreds of peasant revolts during the Spanish and American colonial periods were mostly land-related. Control of land resources remains central to many conflicts despite an emerging discourse claiming that land has diminishing importance in the construction of rural poor people’s livelihoods today.

The reaction of the central state to this conflict has been a combination of repression and limited concession. The military and police have been mobilized to quell rural unrest. This is coupled with some forms of limited share tenancy reforms and land resettlement. Land resettlements are part of the government’s policy of privatizing landed property rights. The relationship between social injustice, violence, land, and capital accumulation is illustrated by one of the issues of the Philippine revolution against the Spanish colonialism: the Catholic Church’s land-grabbing practice. When the American colonial government took over in the beginning of the past century it was forced to tackle the issue of how to resolve the conflict over the land-grabbed lands.

Instead of confiscating and redistributing the lands, just as demanded by the revolution, the American colonial rulers instead decided to employ a market-based approach. In 1903, the colonial government purchased at market price 158,676 hectares of the “friar lands” for the amount of \$6,043,217 USD. It paid the Church cash from loans secured from

commercial banks in the United States at commercial interest rates, and re-sold the lands at full acquisition cost, including the loan interest cost in the “open market.” Only the rich, including American corporations, were able to buy the lands. The friar lands remained an issue during the several peasant revolts in the 1930s. Despite the friar lands fiasco, and reacting to persistent peasant unrest, succeeding Filipino administrations continued to simply combine limited tenancy reforms with a market-based land transfer approach and repression. Today, such an approach has become mainstreamed in the Philippines and elsewhere. But will it solve the land problems and its concomitant violence within a democratic and social justice framework?

To understand how and to what extent market-oriented land policies can resolve democratically the land problems and their accompanying problems of conflict and violence, it is important to clarify the forms, perpetrators, character, and reasons of land-based violence.

Two broad forms of land-based conflict and violence are identifiable. The first type is the full-blown land-based violence, such as assassinations, shootings, massacres, and riots. Although these do happen, they are not daily occurrences. And when such full-blown violence did occur, they were usually well-publicized (inter)nationally. The second type is the everyday forms of violence. These are the more common and widespread forms of violence against the rural poor: harassment and intimidation using company guards, private goons, or paramilitary forces, dragging rural poor claimants to criminal courts, and so on.

These forms are not always easily recognizable as violence by outside observers and are not usually covered by national and international media. For instance, when many tenant farmers and farmworkers who were awarded lands under the land reform program when they harvested coconuts from their own (awarded) farms, the resistant landlords filed qualified theft charges against them. The regular courts and the police usually favored the landlords. Recently, this was the case in Quezon province, where members of the peasant movement UNORKA have been casually thrown to the various jails across the province—for harvesting their own crops from their own land.

The perpetrators of violence against peasants are both state and non-state actors. Despotic landlords, real estate and mining companies, as well as agribusiness operators, are usually the perpetrators of violence, using both non-state (company guards, private goons) and state (police, military) forces. But non-state actors who violate the human rights of poor people are not always confined to private elites. In some cases, some groups who claim to represent the poor also use violence against the poor. This is, for

example, the case of the communist guerrillas in the Philippines who do not tolerate other progressive, left-wing autonomous peasant movements to operate in areas where they have a presence, especially when such groups mobilize peasants to secure reformist gains from the state land reform.

For the underground communists, the only genuine land reform is their own, and is to be implemented after they seize national state power. The guerrillas harass, intimidate, and sometimes assassinate leaders of these autonomous peasant movements. More often, however, violence against peasants has been committed directly by the state through its police, military, and court machineries. This usually happens when the central state is intent on pursuing capital accumulation (state and private) via developmental projects such as extractive industries (mining) or commercial plantation expansion.

The character of violence is varied: landed elite versus the rural poor, state versus the poor. Violence can also take the character of “poor people–versus–poor people.” This happens when the state or private elites maneuver and employ the classic tactic of divide-and-conquer. The state or private elites often are able to recruit sections of the rural poor through intimidation, harassment, blackmail, cheating, or false promise of a better deal. Thus, although some indigenous peoples protested against mining companies, others acquiesced; although some rural poor protested against the expansion of an oil palm plantation, others actively supported it; although some farmworkers campaigned against elite- and TNC-controlled joint ventures and contract farming agreements, others supported these. When these happen, violence takes the form of poor people–versus–poor people.

It is important to understand the reasons for the start or aggravation of conflict and violence in order to avoid simplified generalizations, and in order to end such hostilities. The reasons for the start of land-based conflict and violence are diverse. It is context-specific, with the local histories playing a crucial role. The reasons for land-based conflict and violence in the Philippines are also diverse between and within regions over time. It is possible, however, to detect some general patterns.

For varying reasons, governments implemented various tenancy and land reforms at some point in their history with varying outcomes. A few of these policies are radical and revolutionary, most are conservative, but many combine features of the two; some are state-directed, others market-oriented, whereas a few are peasant-led. These policies do alter, in varying degrees, the existing context and the political opportunity structure for the rural poor’s calculation of their demands addressed to the state as well as the forms of collective action they would undertake. These state laws are not self-interpreting or self-implementing; it is the sociopolitical interactions

between different actors within the state and in society that are responsible for the authoritative interpretation and implementation of these laws.

When poor people seize on political openings to advance their tenancy or land rights claims, conservative reaction can lead to violence. For example, landless poor peasants have mobilized for their land rights within the framework of the Philippine land reform law, maneuvering to stretch the limits of what is promised in the official state land reform policy. In trying to exploit such political opportunities, these land claim makers were often met with violent retribution from the landlords who oppose land reform implementation. These landlords often use the state apparatus to evade land reform and repress peasants.

Some observers, especially among the neo-liberal economic thinkers, complain that state-led land reforms provoke or aggravate violence. This is emphasized in Klaus Deininger's work with the World Bank. These observers then argue and lobby for the avoidance of such types of policies. They argue that in order to avoid conflict and violence, governments must adopt only voluntary and non-confrontational land policies. This is one of the reasons behind the recent mainstream call for market-led agrarian reform worldwide.

Poor people do not mobilize for their land rights and territories only when there are political opportunities, however. Many mobilize to defend their land rights and territories when there are (perceptions of) potential and actual threats to their livelihoods; when this happens, violence can erupt. For example, indigenous peoples' protests have been witnessed across the country in recent years. Negative past experiences regarding the encroachment of mining and logging companies into their territories have made indigenous peoples today very vigilant of their rights. But usually the central state favors such extractive industries, and so either it mobilizes its own coercive apparatus in order to suppress dissent, or tolerate human rights violations committed by private companies.

Most of the rural violence today is, in some ways, related to the ongoing global agrarian restructuring. As the neoliberal globalization pushes governments and agribusiness elites between and within countries to look for their niche products for export, the organization of production and allocation of resources (land, water, labor) are continuously and profoundly altered. This could occur partly because governments are pressed to cut back public spending while paying off their external debts. Thus, capture of quick shares in extractive industries and expanding the tax base become attractive undertakings.

In this context in the Philippines, urban centers expanded, commercial-industrial complexes were constructed, tourism enclaves mushroomed,

and mining activities proliferated. All these changes have implications for intra- and inter-sectoral competitions and struggles for control over resources such as land and water in the country. Conflict and violence are often associated with such reallocation and redistribution dynamics, especially when government adopts a purely economic, rather than a multi-dimensional, perspective, about the well being of the rural people. For intra-sectoral conflicts, we see companies use force, intimidation, and harassment in their competing efforts to control vast lands for the expansion of niche farm products such as oil palm and banana. Inter-sectoral conflict over land use and allocation include agriculture–tourism and rural–urban competitions. The numerous violence-marred disputes over land use conversion in the Philippines during the past two decades are a good illustration.

The government's desire, or desperation, to transform land-based resources into working capital via extractive industries and/or "commercialization–collateralization" of land rights can trigger violence among the poor, and between the poor and (trans)national elites. Conflicts are likely to occur in areas where the state attempts to take full control over such resources, and usually these will be places where property rights are not well defined, and so, are aggressively claimed by the state. These are lands classified as public or state lands, and as forests, despite the fact that in reality most were under the effective control of private entities, mostly economic and political elites, although the latter usually do not have formal ownership titles. These types of land comprise the majority of lands in the Philippines: two-thirds of total agricultural and forested lands.

The current neo-liberal development framework seeks to promote clear private property rights as key factor to secure investment environment. This is based on their assumption that private property rights will be more secure, and that secure property rights will lead to increased investments in the rural economy, because property rights holders can use their land titles as collateral for bank loans. This is the main reason behind the recent resurgence of land administration and titling projects across the country.

These land titling programs do not always serve the interest of the rural poor. In the Philippines, the World Bank and Australian Aid have funded and have been directing a 25-year land titling program, the Land Administration and Management Program (LAMP). Its main objective is to produce individual private land titles in more or less 5 million hectares of land that are targeted to directly benefit more or less 2 million individual title holders. The province of Leyte has been the site of the first and second phases of this project in 2002–2004 and 2006 onward. Initial evidence shows, however, that the project is likely to result in outcomes that are against the interest of the landless and land-poor classes. This is because the main

basis for the land titles being generated is the existing formal claims by any persons—rich or poor, landed or landless, actually cultivating the land or not.

In one pilot municipality, official LAMP records show that majority of those that have put forward claims were from the following groups: middle and upper class families; not living in the villages where the claimed lands are located but in distant town and city centers; not working the land; and who have multiple land claims. Yet, the official claimants regularly paid the municipal land tax. This is one of the formal bases for property rights claim, although in practice, seemed to be the main basis. In the same pilot sites, tenant-farmers and farmworkers who have been cultivating the lands being claimed by others were not even part of the LAMP project in whatever way.

Clearly, the program is not concerned about reforming preexisting exploitative production relationships existing in these lands. It is concerned solely about the quantity of lands it could survey and what formal land titles could be generated. It is thus not surprising that the LAMP land-titling program, in the initial cases cited, has institutionalized the very mechanisms that cause and perpetuate exploitative relationships and poverty. In the context of the Philippines, where the uplands have remained the bastion of the Maoist communist insurgency, such anti-poor land policies will not decrease or stop rural violence; these are likely to provoke further conflict and violence. The long history of unrest in the Philippine countryside reminds us of the anti-poor outcomes of land titling programs that, in turn, failed to address the root causes of conflicts and violence.

Moreover, during the past decade or so, other market-friendly land transfer schemes have been carried out, inspired and supported by the World Bank and other international institutions. These schemes are in fact against the rural poor. The Stock Distribution Option implemented in the *Hacienda Luisita* ensured the perpetual control over the plantation by the family of Corazon Cojuangco-Aquino and the impoverishment of thousands of workers. The voluntary offer-to-sell land transactions in Negros province facilitated the leasing-back of lands from the land reform beneficiaries to the former owners or other landed and agribusiness elites. The same voluntary offer-to-sell was used in a large scale to subvert the land reform process in the Autonomous Region of Muslim Mindanao, undermining the prospects of a long-term peace in that region. The voluntary land transfer scheme was used by domestic and multinational agribusiness companies to perpetuate their control over banana plantations. These schemes were carried out by the landed elite, with the active support by the central state. These elites imposed their scheme by coercion and force.

In closing, land-based conflicts are context-specific and have different origins and forms from one community to the next. Recent developments in the Philippines, however, suggest that the main fault-line that divides social groups or individuals involved in land-based conflict and violence is the same fundamental divide between a purely economic view on land, on the one hand, and a multidimensional perspective of land, on the other hand.

A purely economic view of land is one that considers land mainly as a scarce factor of production, and so the consideration is the most efficient use and (re)allocation of such a resource. The mainstream view on this promotes individual private property rights as the most efficient, secure, and stable form of control and ownership that could lead to greater investment in the rural economy. But the logic of extractive industries, such as mining and timber exploration, undertaken by (trans)national corporate elites in conduit with the government, are also important examples. Where implemented, these programs tended to benefit the non-poor households and other corporate elites more than the rural poor. Under certain conditions, such programs even formalize the elite enclosures and peasant dispossession. The aggressive promotion of this view and practice have led to violence, and aggravated existing conflicts, among the rural poor and between the rural poor and influential elites.

Those interested in contributing to the eradication of the persistent and multidimensional problem of landlordism and land-based conflict and violence, at least in the Philippines but possibly elsewhere too, would do well to support initiatives that confront, rather than back away from, the political–legal obstacles in both society and the state, even if such initiatives bring heightened levels of conflict in the short term.

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