

Executive Summary

The project “Pursuing Land Partnerships in the Philippines: Finding Common Ground to Address Land Conflicts between Farmers and Indigenous Peoples” was implemented in the Philippines by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) from 2002 to 2006.

The project started with the conduct of a study to assess past and present mechanisms that have been formed by key stakeholders in the country in support of land related reforms and policies. Among its other findings, this “Land Study” concluded that overlaps in land related laws have led to conflict between the land claims of the country’s agrarian reform beneficiaries (ARBs) and those of indigenous peoples (IPs). Thus, ANGOC, together with its two Philippine based NGO partners, namely, the Philippine Association for Inter-Cultural Development (PAFID) and the People’s Campaign for Agrarian Reform Network (AR Now!), decided to focus on the problem of conflicting land claims between these two sectors. Two areas in the Philippines were chosen as pilot sites for the project: the Don Carlos Estate in Bukidnon, Mindanao, where a land dispute between ARBs and an indigenous community of Manobos has resulted in the death of at least nine people; and the ancestral domains of the Buhid Mangyans in Oriental Mindoro, where the indigenous group (the Buhid Mangyans) is protesting the Department of Agrarian Reform (DAR)’s plans to cover their lands in favor of non-Mangyan farmer settlers.

The project partners held consultations with both ARB and IP groups in the two sites to determine the cause of the conflict in each case and to get the two sectors to tackle their respective concerns in a peaceful manner. Following these consultations, a National Consultation was organized on 7-8 August 2006 by the project partners to get ARB and IP representatives to jointly propose measures to forestall, manage, and resolve conflicts between their two sectors.

The National Consultation also paved the way for the drafting and ratification by representatives of the two sectors of a joint declaration between the farmers and IP groups where they called for the establishment of mechanisms that could facilitate dialogue towards the peaceful resolution of land conflicts; renewed efforts to promote understanding and consciousness of customary laws, human rights, and the rights of farmers and indigenous peoples as stated in the agrarian reform law and the Indigenous People’s Rights Act; and formal coordination between the National Anti-Poverty Council (NAPC) IP and Farmer Councils in order to promote the orderly resolution of land conflicts.

The declaration issued the following demands to the DAR, the National Commission on Indigenous Peoples (NCIP), the Department of Environment and Natural Resources (DENR), local government units and to the country’s lawmakers:

- ▶ Improve the implementation of the indigenous people’s rights act and the agrarian reform law through a number of concrete measures:
 - ▷ a clear interpretation of land related laws;

- ▷ better coordination among the DAR, DENR, NCIP and local government units;
- ▷ consultations between farmer beneficiaries and indigenous groups;
- ▷ orderly listing of beneficiaries of land distribution programs; and
- ▷ clear delineation of the area coverage of the agrarian reform program and indigenous land claims.

The declaration also demanded that all land related laws that are in conflict with each other be harmonized through an executive order or by the passage of a National Land Use Act (NLUA).

A Roundtable Discussion held on 23 June 2006 was organized to examine the DAR's legal basis for putting ancestral domain lands under coverage of the Comprehensive Agrarian Reform Program (CARP). As a result of the discussion, the following options were proposed at the roundtable discussion:

- ▶ File a case before the Supreme Court in order to clarify the interpretation of the laws; however the case may put implementation of both CARP and IPRA on hold (status quo) for at least three years.
- ▶ Temporary Restraining Orders (TROs) can be filed in specific cases.
- ▶ Administrative cases can be filed against erring DAR officials.
- ▶ The DAR may be asked to clarify its position on Presidential Proclamation (PP) 2282.

The Policy Dialogue held on 31 August 2006 was participated in by top government officials, among them DAR Secretary Nasser Pangandaman, NAPC Lead Convenor Datu Zamzamin Ampatuan, Director Joyce del Rosario of the NAPC Basic Sector Unit, National Commission on Indigenous Peoples (NCIP) Commissioner Lagtum Pasag, and Commission on the Settlement of Land Problems (COSLAP) Associate Commissioner Lawyer Lina General. IP and ARB leaders presented their Joint Declaration, and reiterated their respective groups' recommendations to the concerned agencies.

DAR Secretary Nasser Pangandaman reiterated only what DAR officials said at the Bukidnon consultation: that the land titles that had been issued in Don Carlos are considered valid and that no ancestral domain claim would prosper in that area.

Secretary Pangandaman likewise stood pat on the DAR's position that lands over which there are prior claims (such as that represented by a land title) are exempt from coverage of the Indigenous Peoples Rights Act (IPRA).

Meanwhile, Mindoro Agrarian Reform Program Technical (ARPT) Officer Ophelia Radovan insisted that no land titles have been issued for lands within the Buhid ancestral lands, contrary to Mangyan claims.

12 IN SEARCH OF COMMON GROUND

Despite making little progress in the way of resolving the conflict in the two areas, the participants at the Policy Dialogue reached consensus on the need for an inter-agency mechanism to lead the dispute settlement process. The NAPC, which represents the basic sectors, including IPs and farmers, was the unanimous choice to take on this role.

After the policy dialogue, a Memorandum Order reactivating Task Force 63 (an inter-agency mechanism established in 2003 to respond to conflicts encountered by farmers and IPs) was drafted for approval by President Arroyo. The Task Force would have the following functions:

- ▶ Conduct fact-finding missions to emergency situations or conflict areas and take appropriate action;
- ▶ Implement Special Temporary Measures to respond to emergency situations;
- ▶ Facilitate the harmonization of overlapping laws, policies and programs; and
- ▶ Serve as a venue for inter-agency dialogue.

As of June 2007, the Memorandum Order has been submitted to the Office of the President for signing.