

II. Summary of Main Findings

Context

The Philippines consists of 7,107 islands covering 30 million hectares, with 29.8 million hectares of land and 1.83 million hectares of inland waters.⁷ Moreover, it has a coastline of 36,289 kms, and 2.2 million square kilometres of territorial waters that include its exclusive economic zone (EEZ).⁸ With 98 million people, it ranks as the second most densely populated country in Southeast Asia (with 346 persons per square kilometer of land).⁹ Yet as an archipelago with rugged and mountainous interiors, only 4.9 million hectares (or 16% of the land area) is arable. Land distribution is uneven and highly skewed, and resources suffer from erosion, deforestation and pollution.

One key challenge faced will be how the country will feed itself with a growing population with diminishing land per capita – amidst increasing competition for resources, with the threats of climate change and disasters, and increasing human competition, needs and expectations. The conservation, management, distribution and use of land and natural resources will be a central factor to meet this challenge, and therefore the governance of tenure will take central importance.

Overview

Table 1 and **Table 2** provide a quick overview of this assessment. **Table 1** (opposite page) compares 10 land and resource laws with the VGGT Principles. The colored areas indicate those “governance-of-tenure” principles that are addressed (in whole or in part) by the Laws under review.

On the other hand, **Table 2** (page 18) provides a reverse image of **Table 1**. The dark shaded areas indicate those “governance-of-tenure” principles where the Laws under review appear “silent”.

7 Data from faostat.fao.org/ (accessed 6 March 2014)

8 <http://siteresources.worldbank.org/INTPHILIPPINES/Resources/PEM05-ch1.pdf> (accessed 6 March 2014)

9 Philippines ranks second to Singapore in population density in Southeast Asia.

	Frame-work	Sector-based tenure reforms			Resource management, protection & use			CC and risks		
	CONSTITUTION	CARPER	IPRA	FISH	AFMA	NIPAS	FOREST	MINING	CLIMATE	DRRM
A GEN MATTERS										
3 Principles	Blue	Green	Yellow	Cyan		Orange	Brown			
4 Rights & responsibilities	Blue	Green	Yellow	Cyan	Green	Orange				
5 Legal/ Org'l frameworks	Blue		Yellow	Cyan	Green	Orange				
6 Delivery of Services		Green	Yellow	Cyan	Green	Orange	Brown	Red		
B LEGAL RECOGNIT'N										
7 Safeguards	Blue			Cyan						
8 Public, fishery & forestry	Blue	Green		Cyan		Orange	Brown	Red		
9 Indigenous/ customary	Blue		Yellow			Orange		Red		
10 Informal tenure	Blue									
B TRANSFERS										
11 Markets	Blue	Green	Yellow							
12 Investments	Blue		Yellow	Cyan	Green	Orange	Brown	Red		
13 Land consolidation		Green								
14 Restitution	Blue		Yellow							
15 Redistributive reforms	Blue	Green								
16 Expropriation	Blue									
C ADMINISTRATION										
17 Records			Yellow	Cyan				Red		
18 Valuation		Green								
19 Taxation										
20 Spatial planning					Green		Brown			
21 Dispute resolution		Green	Yellow					Red		
22 Transboundary issues										
D CLIMATE & RISKS										
23 Climate change			Yellow							
24 Natural disasters										Purple
25 Conflicts in tenure										

Table 1. "Crowd Analysis" comparing Selected Land and Resource Laws with VGGT Principles

	Frame- work	Sector-based tenure reforms				Resource management, protection & use			CC and risks		
	CONSTI	CARPER	IPRA	FISH	AFMA	NIPAS	FOREST	MINING	CLIMATE	DRRM	
A GEN MATTERS											
3 Principles											
4 Rights & responsibilities											
5 Legal/ Org'l frameworks											
6 Delivery of Services											
B LEGAL RECOGNIT'N											
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17 Records											
18 Valuation											
19 Taxation											
20 Spatial planning											
21 Dispute resolution											
22 Transboundary issues											
D CLIMATE & RISKS											
23 Climate change											
24 Natural disasters											
25 Conflicts in tenure											

Table 2. "Silence Analysis" comparing Selected Land and Resource Laws with VGGT Principles

From **Tables 1** and **2**, some quick observations can be made regarding the different laws:

- The *Constitution* provides the broad overall framework and principles on the governance of tenure. It covers most of the VGGT principles under General Matters, Legal Recognition and Transfers, but it does not deal with operational matters on Land Administration or address Climate Change and Risks.
- The three *sector-based tenure reforms* – *CARP/ER*, *IPRA* and the *Fisheries Code* – further elaborate on the tenure rights of disadvantaged sectors as guaranteed/ provided by the Constitution. Thus, they also deal with General Matters, Legal Recognition and Transfers. Each tenure reform law focuses on a *specific sector* such as: on tenants, farmworkers and landless farmers in private and public lands (*CARP/ER*), on indigenous cultural communities and indigenous peoples (*IPRA*), and on small-scale and artisanal fisherfolk (*Fisheries Code*).
- The four laws on resource management, protection and use – *AFMA*, *NIPAS*, *Forestry Code and Mining* – focus on the management of the country’s natural resources. They support the general principles of tenure governance under General Matters, and provide some safeguards and Legal Recognition of tenure rights in public lands, forestry and fisheries, including the rights of indigenous peoples. However, under Transfers, their main focus is on *investments* rather than on tenure reforms.
- Finally, the two laws dealing with climate change and disasters – *Climate Change Act* and *DRRM* – do not appear to address VGGT guidelines on tenure issues.

Regarding the VGGT itself, the following are observed:

- Generally, the laws reviewed only partially address the VGGT guidelines on *Land Administration*. This is probably because Land Administration (including valuation, taxation, records, etc) is not covered by the laws under this Review.
- Meanwhile, none of the laws studied address the guidelines on: *Informal Tenure* (Sec 10), *Expropriation* (Sec 16), *Taxation* (Sec 19), *Trans-boundary Issues* (Sec 22), and *Climate Change* (Sec 23). However, this does not necessarily mean that these are “policy gaps”, as these guidelines may be covered or addressed by other legislations not included in this Study.

Principles of governance

The 1987 Philippine Constitution provides the overall *policy framework for responsible governance of tenure*.

All the VGGT principles of implementation – “human dignity, non-discrimination, equity & justice, gender equality, consultation & participation, rule of law, transparency and accountability” – are well enshrined in the *1987 Philippine Constitution*, especially under *State Policies* (Art 2) and *Bill of Rights* (Art 3).

Moreover, the *1987 Philippine Constitution* not just recognizes tenure rights, but also institutes “social reforms” particularly for three rural sectors – (i) *farmers and farmworkers* as the focus of an agrarian reform program; (ii) *subsistence fishermen* with “preferential use of communal marine and fishing resources”; and (iii) *settlers in public domains*, including *small settlers* and *indigenous peoples* with “prior rights in the disposition or utilization of natural resources and lands of the public domain suitable for agriculture ... “ These Constitutional mandates have led to subsequent legislations – i.e., the *Indigenous Peoples Rights Act (IPRA)*, the *Fisheries Code* and the *Comprehensive Agrarian Reform Law (CARL/CARPER)*.

The *Philippine Constitution* states that “the use of property bears a social function” ... To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.” It also ensures people’s rights against arbitrary evictions, and demolition of homes. These rights are also reflected in the different laws reviewed.

The fundamental equality before the law of women and men is upheld under the *Civil Code* or *RA 386* (not included in this Review) which upholds equal property rights for women regardless of changes in marital status (marriage), as well as equal rights to property inheritance. However women’s tenure rights and equal access to tenure security should be reviewed, i.e., by examining whether official titles, licenses, permits and tenure instruments actually reflect equal rights of women.

Legal recognition and allocation of tenure rights and duties

Legal framework and safeguards. Philippine laws lack an integrated approach to the governance of tenure, making land administration complicated. Unlike some Asian countries that have a comprehensive and consolidated Land Law or a Land Code, the Philippines has *numerous legislations* that define the different policy, legal and organizational frameworks related to tenure and governance of land, forests and fisheries. And while new laws and amendments are passed by Congress, the old laws are *not repealed*. Sections of old laws are merely superceded, replaced or amended in part by the new laws, and this system allows the old laws to retain their *residual validity*. These factors result in a complex system of legal jurisprudence that only lawyers can navigate.

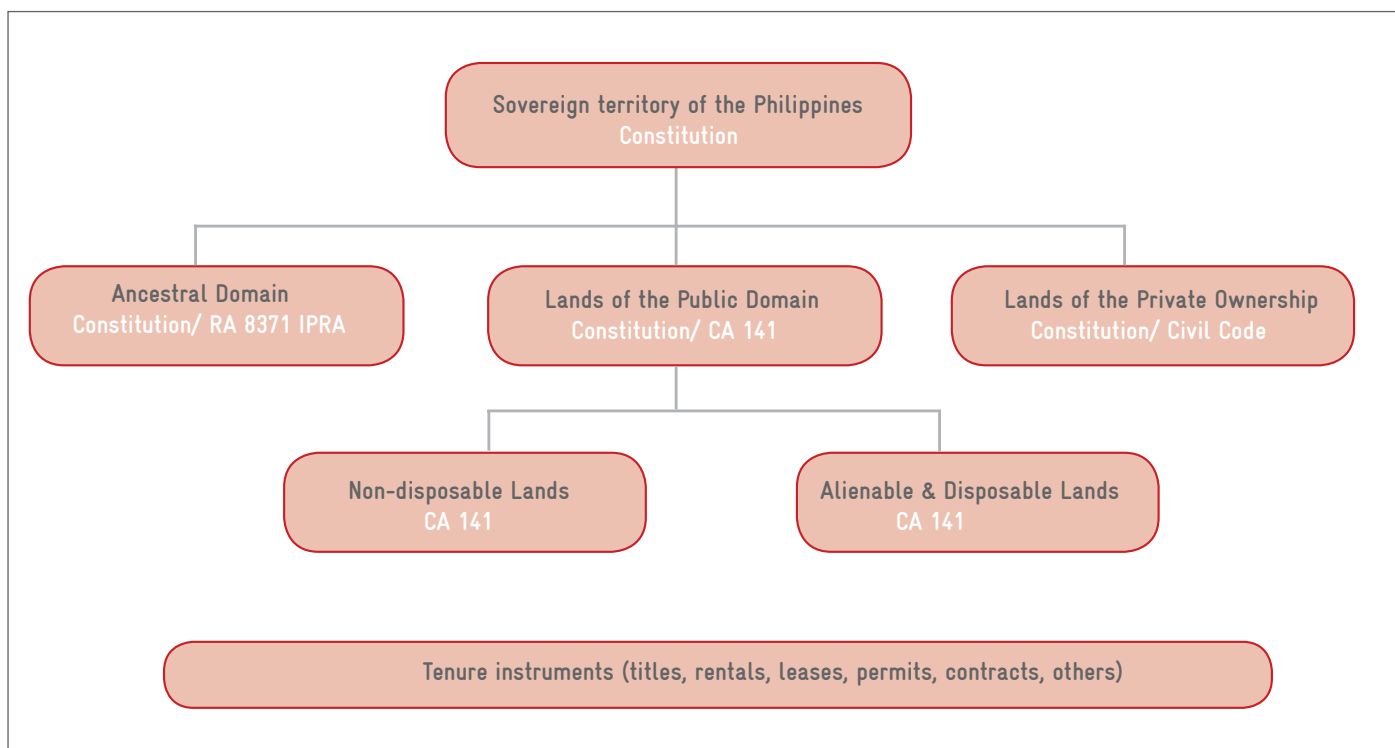
The country has taken on a highly *sectoral* or *landscape approach* to land/ natural resource policy, tenure reforms, and land administration. There is *CARP/ER* for agrarian reform covering *public* alienable and disposable (A&D) lands and *private* agricultural lands, the *Fisheries Code* covering municipal waters, and *IPRA* for ancestral domains. In addition, there are the *Mining Act*, *NIPAS*, *Forestry Code*, *AFMA* and others.

The lack of synchronization of policy has resulted in a complex and fragmented landscape of laws. Sectoral approaches to land policy lead to overlapping jurisdictions and functional overlaps among agencies. For example, the revised *Forestry Code of 1975* stipulates that “all lands above 18 degrees slope automatically belong to the state and classified as forest lands”. Also, ancestral domains overlap with national parks and protected areas. Ancestral land rights are further eroded by mining and land concessions, and by agrarian reform titles and forestry stewardship agreements.

Conflicting policy and jurisdictional issues are often addressed by government through administrative action (Joint Administrative Orders, inter-agency Technical Working Groups, and the National), national programs (National Convergence Initiative) and by judicial courts. But while these measures seek to address disputes, they do not necessarily lead to the synchronization of policy.

Public domain. The **Diagram on page 34** shows the overall land tenure system in the Philippines.¹⁰ It shows that the terrestrial domain is divided into three tenure domains covered by respective domain laws – *Ancestral Domain (IPRA)*, *Public Domain (Public Lands Act or CA141)* and *Private Ownership (Civil Code)*. The Public Domain (about 16 million has) is further divided into “non-disposable” (remains with the state) and “alienable and disposable/ A&D” lands. A simplified version of this diagram is presented here:

Figure 1: Land tenure system in the Philippines (abridged version)



10 This map is taken and adapted (slightly edited) from a 2001 DENR Study “Land Laws and Regulations Policy Study: Final Report, Volume 1” under Land Administration and Management Project (LAMP).

Some tenure instruments are issued by national agencies; others are issued by local government units. Holders of legal tenure instruments tend to have secure tenure, while those with *informal* tenure tend to have insecurity of tenure. However, tenure rights are secure only if such rights are *enforceable*.

Tenure rights are further extended to other users, through *tenure instruments* that include rentals, leases, permits, contracts and others.

The *Public Lands Act of 1936 (CA 141)* remains the framework law that defines the coverage of the *public domain*, as well as its management, use and disposition. The *Revised Forestry Code* (Sec 13) then establishes the *System of Land Classification* over forest lands.

The legal framework for management of the public domain: (i) includes *utilization and management* by smallholders – whether by individual households or through their collectives/ cooperatives; (ii) requires *Filipino control* in the exploitation and use of natural resources; (iii) places *limits* on the scope (1,000 ha) and duration (25 years, renewable) of lease agreements; and (iv) gives legal recognition to the *customary tenure rights of indigenous peoples*.

However, the reality is that governance of the public domain lands is complicated by overlapping laws and tenure rights, as well as land conflicts. The demarcation of the public domain and its different land classifications have yet to be completed.

Customary tenure. The tenure rights of indigenous peoples is legally recognized and protected under the *Indigenous Peoples Rights Act (IPRA)*. It recognizes the rights of indigenous peoples to their “ancestral lands/ domains (which) shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds.”

As a leading policy among Asian countries, *IPRA* addresses four substantive rights of IPs: (i) the right to ancestral domains and lands, (ii) the right to self-governance; (iii) the right to cultural integrity; and (iv) the right to social justice and human rights. The definition of ancestral domain covers forests, pastures, residential and agricultural lands, hunting grounds, worship and burial areas, and include lands no longer occupied exclusively by indigenous cultural communities but to which they had traditional access, particularly the home ranges of indigenous cultural communities who are still nomadic or shifting cultivators.

Under the principle of self-determination, IPRA recognizes the right of IP communities to document and delineate their own ancestral domain claims, and to formulate their own Ancestral Domain Sustainable Development and Management Plans (ADSDPs). The law further states that contracts, licenses, concessions, leases and permits within the ancestral domains shall not be allowed or renewed without the free and prior informed consent (FPIC) of the IP community, in accordance with their respective customary laws and practices – free from any external manipulation, interference or coercion.

However, the implementation of *IPRA* has been hindered by contradictory legislations, conflicting boundaries and overlapping agency mandates. These have had eroding effects on the application of *IPRA*.

A major contention has been on forest lands, as the revised *Forestry Code of 1975* stipulates that “all lands above 18 degrees slope automatically belong to the state and classified as forest lands”. Moreover, many ancestral domains have overlapping boundaries with national parks and protected areas, public land concessions, and agrarian reform areas covered by titles and stewardship agreements. Most ancestral domains are also affected by mining concessions and applications.

Informal tenure. In the Philippines, the protection of informal tenure rights is provided under *RA 8368* which de-criminalizes squatting.¹¹ Further, the *Urban Development and Housing Act (UDHA, or RA 7279)* discourages the practice of forced evictions and demolitions, and requires that adequate relocation be provided in cases involving eviction and demolition of poor settlers. Although these laws are intended for the urban poor, they apply to rural settlers as well.¹²

In the rural areas, however, the numbers of informal settlers remains largely unknown. The governance of tenure is focused mainly on the governance and management of landscapes where people and communities are treated as part of the landscape. The land laws provide for land classification and for resource inventories, but little data is generated about the landless and about the households with informal/ insecure tenure.

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¹¹ Title of RA 8368 is the “Act repealing Presidential Decree 772, entitled ‘Penalizing Squatting and Other Similar Acts’”

¹² The two laws – RA 8368 and RA 7279 – are not covered by this Study.

Transfers and changes to tenure and duties

Markets. To function effectively, markets need common and uniform tenure systems and instruments, as well as transparency in information and reliable land registries. However, the (land) market in the Philippines is still fraught with many problems. These include: multiple laws and agencies dealing with land administration, inadequate management of records, unreliable registries, limited access to market information, inadequate cadastral information, and others. On the policy level, there is need to review the proposed *Land Administration Reform Act (LARA bill)* long pending in Congress.

Investments. The need for responsible agricultural investments has grabbed global attention in light of recent trends, i.e.: (i) The overall decline in public investment spending in agriculture; and (ii) the growing global phenomena of large-scale land acquisitions in poor and food insecure countries. Thus, while there is a need to promote investments in agriculture, this must be balanced off by the interests of smallholders, and the protection of their tenure rights. A key issue especially in large-scale land transactions is the overall lack of a policy on information disclosure and access to information by the public, especially by communities whose tenure and livelihoods are likely to be affected. There are many cases where local communities are caught unaware, or else misinformed, about an investment or project that is likely to affect their tenure.

The *IPRA* law provides some safeguards. It states that contracts, licenses, concessions, leases and permits within the ancestral domains shall not be renewed or allowed without the free, prior and informed consent (FPIC) of the indigenous community. The quality of FPIC thus becomes important. FPIC is defined under *IPRA* as the “consensus of all members of the IPs/ ICCs [indigenous peoples] to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference or coercion.”

But while FPIC is required for ancestral domains, FPIC is not required as a policy for other non-IP sectors.

Moreover, impact assessments are required for large investment projects. In reality, however, many EIAs are often undertaken in behalf of investors rather than by independent parties.

Land consolidation refers to the “planned readjustment and rearrangement of land parcels and their ownership”. It aims to provide a more rational distribution of land to improve the efficiency of farming, and it involves a process of renegotiating tenure arrangements.

From an overall policy perspective it appears that there is no law or program on land consolidation in the Philippines.

DAR undertakes so-called “land consolidation” by developing a land use plan while engaged in the process of breaking-up large estates or plantations. The DAR’s objective is *to avoid the further fragmentation of farms*, rather than to reconsolidate fragmented plots into single, contiguous farms.

Under AFMA, the concept of the SAFDZ focuses on land use planning and zoning, but it does not involve the renegotiation of land tenure rights as in *land consolidation*.

In the Philippines, land consolidation is likely to emerge as a next generation issue, as land reforms and systems of inheritance break up agricultural lands into smaller plots. If not managed and directed by the State with a development vision, then land consolidation is likely to be undertaken by the *private sector* under market arrangements where smallholders are likely to lose their tenure rights, and agricultural lands are reconsolidated and converted to other purposes.

Restitution means “the act of giving back something that has been lost or stolen” or “the act of restoring to the rightful owner something that has been taken away, lost, or surrendered”.

In the Philippines, *IPRA* is the main measure of *restitution*, or the return of tenure rights. In a reversal of the Regalian doctrine, *IPRA* recognizes the *prior rights*, including the *pre-conquest* rights of indigenous peoples. This right supersedes the land and resource claims of the State and other entities.

The definition of ancestral domain covers forests, pastures, residential and agricultural lands, hunting grounds, worship and burial areas, and include lands no longer occupied exclusively by indigenous cultural communities but to which they had traditional access, particularly the home ranges of indigenous cultural communities who are still nomadic or shifting cultivators.

Redistribution. The Constitution devotes a section to *Agrarian and Natural Resources Reform*. It states: “The State shall apply the principles of agrarian reform or stewardship ... in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.”

The *Comprehensive Agrarian Reform Program (CARP)* is the Philippines’ main redistributive reform. At the level of policy, there appears to be a general convergence and agreement between *CARP/ER* and Section 15 of the Voluntary Guidelines.

However, there are second-generation policy issues with *CARP* in relation to the VGGT, i.e.: (i) One, the unfinished task of land transfer after the *CARPER*-set deadline of June 2014; (ii) Two, the tenure security for those left out of the *CARP* program, such as *seasonal agricultural laborers and informal settlers* who were not primary target beneficiaries of the program; (iii) Three, the continuing need for land redistribution, as the forces of market reconsolidation begin to erode the redistributive effects of land reform.

Administration of tenure

Records. The land information system in the Philippines remains generally poor and inadequate. There is a general lack of systematic, reliable and accurate information about landownership, tenure, boundaries, location, actual land uses and land valuation – including at the local government levels. Cadastral information is generally inadequate. There is no complete delineation of the boundaries of public, private and forest land parcels. There is no set of cadastral maps that show titled and untitled properties, and land parcels that are under different types of tenure instruments. Several agencies and LGUs issue different tenure instruments, but there is no consolidated information on the tenure status of land parcels; each agency maintains separate land records with different systems of recording and mapping.

The existing management of land records remains generally poor. Many records are missing due to flooding, war, theft, and damage from fire. Information is not easily accessible. Moreover, there are instances of fraudulent land titling, altering of records and illegal activities that causes land conflicts, and this may take years to resolve. LGUs continue to issue tax declarations even for lands under the public domain that are inalienable.

Review the pending bill on the *Land Administration and Reform Act (LARA bill)* in the context of VGGT Sec 17.

Valuation. Overall, there appears to be no national standard and common method for valuating real property. Different agencies apply several systems and methods in the valuation of properties, depending on the purpose for which land is being assessed. These include: (i) land valuation by provincial, municipal and city assessors for purposes of taxation, based on the *Tax Code*; (ii) valuation for compensation of land acquired or expropriated for public investment; (iii) valuation under *CARP* by the Land Bank of the Philippines; (iv) valuation by the private sector for the purposes of bank lending, insurance, purchase and sale of real property by investors.

Land valuation systems and actual sale prices not made accessible to the public. The laws do not set standards for transparency of information and methodologies. Where land administration is poor, and where record-keeping is weak, the system is prone to corruption and manipulation.

Taxation. The collection of the private land tax (realty tax) falls largely under the local government, while other agencies collect different fees (permits, licenses, leases). Land taxation is covered by other laws, including the *Tax Code* and the *Local Government Code*, and therefore is not directly covered by this assessment.

There is need for a separate assessment and discussion on taxation policy as an administrative measure for land tenure governance, in line with VGGT Section 19.

Spatial planning. The laws covered by this review require *spatial planning for different purposes* (i.e., for productivity, resource management and protection, disaster risk reduction). Different agencies carry out their own spatial planning and mapping systems, and yet their plans and maps are not consolidated or harmonised. AFMA focuses on land use and zoning for agriculture; the revised Forestry Code provides for the classification and survey of all lands of the public domain; the *DRRM law* provides for risk assessment and vulnerability mapping; while *IPRA* requires the formulation of ADSDPP plans for the management and protection of ancestral domains.

Not all of the laws prescribe processes needed for spatial planning (i.e., consultations) in ways that seek to reconcile different public, community and private interests, accommodate various

spatial uses and priorities, and consider all tenure rights that may be overlapping or in conflict with each other.

It should be noted that regulated spatial planning is the major focus of a legislation that has been pending for many years – the proposed *National Land Use Act*, or *NLUA*. It is recommended that discussions on the *NLUA* bill also take into account the principles of VGGT Section 20 – i.e, the need to reconcile and harmonize the different existing laws, and to negotiate among overlapping and competing interests.

Resolution of disputes. Some of the laws reviewed provide for special grievance mechanisms and alternative systems for resolving disputes over tenure. They also provide parties with the right of appeal, and the right to elevate cases to judicial courts. Some laws (i.e., *Mining Act*) recognize the need for a speedy disposition of cases, and therefore stipulate the period by which decisions should be made.

These extra-judicial dispute mechanisms help provide timely, affordable & effective means of resolving disputes over tenure rights, in accordance with VGGT Sec 21. However questions arise when different sectors have conflicting claims over the same resource, and their tenure rights are invoked under different laws. The multiplicity of laws, and the lack of harmonization among different tenure policies has led to conflicting claims among sectors, and functional overlaps among implementing agencies.

Responses to climate change and disasters

Climate change. The *Climate Change Act of 2009* articulates the country’s general policy on climate change, and establishes a Climate Change Commission for this purpose. The focus of the law is on creating the Commission whose major task is the formulation of a “Framework Strategy and Program on Climate Change” and “National Climate Change Action Plan”.

However, the *Climate Change Act* itself does not provide a clear link between climate change and the need to secure the tenure rights of affected peoples over land, fisheries and forests.

As an archipelago, the Philippines is highly vulnerable to the potentially dangerous consequences of climate change – rising seas, changing landscapes, increasing frequency/ severity of storms and floods, droughts, fires, climate related illnesses and diseases, damage to the ecosystem (e.g. erosion, inundation) and biodiversity loss. An estimated 60% of the Philippine population lives in the coastal zone. Climate change will affect overall land availability, land use & tenure.

There is need to further explore and discuss the actual issues and the relevance of policies as they apply to *climate change and tenure rights*, especially in the light of recent events – i.e., Typhoon Yolanda. These include risk reduction and prevention measures, disaster response, recovery and rebuilding efforts for affected communities. As noted during the consultations, many of the areas most severely affected by Typhoon Yolanda were coastal communities where residents have no legal tenure.

Disasters. The *Philippine Disaster Risk Reduction and Management Act of 2010 (DRRM)* focuses on the creation of an institutional framework – starting with the creation of the National Disaster Risk Reduction and Management Council (NDRRMC) as well as Regional and Local DRRM Councils.

However the DRRM law itself remains *silent* about the *link* between “disaster prevention/ risk reduction” and *tenure rights*. For example, while the law provides measures for spatial planning (preparation of risk and hazard maps), it does not articulate how such spatial plans/maps are to be used, for example, as regulatory frameworks for tenure. Neither does it give the NDRRMC the regulatory powers on spatial planning.

DRRM is also *silent* on policies regarding the need to address tenure issues during emergency response or at the reconstruction phase. This includes resolving disputes over tenure rights and boundaries, provision of temporary shelters, returning people to their places of origin and rebuilding, and providing permanent resettlement as may be necessary. Resettlement areas should be negotiated with host communities to ensure that “people who are displaced are provided with secure access to alternative land ... and livelihoods in ways that do not jeopardize the rights and livelihoods of others”.

In the Philippines, poor people are the most prone to disaster risks. They are the first to be hit when disasters strike, and the last to recover as victims. Many of the rural poor live in highly vulnerable areas (coastal areas, riversides and slopes), forced to eke out a living from lands that are too steep, too dry, prone to erosion or susceptible to flooding. And as many have no security of tenure over their homes, farms and livelihoods, they are often displaced from their places of origin when disasters strike – finding it difficult to return or having to face disputes over tenure rights or over boundaries of parcels. Those without formal or registered tenure rights are also unable to claim entitlements (i.e., housing, credit assistance) during rebuilding and reconstruction.

The need to address *tenure rights* and issues in “disaster prevention/ risk reduction/ response/ rehabilitation” – is an area that requires further policy review and study.

Conflict. The concern here is about the tenure of people who may be affected or displaced, whether or not they are a direct party to the conflict. These conflicts include tribal wars, insurgencies, and rebellions. A recent event cited as a case-in-point is the Zamboanga City Crisis of September 2003 where thousands lost their homes. Until today, many remain homeless as “internally-displaced people”.

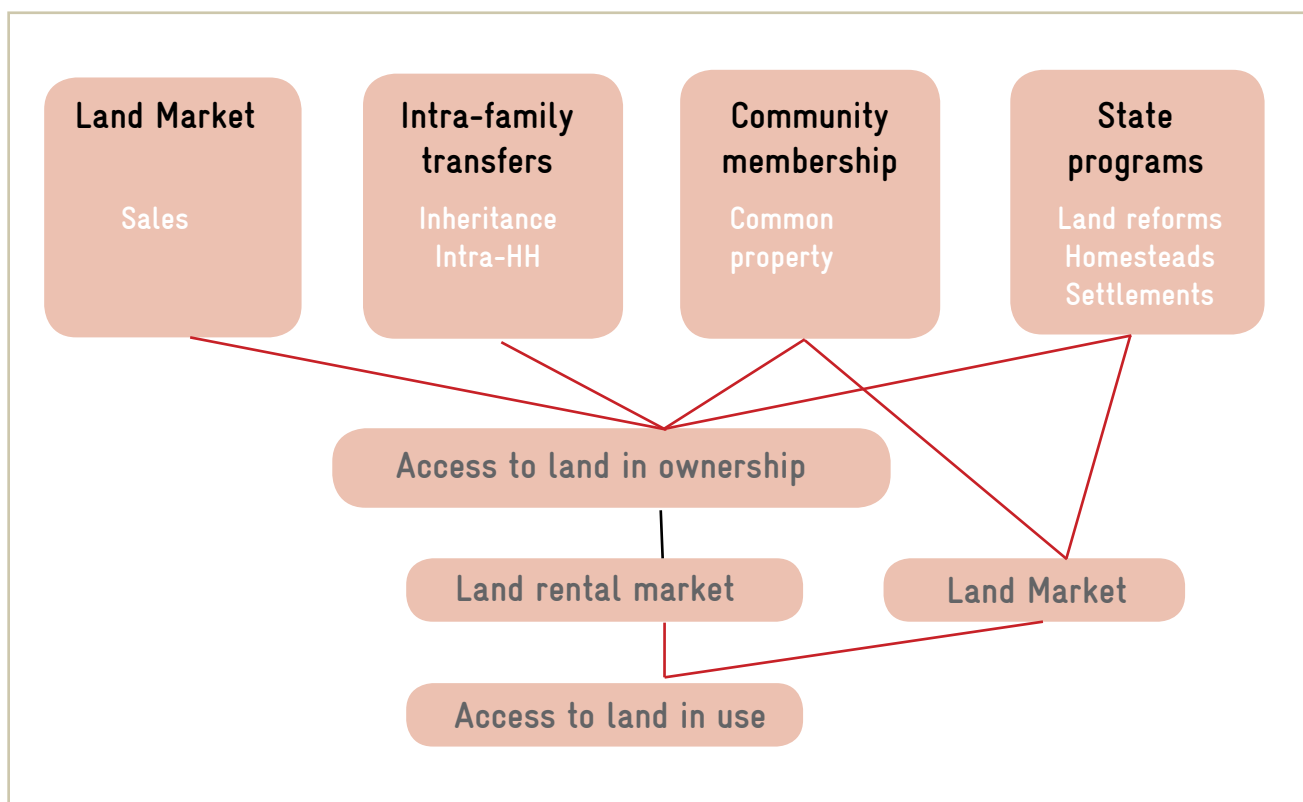
None of the laws studied deals with tenure rights and issues in cases of conflict. Only *IPRA* clearly states the right IPs/ICCs to return and to be reinstated on their lands in cases of post-conflict.

This needs a separate review, and the policies on conflict and tenure should be studied in light of recent experiences, especially the recent Zamboanga conflict.

Paths to tenure security by the rural poor

Finally, the diagram below shows the overall processes by which the poor could gain formal access to land and tenure security.

Figure 2. Pathways to tenure rights for the rural poor¹³



¹³ Quizon, Antonio (2011). Framing the Asian Land Debates. Powerpoint presentation. Adapted and revised from the work of De Janvry, Alain and Elisabeth Sadoulet (2001). Access to Land and Land Policy Reforms. Helsinki: UNU World Institute for Development Economics Research (UNU/WIDER).

