Land and natural resources have always been sources of conflict. Violence due to land and natural resources is ever prevalent with resultant deaths and damages, sustained by those with less power, particularly the rural poor. Not only is the number of land and natural resource conflicts rising, but also the degree of conflict – employing violence in many cases – is intensifying.

At the heart of the matter is the inequitable distribution of rights over land and natural resources wherein the rural poor pinch the meager land and natural resources afforded them by the State. In contrast, businesses and influential families are allowed to amass vast expanses of land, largely left unchecked in their ruinous exploitation of natural resources.
Rural poor communities experience forced evictions from their homes, displacement and damages to livelihoods and property, severe hunger and poverty, and exposure to geophysical and health hazards and risks in the environment especially complicated by natural disasters and climate change. In some cases, the cohesion of communities is fractured, destroying long-standing relationships and polarizing groups against each other further weakening their capacities to adapt to land and resource conflicts.

In an ANGOC 2018 study on land conflicts, around 352 cases have been documented, covering 1,317,024 hectares, or about four (4) percent of the total territory of the Philippines. Such conflicts lasted an average of 14 years with some cases lasting less than a year to as long as 68 years.

CONTESTED LANDSCAPES

Majority of the cases documented (208) are in the island of Mindanao, 82 are situated in Luzon, and the remaining 62 incidents are in the Visayas.

The regions with the most documented land and resource conflicts are in Mindanao: Region XIII/CARAGA with 72 cases, Region XI/Davao Region with 64 cases and Region X/Northern Mindanao with 55 cases. Per land area, Region X/Northern Mindanao is most affected with 318,371 hectares.

About 48 percent of cases documented were between communities against a business establishment, while 36 percent were between community members and 16 percent were between community members and the government.

Conflict in this brief is defined as “a situation wherein two or more stakeholders compete for control over resources, decision-making and truth.” In order to fully understand conflict, different elements must be understood such as the context, the stakeholders, and how the context shapes and is changed as a result of the interaction of stakeholders.

The interaction of stakeholders determines how a conflict situation unfolds through time. All conflicts start as Latent Conflict or “a situation wherein stakeholders are unaware or are aware, but not taking action on how their aspirations, goals and interests are competing over resources, decision-making and/or truth.” When stakeholders become aware of a conflict situation, they can choose from a wide range of actions as response: (1) pursue no action; (2) withdraw from the situation; (3) seek an integrative [win-win] solution; (4) forge a compromise with the other party; or, (5) contend or assert their rights or interests (Pruitt & Rubin, 1986).

Inaction and withdrawal make the conflict stay latent, while the pursuit of integrative solutions and compromise provides the space for issues that caused and sustained conflict to be addressed peacefully. If the stakeholders contend or assert their rights or interests, it escalates the conflict into a Manifest Conflict or “a situation wherein stakeholders have taken action to contend or assert their rights or interests over resources, decision-making and/or truth.”

About 66 percent of cases involved violence with 431 incidents. Violence came in various forms such as killings, disappearances, maiming, detention, displacement, damage to property, unfair contracts and labor practices, intrusion into territories without free, prior and informed consent (FPIC), and criminalization. There were 61 killings found from the period of January 2017 to June 2018, of which, 56.92 percent of the killed were affiliated with CSOs and social movements.

---

1 Case monitoring has been the primary approach of the study, where the stakeholders and how they interact have been documented, including the social, economic, political and biophysical conditions that surround stakeholders in a conflict situation. Because the method of data collection of the study involved the gathering of cases from the government, CSOs and online/media sources, cases undocumented, unreported, or not made available to the public have not been part of the study.
### Table 1: Cases and Land Area affected by Land and Resource Conflicts by Island Groups and Regions

<table>
<thead>
<tr>
<th>Island/Region</th>
<th>Cases</th>
<th>Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>% of cases</td>
</tr>
<tr>
<td>Luzon</td>
<td>83</td>
<td>24%</td>
</tr>
<tr>
<td>NCR</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>CAR</td>
<td>8</td>
<td>2%</td>
</tr>
<tr>
<td>I</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>II</td>
<td>5</td>
<td>1%</td>
</tr>
<tr>
<td>III</td>
<td>13</td>
<td>4%</td>
</tr>
<tr>
<td>IV-A</td>
<td>20</td>
<td>6%</td>
</tr>
<tr>
<td>IV-B</td>
<td>27</td>
<td>8%</td>
</tr>
<tr>
<td>V</td>
<td>6</td>
<td>2%</td>
</tr>
<tr>
<td>Visayas</td>
<td>61</td>
<td>17%</td>
</tr>
<tr>
<td>VI</td>
<td>23</td>
<td>7%</td>
</tr>
<tr>
<td>NIR</td>
<td>15</td>
<td>4%</td>
</tr>
<tr>
<td>VII</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>VIII</td>
<td>21</td>
<td>6%</td>
</tr>
<tr>
<td>Mindanao</td>
<td>208</td>
<td>59%</td>
</tr>
<tr>
<td>IX</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>X</td>
<td>55</td>
<td>15%</td>
</tr>
<tr>
<td>XI</td>
<td>64</td>
<td>18%</td>
</tr>
<tr>
<td>XII</td>
<td>13</td>
<td>4%</td>
</tr>
<tr>
<td>CARAGA</td>
<td>72</td>
<td>20%</td>
</tr>
<tr>
<td>ARMM</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Philippines</td>
<td>352</td>
<td>100%</td>
</tr>
</tbody>
</table>

A total of 40 incidents involved killings were committed by the military in operations guised as anti-insurgency campaigns that subsequently emboldened landowners to resist coverage of their landholdings in the Comprehensive Agrarian Reform Program (CARP) or facilitated the entry and/or hold of investments in ancestral domains. These investments were owned by influential families particularly cronies of the late dictator Ferdinand Marcos, and/or prominent legislators and local chief executives. Other perpetrators of killings were private armed groups and paramilitary groups employed by businesses; and rebel groups and community members in cases of ownership conflicts over land. On top of the killings, there were six (6) individuals that disappeared; eight (8) individuals maimed and 17 individuals illegally detained. All these, except one, were committed by the military.

A sizeable number of households have experienced displacement as a result of land and resource conflicts. There were 99 cases that involved displacement, evicting 16,992 households from their residence, and 74,853 households displaced from lands used for livelihood or have had their property used for livelihoods severely damaged. Of these 99 cases, 85 percent were caused by businesses, particularly in mining and forestry.
Threats of displacement were also documented as poor security of tenure over land discourages long-term investments and at times drives rural communities to abandon their land. There were 14 cases of threat of displacement to 47,797 households while there were 15 cases of threat of displacement and/or damage to livelihood to 43,921 households. A majority of the threats of displacement were caused by infrastructure projects of government in connection with the Build, Build, Build Program of the national government.

There were 126 incidents of forcible entry into ancestral domains without FPIC. These were committed by businesses or migrants against indigenous cultural communities/indigenous peoples (ICCs/IPs) who wished to claim ownership and/or use the land for purposes not properly consulted with the existing traditional governance systems of ICCs/IPs. Most of these were committed in Mindanao island with 98 incidents. Other forms of political violence documented were criminalization of activities of community leaders and members, and the denial of access to decision-making processes affecting land and resource rights.

There were three main causes identified for these land and resource conflicts: (1) resistance to agrarian reform; (2) overlapping tenurial claims; and, (3) land investments, particularly in forestry, mining, plantations and infrastructure.

Of all causes of land and resource conflicts, resistance to agrarian reform was the most violent in terms of killings with 38. Almost half of agrarian reform conflicts are at the latter stage of installation as landowners pursue desperate means to resist the redistribution of land previously at their possession to agrarian reform beneficiaries (ARBs) who are due for physical occupation in their previously owned landholdings. Because of landowner resistance to agrarian reform, 3,143 households have been deprived of land to till.

Overlapping claims are symptoms of the fundamental problem of overlapping land laws and programs of government that result to citizens competing over land. Majority of the cases of overlapping claims are located in ancestral domains. The key issue in overlapping claims in ancestral domains is the poor security of tenure afforded by the State to ICCs/IPs over their traditional territories. Tremendous delays in the recognition of ancestral domains by the NCIP through the issuance of Certificates of Ancestral Domain (CADTs) and Certificates of Land Titles (CALTs), and registration with the Land Registration Authority (LRA) while other government programs for land titling and distribution, and land investments are unhampered, results to the legitimization of encroachment of property claimants within ancestral domains. A total of 7,179 households have been evicted from residence due to overlapping claims, the most in all causes of land and resource conflicts in this study. (Refer to the other issue brief, Country Overview of Land Tenure and Poverty in Ancestral Domains at https://angoc.org/gltn/news/).

Findings of the study revealed that land investments had threatened to displace 43,858 households. Seven (7) cases of investments in forestry (i.e., use of forest resources that are
considered public lands under Philippine law) had encroached upon ancestral domains, covering 115,100 hectares.

Extraction investments involved earth-moving activities to gather raw materials. There were 44 cases covering 450,470 hectares, extracting metals, coal, sand/gravel, and natural gas. Extraction investments are among the most violent, with 15 conflict cases resulting in fatalities. An estimated 16,000 farming and fishing livelihoods were also compromised, exacerbating poverty and food insecurity in rural communities.

Plantation investments involve the use of land for agricultural production. There were three modes through which plantation investments were undertaken: (i) engagement in Agribusiness Venture Agreements (AVAs); (ii) land grabbing by a company from a community; and, (iii) engagement with tenant farmers as hired labor. Data revealed 101 conflicts associated with plantation investments. Of these cases, 99 were for cash crops such as oil palm (47), banana (36), pineapple (8), and others (8). More than 118,000 hectares of land is being contested under this conflict category.

The impact of AVAs was felt by farmers who entered into unfair contracts with agribusiness companies. The nine (9) cases of land grabs in agribusiness investments were all in ancestral domains — all of which involved the military. These cases of land grabbing resulted in the killing of 16 IPs, the disappearance of 6, and the detainment of 1. Further, 4 cases of land grabs resulted in the displacement of an estimated 4,800 families. Two of the plantations have current proposals for expansion, threatening the displacement of an additional 400 families.

As for Infrastructure Investments, 40 cases (18 of which were private infrastructure investments while 22 were public or government infrastructure investments) have been found covering 188,791 hectares. These potentially ruinous infrastructures consist of the construction of dams intended to provide hydro-electric power and water supply to cities in exchange for displacement of rural communities, mostly consisting of ICCs/IPs living adjacent to urban centers.

Infrastructure Investments often lead to land use change that are irreversible. Such land use changes become the pre-cursor for further land use changes for adjacent areas often brought about by forces pushing for industrialization and urbanization.

In the midst of land and resource conflicts, rural poor communities are initially likely to yield to the interests of investors. With the support of CSOs and social movements, many rural poor communities eventually pursue peaceful means of asserting their claims. Businesses and landowners on the other hand are more likely to engage in violence compared to rural poor communities. They take into account 68 of 71 cases of violent activities employing armed groups to secure their land investments. This is facilitated by the fact that of the human rights violations (HRVs) documented in the study, no report has been found stating that any perpetrators of violence have been held accountable.

LAND AND RESOURCE CONFLICT RESOLUTION MECHANISMS

When parties pursue conflict resolution, legal battles are generally time-consuming and resource-draining. Legal battles are especially costly for the rural poor and have been shown to last from 3-17 years of litigation. Quasi-judicial bodies and local dispute resolution mechanisms on the other hand are locally available and deliver quicker resolution of conflicts, but data is generally unavailable if decisions arrived at through these mechanisms are favorable to rural poor communities or to landowners/investors.

Administrative channels in land and resource reform programs in particular have begun to be cumbersome as landowners/investors take advantage of loopholes in the law. This
results to a sluggish implementation of land and resource reform programs.

Amidst the slow implementation of land and resource reform programs, the government has been pursuing initiatives to streamline land investments in energy, agribusiness, and infrastructure. For a more thorough analysis of the policy environment for land investments, please see Table 3.
### Table 2: Conflict Analysis of Land and Resource Conflicts

<table>
<thead>
<tr>
<th>Cause</th>
<th>Stakeholders</th>
<th>Description</th>
<th>Process</th>
<th>Impact to Land and Resource Rights</th>
</tr>
</thead>
</table>
| Resistance to Agrarian Reform        | - Department of Agrarian Reform (DAR)  
- Landowner  
- Agrarian Reform Beneficiary/ Agrarian Reform Beneficiary Organization (ARB/ARBO) | Agrarian Reform is mandated by the 1987 Constitution and launched as a program to institute social justice. It aims to redistribute productive agricultural land to tillers to provide secure tenure and livelihood to otherwise landless rural workers. There are also provisions for just compensation for landowners whose lands will be taken away. | (1) Coverage: landholding is covered under the CARP  
(2) Acquisition and Distribution: DAR acquires land and transfers legal ownership to ARB/ ARBO  
(3) Installation: ARB/ ARBO physically occupies landholding | The CARP aims to transfer ownership of land rights from landowners to ARBs/ARBOs. When landowners resist coverage to the program, they prevent the transfer of ownership guaranteed by the Constitution and by law. |
| Overlapping Tenurial Claims          | - Community vs Community  
- Government Agency vs Government Agency | There are overlapping and conflicting laws and policies on land and natural resources in the Philippines. Different programs of government compete for the same parcels of land resulting to overlapping claims and/or titles between different claimants/landowners. | (1) Delineation: claimants lay boundaries of claims  
(2) Mapping: claims are given to a figure of authority for conciliation  
(3) Awarding/Segregation: land is awarded to the owner or partitioned among claimants | Claimants compete for control over ownership or use of land and natural resources. Often, this ends in which of the claimants are more relentless in the expulsion of their opponent or in litigation, which claimant is registered. |
| Land Investments                     | - Community  
- Business  
- Government | Land investments undergo a permitting/contracting process between a business and landowner. Such process should undergo sufficient consultation following standards of FPIC with affected communities, and should be under the supervision of the appropriate government agency. | (1) Negotiation: an investor applies to use land for an investment  
(2) Development: investor removes exiting structures and changes the use of the land  
(3) Closure: turnover of land to the government or its owner | Land investments deprive prior rights of communities who have existing uses of land and natural resources. In some instances, damages to the environment during and/or after the investment expose communities to hazards and risks. |
There are various conflict prevention mechanisms embedded in land and resource governance. It was found that procedural safeguards such as permits, licenses and other mandatory compliances to government agencies can sometimes prevent land and resource conflicts, but in certain instances, only serve as rubber stamps for land investments. Representation and participation mechanisms when utilized properly allow poor sectors and communities to register their concerns to decision-making processes in governance, but there are cases wherein representatives to such bodies are beholden to the government officials who have appointed them and are not necessarily held accountable by the sectors/communities they supposedly represent.

In the bigger picture, the Philippines is internationally revered for its progressive legislations such as the Comprehensive Agrarian Reform Law (CARL) and the Indigenous Peoples Rights Act (IPRA), which were won by the concerted efforts of communities, Peoples Organizations, CSOs and allies in Congress. These laws though, are implemented at a sluggish pace. The Department of Agrarian Reform (DAR) and the National Commission on Indigenous Peoples (NCIP), agencies imbued with the mandate to implement CARL and IPRA, respectively, have been found to refrain from exercising the full power provided them under these laws. Thus, the socio-economic and political structures these progressive laws aim to change generally remain unchallenged.

This can be attributable to the fact that the government remains dominated by the interests of the landed elite and corporations, while the basic sectors and their allies through time have begun to be fragmented by ideological and political differences. As a result, gains achieved in the past become vulnerable to reversal.
Given the shortage and expensive cost of energy in the Philippines, the DOE has released EO 30 that expedites extraction of energy resources and the construction of infrastructures for energy production and distribution (DOE, 2018). This guideline has mandated that all energy investments shall be approved within 30 days. In the event that no objection was raised within 30 days, a permit for energy investment shall be presumed approved.

In addition, the Bangko Sentral ng Pilipinas (BSP) has released a report that for 2017, there is a 1000% increase in foreign direct investments (FDIs) on energy from 2016 overtaking for the first time, the industries of mining, agriculture and real estate.

The DAR and DA are currently encouraging agribusinesses, particularly foreign-owned agribusinesses to invest in Filipino farmers. This is being conducted in the absence of a legally-binding framework for the assessment of Agribusiness Venture Arrangements.

Despite legal mandates to protect and limit conversion of irrigated and irrigable lands, agricultural lands are still being converted to other uses, particularly for real estate.

Likewise, the BSP in their 2017 report revealed that there was a 50% increase in FDIs at the amount of 248 million USD in real estate, which is gargantuan compared to the measly 20 million USD investment in agriculture, forestry, and fishing.

The current administration has embarked on the Build-Build-Build program, a massive program on infrastructure projects as preparation for the integration with ASEAN.
Amidst all this, recourse is often fleeting if not nowhere to be found. The government is often caught in fundamental conflicts of interest, which comes in two forms. First, various agencies imbued with their respective mandates and programs compete for jurisdiction over the same parcels of land and natural resources, which legitimacy are all imbued in law. In the absence of clear harmonization of overlapping land and resource laws, conflicts often in due time turn violent and persist unresolved. This renders the tenure of land and natural resource stakeholders, particularly rural poor communities, insecure and perennially contested. Consequently, their lives are beset with danger.

The second form of conflict of interest can be seen in the deliberate policies of governments to expedite investments in the name of “ease of doing business” and “readiness for integration.” In many cases of land investments, the government encouraged businesses and were direct parties in investments on land and the utilization of natural resources. As facilitating parties and in some cases, perpetrators in a land and resource conflict, the government is prevented from exercising its mandate of regulating businesses or exercising restraint in investments even if the investment result to the rights of citizens trampled upon. Taking all these into account, economic development brought about by land investment do not trickle down to the rural poor and further impoverish the poor by denying them access to productive assets.

WAYS FORWARD

It should not therefore come as a surprise that there is a dearth of responsive mechanisms to address land and resource conflicts. Only with aggressive and sustained lobbying and advocacy can land and resource conflicts be addressed and prevented as can be seen in all forestry and some mining investments that have been put on hold. One way to interpret this is that this is a result of bureaucratic inefficiency or a lack of political will to address legal, administrative, and judicial hindrances towards the completion of land and resource reforms, and the harmonization of agency jurisdictions. Yet, another way to interpret this is that the multitude of loopholes and bottlenecks have been deliberately installed to enable the reversal of gains in land and resource reform, and to facilitate the entry and hold of corporate interests in land and resource governance. After all, impunity has characterized the rule of law in Philippine society in recent time, as it is in these times that the barrel of the gun has been pointed at the very people in need of the most protection.

Towards this end, the following recommendations are proposed:

**For Government:**

- Complete land and resource reform programs and ensure tenure security for the rural poor.
- Institute an effective and efficient mechanism to resolve overlapping claims on land.
- Ensure the integrity of safeguard mechanisms that regulate land investments by integrating the UN Guiding Principles on Business and Human Rights (UNGP BHR) in land and resource governance.
- Enhance the awareness of government on land rights as human rights especially the military.

**For Businesses:**

- Comply with government regulations to ensure the sustainability of their investments.

**For CSOs and social movements:**

- Unite under a common goal and program of responding to the needs of rural poor communities.
Organize and empower the rural poor to enable them to effectively defend their rights.

Improve on existing reporting and protection mechanisms, and widely disseminate these so that they and the rural poor can utilize these in cases of violations of their rights.

Sustain and strengthen non-violent struggle to hold rights violators accountable for their actions.

This issue brief was prepared by Timothy Salomon and Nathaniel Don Marquez of ANGOC.

(The views expressed in this brief do not necessarily reflect those of GLTN, UN Habitat, and BMZ.)

REFERENCES


Gualberto X. M., (2019). Summary notes on land conflicts as discussed during the Land Governance Training of Trainors and Mid-Term Review Mission for SALTAR Project. [Unpublished].

Concerns over food insecurity in developing countries are reflected in the Sustainable Development Goals (SDGs) to end hunger, achieve food security and improved nutrition, and promote sustainable agriculture by 2030. Given that land plays an important role in the livelihoods of most people in developing countries, food security and poverty reduction cannot be achieved unless issues of access to land, security of tenure, and the capacity to use land productively and in a sustainable manner are addressed.

Thus, the Global Land Tool Network (GLTN), as facilitated by UN-Habitat, is implementing “Secure Access to Land and Resources (SALaR)” Project through the support of Germany’s Federal Ministry of Economic Cooperation and Development (BMZ), with the overall goal of improving land and natural resources tenure security of rural smallholder farmers in Uganda, the Philippines, and Laos.

In the Philippines, while a number of land laws are being implemented, several gaps need to be addressed to improve the situation of their intended beneficiaries. Hence, “Improving Tenure Security of Smallholder Farmers in Select Areas in the Philippines” aims to contribute to the goal of SALaR Project.

This project is implemented by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) in partnership with Xavier Science Foundation, Inc. (XSF), with technical and financial support from Global Land Tool Network (GLTN) and Germany’s Ministry of Economic Cooperation and Development (BMZ).