

Tenure Security and Conflicts on Land and Natural Resources¹

Presentation material web link:

https://angoc.org/wp-content/uploads/2019/12/Land-and-Resource-Conflicts_GLTN.pdf

INTRODUCTION

One of the key challenges faced by the country is how it will feed its growing population with diminishing land per capita amidst increasing competition for resources; threats of climate change and disasters; and increasing human competition, needs, and expectations. With over 105 million Filipinos in a land area of around 30 million hectares, land is not mainly intended for food production but also to provide for the growing demand for settlements and other commercial needs such as tourism, mining, and industrialization.

The conservation, management, distribution, and use of land and natural resources will be the central factors to meet the said challenge. However, the value, use, and management of natural resources vary among people as they have different needs and interests. Thus, land and resource conflicts arise.

OVERALL LEARNING OBJECTIVES

- ❑ To lay down the meaning of concepts and laws that govern land and resource rights and governance;

¹ Prepared by Timothy Salomon and Nathaniel Don Marquez of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), based on the presentation of Timothy Salomon for the **Landscapes Governance Forum and Training of Trainers** as part of the project *“Improving Tenure Security of Smallholder Farmers in Select Areas in the Philippines”* jointly implemented by ANGOC and the Xavier Science Foundation, Inc. (XSF).

- ❑ To deepen understanding of existing land and resource conflicts in the ancestral domain of communities; and,
- ❑ To discuss possible strategies to respond to, resolve, and prevent land and resource conflicts

PRESENTATION OUTLINE

- ❑ Tenure security, land and resource rights, and related laws
- ❑ Land and resource conflicts
- ❑ Addressing conflicts

TENURE SECURITY, LAND AND RESOURCE RIGHTS, AND RELATED LAWS

Methodology

Input-presentation, using photographs and graphics, engaging the participants through question and answer format.

Content

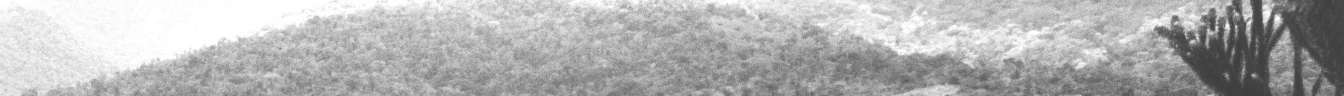
TOPIC 1: *Tenure Security*

Tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land, fisheries and forests (FAO, 2002). It defines how access is granted to rights to use, control and transfer land, as well as associated responsibilities and restraints.

Tenure systems determine who can use what resources for how long, and under what conditions (*Ibid*).

Tenure rights can be held individually, jointly, or collectively which means that ownership and control can be attributed to an individual, a couple, or a group respectively (GLTN, 2017). When tenure rights are held jointly or collectively, tenure rights are distributed among recognized rights holders based on applicable tenure systems. Control over land and resources held jointly and collectively are thus exercised in the context of negotiation and consensus among recognized rights holders.

There are three main types of tenure security. *First*, **legal tenure security** refers to tenure protection backed up by State authority. *Secondly*, **de facto tenure security** refers to the actual control of land and property, regardless of legal



status. *Thirdly*, **perceived tenure security** relates to the subjective perception of an individual, couple or community that they will not lose their land rights through forced eviction (GLTN, 2017).

According to the custodian agencies of SDG indicator 1.4.2, land rights may be considered secure when the following conditions are met: (1) there is legally-recognized documentation; and, (2) there is a perception of the security of tenure. Both are necessary to provide a full measurement of tenure security (Kumar, et al., 2017). Legally-recognized documentation refers to recording and publication of information on the nature and location of land, rights, and rights holders in a form that is recognized by government, and is therefore official. Perception of tenure security, on the other hand, refers to the assessment of an individual, a couple in a household, or a community of the likelihood of involuntary loss of land regardless of the legal status. Tenure is deemed as perceptually secure when: (a) the landholder does not report fear of involuntary loss of the land within the next five years due to, for example, intra-family, community, or natural threats; and, (b) the landholder reports having the right to bequeath (or pass on for other people to inherit) the land.

TOPIC 2: *Bundle of land rights*

The bundle of land rights are country specific and refer to a variety of tenure rights such as customary, leasehold, public, and freehold rights. These rights can be held collectively, jointly, or individually and may cover one or more elements of the bundle of rights existing in a range from informal to formal land rights. This tool is developed by GLTN to describe an existing tenure situation and for predicting how a range of tenure types may transform over time given different scenarios and intervention strategies (ANGOC, 2017).

The bundle of land rights categorizes three major types of rights: (1) use rights; (2) control/decision-making rights; and, (3) transfer rights. Use rights are rights that enable a land rights holder to have access to land, withdraw resources from the land, and exploit resources for economic purposes. Control/decision-making rights are rights that provide a land rights holder to plan the future uses of land and to control the entry of people within the land. Finally, transfer rights enable a land rights holder to relinquish and pass the rights on said land and natural resources through lease/rental, bequeathment and/or sale. These land rights are not absolute and inter-related in a continuum.

A summary of the above contexts on the types of rights may be presented through the following table.

Table 1. Various types of Bundle of Rights and Tenure Security.

Bundle of Rights		Tenure Security		
Use	Access	Legal	De facto	Perceived
	Harvest			
	Exploit/Use for Livelihood			
Management	Plan future use			
	Exclude/Determine users			
Transfer	Lease/Rental			
	Bequeathment			
	Sale			

EXERCISE 1: Reflection

Through plenary discussion, participants will be asked to reflect on the topic, asking them on how do they understand and assess their legal, de facto, and perceived rights to land.

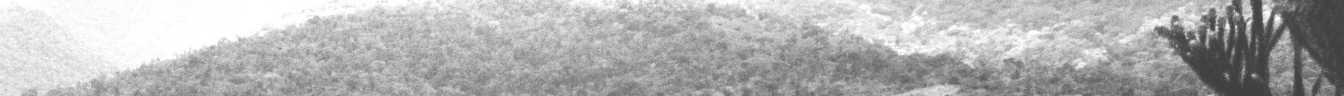
TOPIC 3: Legal framework, laws on land and natural resources and the Indigenous People’s Rights Act (IPRA)

The 1987 Philippine Constitution provides the broad legal framework on land and resource governance. The other legislations listed below cover the major laws governing land and natural resource tenure in the *rural* areas.

Table 2. Major laws governing land and natural resource tenure in the rural areas.

<i>Overall policy framework</i>	Philippine Constitution of 1987
<i>Tenure reforms in the rural sector</i>	<ul style="list-style-type: none"> • Indigenous Peoples Rights Act (IPRA) of 1997 (RA 8371) • Philippine Fisheries Code (PFC) of 1998 (RA 8550) • Comprehensive Agrarian Reform Program (CARP) of 1988 (RA 6657) as amended by CARPER (RA 9700)
<i>Natural resource management, protection and use</i>	<ul style="list-style-type: none"> • Agriculture and Fisheries Modernization Act (AFMA) of 1997 (RA 8435) • National Integrated Protected Areas System (NIPAS) Act of 1992 (RA 7586) • Forestry Code of the Philippines (PD 305) • Philippine Mining Act of 1995 (RA 7942) • Public Land Act of 1936 (CA 141, as amended)
<i>Responses to climate change and risks</i>	<ul style="list-style-type: none"> • Climate Change Act of 2009 (RA 9729) • Philippine Disaster Risk Reduction and Management (DRRM) Act of 2010 (RA 10121)

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 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. 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 Act – focus on the management of the country’s natural resources. The Climate Change Act and DRRM Act deal with climate change and disasters.


The lack of synchronization of policies has resulted in a complex and fragmented approach to land governance. The country has taken on a highly *sectoral* or *landscape approach* to land and 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 Indigenous Peoples Rights Act (IPRA)

Due to the continuous and sustained lobbying efforts and advocacy of indigenous peoples’ organizations and their support groups, the landmark IPRA was enacted in 1997 to recognize, protect, and promote the rights of indigenous peoples.

IPRA addresses four substantive rights of indigenous peoples (IPs):

- ❑ the right to ancestral domains and lands;
- ❑ the right to self-governance;
- ❑ the right to cultural integrity; and,
- ❑ the right to social justice and human rights.



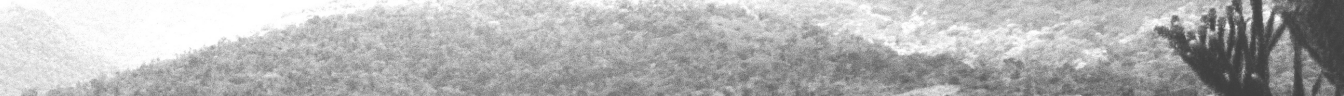
IPRA goes beyond the past contract-based resource management agreements between the State and the community, and recognizes the “ownership” of the indigenous communities over their traditional territories which include land, bodies of water, and all other natural resources therein. The definition of 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.

IPRA provides for a process of titling of lands through the issuance of Certificate of Ancestral Domain Titles (CADTs). CADTs are ownership tenurial instruments issued and awarded to an applicant community or clan. The effectivity of these tenurial instruments has no term limits and representatives chosen by the community act as holders of the CADT in trust in behalf of the concerned indigenous community.

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 Protection Plans (ADSDPPs). The law further states that contracts, licenses, concessions, leases, and permits within the ancestral domains shall not be allowed or renewed without the free, prior, and informed consent (FPIC) of the IP community, in accordance with their respective customary laws and practices – free from any external manipulation, interference, or coercion.

IPRA respects the community’s right to traditionally manage, control, use, protect and develop their ancestral domains, but subject to “consistency” with national laws. The allowable resource utilization includes the right to enjoy the benefits of resources subject to existing national laws on natural resource use and exploitation. The appropriate traditional leadership structure of the indigenous community exercises governance over the CADT. Nonetheless, the local rules and policies are subject to the “legal framework” of existing national laws. Access and utilization of all natural resources within the coverage of the CADT will require FPIC from the concerned indigenous community.

As of 2018, a total of 221 CADTs have been approved, covering a total area of 5,413,773 hectares of ancestral lands and waters. Some 1,206,026 individuals have directly benefitted from the tenurial security afforded by the approval



of the CADTs. 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.

Overlapping mandates and tenurial instruments

With the increasing competition for resources, overlapping claims and jurisdictions have become a major challenge among implementing government land and resource agencies. These sectoral approaches to land policy lead to overlapping jurisdictions and functional overlaps among agencies --- thus contributing to conflicts.

In particular, while delineation of land and resources often involves defining the boundaries of surface rights (in hectares), it may also include measuring the depth of waters or assigning subterranean (e.g. mining) rights. While it is usually done by the State, under the Indigenous Peoples Rights Act (IPRA), ancestral domains are identified based on the principle of self-delineation.

Likewise, the sectoral approach to land has bearing in the identification of the rights holders (or “beneficiaries”), based on eligibilities and entitlements as defined or recognized by a particular law. The Comprehensive Agrarian Reform Program (CARP), for instance, is based on the principle of *land to the tiller* (i.e. tillership rights). The Philippine Fisheries Code assigns rights over municipal waters based on *resource use* (i.e. user rights). Under the IPRA, indigenous people are identified and recognized based on the principle of *self-ascription* and identification, together with other factors such as territory and community, history, and culture.

Issued by government agencies, various tenure instruments allocates rights and recognition to people, groups or communities with respect to land and natural resources. It assigns tenure rights either to an *individual* or to a *collective* (cooperative, association or community). It defines the *bundle of rights* as well as the *responsibilities* of the rights holder, in the form of ownership, leasehold rights (with a fee), user and management rights, or extraction permits. The tenure instrument also defines the *duration* of these rights – e.g., in perpetuity (for private property), 25-year leases (for Community-Based Forest Management/ CBFM Agreements) or annually (as in the case of Municipal Fishery Registries).

Table 3. Tenure instruments issued under Philippine asset reforms.

Tenure instrument	Issuing authority	Description	Period of tenure	Bundle of Rights						
				Enter / Access	Harvest	Use/ Plant	Exclude others	Inherit rights	Lease/ rent out	Assign/ sell
CLT	DAR	Individual transfer certificate	—	Yes	Yes	Yes	Yes	Yes		
CLOA	DAR	Individual/ collective transfer certificate	—	Yes	Yes	Yes	Yes	Yes		
Leasehold contract	Private	Private contract	Usually 1-5 years	Yes	Yes	Yes	Yes	Yes		
Land Title or TCT	LRA	Title	Perpetuity	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Land patent	DENR	Original title	Perpetuity	Yes	Yes	Yes	Yes	Yes	Yes	Yes
CBFM Agreement	DENR	Collective land lease	25 years, renewable for +25 yrs	Yes	Yes	Yes	Yes	Yes		
Municipal fishers registry	LGU	Permit to harvest/ fish	One year, renewed annually	Yes	Yes					
CADC	NCIP	Domain Claim	---	Yes	Yes	Yes	Yes	Yes		
CADT	NCIP	Collective/ Native Title	Perpetuity	Yes	Yes	Yes	Yes	Yes	Yes	
CALT	NCIP	Individual Title	Perpetuity	Yes	Yes	Yes	Yes	Yes	Yes	

Source: 2018 State of Land and Resource Tenure Reforms in the Philippines, ANGOC: Quezon City

Given the multiple laws on land administration, there are at least 19 government agencies² involved in land administration. This results in a *complex web of overlapping bureaucratic functions and processes* in each of the areas of land classification; conduct and approval of land surveying; disposition of land; maintenance of maps and records; compilation of maps and land information; and, land valuation. This provides an enabling environment for institutionalized chaos characterized by bureaucratic “turf-wars.”

EXERCISE 2: Reflection

Through plenary discussion, participants will be asked to reflect on the topic, asking them on their understanding and relevance of IPRA, and the implementation challenges faced vis-a-vis the other land and resource laws. The facilitator may select participants to share their reflections.

² The main agencies of the executive department comprise the DENR (LMB, PENRO & CENRO), DOJ (LRA/ ROD), DOF (BIR & BILGF), DAR, DILG, LGUs, HUDCC (HLURB & NHA), and NCIP; while the judiciary involves regional trial courts, municipal/circuit trial courts, and the Special Court on Tax Appeals.

LAND AND RESOURCE CONFLICTS

Methodology

Input-presentation, using photographs and graphics, engaging the participants through question and answer format

Content

TOPIC 1: *Concepts – Land and resource conflicts*

Conflict 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, how stakeholders interact as the conflict situation unfolds, 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: a) pursue no action; b) withdraw from the situation; c) seek an integrative (win-win) solution; d) forge a compromise with the other party; or, e) contend or assert their rights or interests (Pruitt and Rubin, 1986).

Inaction and withdrawal makes 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.”*

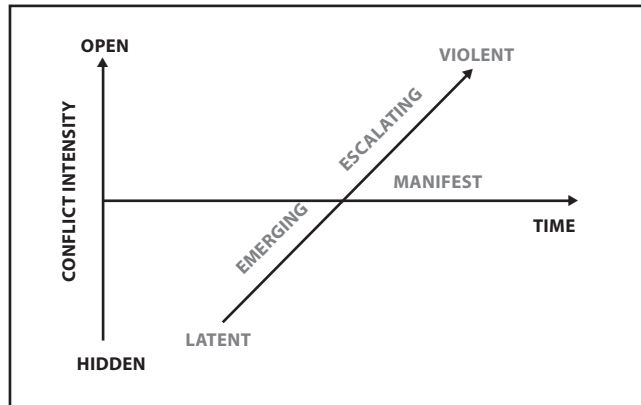
If stakeholders sustain efforts to contend and assert their rights and interests, they can escalate the conflict situation into a **Stalemate** or *“a situation wherein stakeholders realize that their aspirations, goals and interests cannot be achieved simultaneously.”* When in a situation of stalemate, stakeholders have the choice to withdraw from the conflict situation or pursue peaceful means to resolve the conflict such as seeking an integrative (win-win) solution or forge a compromise.

One form of peaceful response that facilitates coming up with an integrative solution or compromise is seeking a **Third Party Facilitator** or “an individual, group or entity that has authority that is respectable to stakeholders in a conflict situation with the task to facilitate the de-escalation of the conflict situation and to seek an integrative solution or compromise.”

When third party facilitators are absent or inaccessible, and when stakeholders are not able to secure acceptable outcomes from engaging with each other or with third party facilitators, the situation becomes volatile and stakeholders may be pushed to engage in **Violence** or “a show of force, an imposition of will on another to achieve control through destructive means.” The most vivid form of violence is physical violence such as killing, maiming, torture, detainment, and displacement, among others. Violence can also come in the form of psychological violence such as grave threat, harassment, defamation, discrimination, or verbal abuse. And it can also come in less tangible forms such as economic violence such as the denial of access to resources, services and opportunities, or subjecting stakeholders to exploitative arrangements; or, political violence such as the denial of the right to self-determination and the denial of access to decision-making processes.

Amidst violence, conflict situations further escalate and may lead to a volatile situation where violence might recur. Only when peaceful means are pursued and the issues that caused and sustained the conflict are substantively addressed, will conflict situations reach settlement.

Figure 1. Stages of conflicts



Source: Engel, A. and Korf, B. (2005). *Negotiation and Mediation Techniques for Resource Management*. Food and Agriculture Organization of the United Nations: Rome

EXERCISE 3: Reflection

Through plenary discussion, participants will be asked to reflect on the effect of conflicts in their various rights to ancestral domain, using the matrix below as a guide. This may be done as a whole-group exercise.

Table 4. Sample table as guide to reflect on the effects of conflicts on the rights over ancestral domains.

	Rights	Rights to Ancestral Domain			Effect of Conflict
		Legal	De facto	Perceived	
Use	Access				
	Harvest				
	Exploit/Use for Livelihood				
Management	Plan future use				
	Exclude/Determine users				
Transfer	Lease/Rental				
	Bequeathment				
	Sale				

EXERCISE 4: Conflict Mapping

A small group exercise will be undertaken to identify the location and different types (as per actors involved) faced by the communities.

In terms of process:

- Group participants according to village within the ancestral domain
- Assign a facilitator and note-taker
- Discuss within 30 minutes
- Assign a reporter to report for 10 minutes during the plenary discussion

Participants will answer the following guide questions:

- Using a map of your community's ancestral domain, identify the location where conflict over land and resources is present
- Who are the parties in conflict? (tribe vs tribe, tribe vs outsider, tribe vs LGU/ agency, tribe vs business)
- What is the history of the said conflict?
- What is its effect to the community?

ADDRESSING LAND AND RESOURCE CONFLICTS

Methodology

Input-presentation, using photographs and graphics, engaging the participants through question and answer format

Content

TOPIC 1: Responses to tenure and land conflicts

Actions in situations of conflict are connected on two important perceptions on: a) the legitimacy of one own’s interest and power to enforce them; and, b) the legitimacy of the other party’s interest and power to enforce them. The interaction of these two beliefs bring about four possible actions:

Table 5. Four possible actions to tenure and land conflicts.

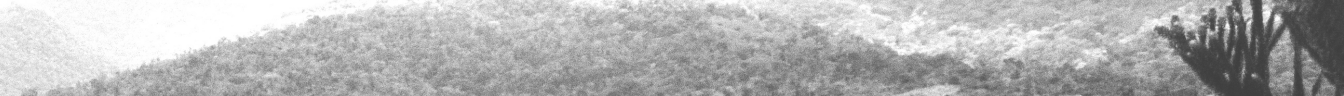
		Legitimacy of one’s interest and power to enforce them	
		Low	High
Legitimacy of other party’s interest and power to enforce them	Low	Inaction	Contend
	High	Withdrawal	Problem Solving

For individuals/families/communities under threat, the risks involved in claim-making (contending or problem solving) often outweigh its potential benefits and as such often are forced to initially withdraw or remain inactive. It involves a stakeholder surrendering their claim and allowing their opponent/s’ goals and interests to prevail out of the fear of retaliation or exposure to disadvantageous situations.

Problem solving is a key tool for addressing broader land-related conflicts that are political in nature as the interest and power of enforcement of parties are supported by national laws, policies, and government-supported projects. The challenge is how to arrive at political consensus and inclusive solutions, with the active participation of affected sectors and communities, especially those who have chosen inaction, have withdrawn, and/or have been subjected to violence.

Essential to addressing conflicts are institutions – formal and informal. They are important because institutions:

- provide order by setting rules and facilitating processes;
- assist weaker parties by protecting them from violence and providing guidance; and,
- keep the powerful in check by reminding of duties and holding them accountable.



In formal justice systems, the poor and small farmers are constrained by several other factors from obtaining justice – i.e. limited procedural knowledge regarding resolution of land conflicts, limited or no access to or understanding of the court and land administration systems.

Administratively, several government line agencies deal with certain types of land disputes over public and private lands at national and regional levels. These agencies have quasi-judicial powers to resolve cases within their jurisdictions, among them:

- ❑ *Department of Agrarian Reform (DAR)* has jurisdiction over agrarian disputes involving private and government lands
- ❑ *Department of Environment and Natural Resources (DENR)* covers lands of the public domain
- ❑ *National Commission on Indigenous Peoples (NCIP)* covers ancestral domains and claims

Overall, quasi-judicial bodies and administrative mechanisms for dispute resolution are able to deliver quicker resolution of conflicts compared to courts. However, administrative mechanisms can only address specific types of issues within their own limited sectoral jurisdictions. Moreover, different agencies often have overlapping mandates and conflicting policies. A common problem is the lack of coordination and cooperation among agencies. Administrative mechanisms are reactive; they deal with incoming issues on a case-by-case basis, and the process can be time-consuming.

On the other hand, non-formal mechanisms include *community mediation* which has proven to reduce the frequency of disputes, and has helped improve understanding, coordination, and cooperation among community members. Women and members of marginalized communities are able to participate both as beneficiaries and as providers of mediation services.

Also, *customary justice systems* have proven to be accessible and effective in settling internal land disputes within and among indigenous communities and tribes. However, they have limited scope and become inoperative where disputants involve non-members of the community.

TOPIC 2: *Land conflict mechanisms*

As conflicts turn violent, *quick response* is needed, such as:

- put a stop to the violence through escape or provide promises to meet their demands;
- restore order in the community;
- tend to the injured;
- gather evidence; and,
- if necessary, defend self, community, and territory.

Institutions to approach for quick response action includes the Philippine National Police, Armed Forces of the Philippines, and Department of Justice. When present and accessible, community-based defense mechanisms may prove effective especially when officially recognized and with active coordination with public order institutions of the government.

Peaceful resolution

In due time, a conflict situation de-escalates and parties become ready to resolve the causes that caused and sustained the conflict. When such time comes, initiatives towards peaceful resolution can be pursued. Direct engagements between parties in conflict can be pursued, but these are often better facilitated with the aid of a third party facilitator. Initiatives to peacefully resolve conflicts involve negotiation, mediation, or arbitration. A negotiation involves direct engagement between the parties in conflict with or without the facilitation of a third party. A mediation on the other hand is a semi-formal or formal process wherein a third party facilitator provides procedures and guidance for the parties in conflict to reach a settlement. An arbitration on the other hand is a procedure wherein both parties present their cases and claims before a person or group of people with recognized authority to make a decision on how to settle a conflict.

The institutions to approach for peaceful resolution depend on the actors involved in the conflict, as such:

Table 6. Types of conflicts and corresponding institutions to approach for peaceful resolution.

Conflict Type	Institution
Tribe vs Tribe	Tribal Justice System
Tribe vs Outsider	Village Officials, Government Courts
Tribe vs Government	Oversight Agencies, Courts

Initiatives to peacefully resolve conflict tend to be contentious and sometimes, long-drawn especially when the parties assert their interests aggressively. Through such processes, involved parties shall be subjected to a process of reflection wherein they shall be made aware of the effects of the conflict on other party/parties and rethink the motivations of their interests. Such process may result to parties to lower their demands to arrive at a compromise to achieve peaceful coexistence.

Conflict Prevention

It is possible that conflict can be nipped in the bud before it becomes manifest. This is best achieved when members of the community are knowledgeable of their rights and systems for participation are in place.

Conflict-prevention mechanisms are also embedded in land and resource governance. Procedural safeguards such as permits, licenses and other government requirements can sometimes prevent land and resource conflicts. Representation and participation mechanisms, when utilized properly, allow poor sectors and communities to register their concerns to decision-making processes in governance. However, in certain instances, these only serve as rubber stamps for land investments. There are cases wherein representatives to governance bodies are beholden to the government officials who appointed them and are not necessarily held accountable by the sectors/communities they supposedly represent.

Among the institutions to approach for conflict prevention include:

Table 7. Institutions to approach for conflict prevention.

Level/Sector	Mechanisms
Tribe	Indigenous political structure
Village and Local Government Units	Indigenous Peoples Mandatory Representatives (IPMR) LGU Officials
Protected Area	Protected Area Management Board (PAMB)
National Government	Concerned Agencies (e.g., NCIP, DILG, DENR, NAPC)

EXERCISE 5: Addressing Conflict

A group exercise will be undertaken to analyze the interests of parties and options in addressing land and resource conflicts faced by the communities.



In terms of process:

- ❑ Group participants according to village within the ancestral domain
- ❑ Assign a facilitator and note-taker
- ❑ Discuss within 30 minutes
- ❑ Assign a reporter to report for 10 minutes during the plenary discussion

Participants will answer the following guide questions:

- ❑ Identify the interests of the conflicting parties. In what aspects are they similar and different?
- ❑ What strategies are appropriate to address the said conflict?
- ❑ What actions must be initiated to prevent such a conflict to emerge again in the future? What systems must be set in place to ensure peace and security of tenure over the ancestral domain?

CLOSING MESSAGE

Stakeholders eventually realize the need to assert their claim over their land and resource rights through peaceful means. This is often conducted with the aid of support groups such as CSOs and social movements, and sometimes, with the aid of the government. Peaceful claim-making builds the confidence of rural poor communities and allows them to build alliances and consolidate their resources towards asserting their land and resource rights.

One key principle to remember in the pursuit of peaceful resolution of conflicts is that the discussion must revolve on HOW one's rights can be met, not the legitimacy/validity of one's rights. It is crucial that the parties in conflict distinguish which aspects of their interests are non-negotiable rights and negotiable demands. Parties must not surrender their rights as when parties do so, the efforts to "peacefully resolve conflict" may potentially further entrench the very reasons that caused the conflict to emerge and persist. ❑

References:

- Asian NGO Coalition for Agrarian Reform and Rural Development. (2015). *2014 Philippine Land Reform Monitoring Report: Resource conflicts and human rights violations in the Philippines*. Quezon City: Author.
- Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC). (2019). *In defense of land rights: A monitoring report of land conflicts in six Asian countries*. Quezon City: ANGOC.
- Food and Agriculture Organization (FAO). (2002). *Land tenure and rural development*. FAO Land Tenure Studies 3. Rome: FAO.
- Global Land Tool Network (GLTN). (2017). *Experts reach important consensus on critical 'Land Indicator'*. In GLTN. Retrieved from <https://glt.net/2017/06/13/moving-the-sdg-agenda-forward-experts-reach-important-consensus-on-land-indicator-1-4-2/>.
- Kumar, R., Quan, J., and Mboup, G. (2017). *A multi-country assessment of national statistical offices preparedness to report on SDG indicator 1.4.2: Global status on land tenure security data collection, analysis and on comparable indicators in the SDGs*. GLII Working Paper No. 7/2017. Commissioned by UN-Habitat /GLTN's Global Land Indicators Initiative, study conducted by the Natural Resources Institute, University of Greenwich, Chatham: UK.
- Pruitt, D.G., and Rubin, J. Z. (1986). *Social conflict: Escalation, stalemate and settlement*. New York: McGraw-Hill.
- Quizon, A., Marzan, A., de Vera, D., and Rodriguez, M. (2018). *State of Land and Resource Tenure Reform in the Philippines*. Quezon City: Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).
- Quizon, A. and Pagsanghan, I. (2014). *Review of Selected Land Laws and the Governance of Tenure in the Philippines: A Discussion Paper in the Context of the VGGT*. Quezon City: ANGOC and GIZ.
- Salomon, T. (2018). Land Conflicts and Rights Defenders in the Philippines. In ANGOC (Ed.) *In defense of land rights: A monitoring report on land conflicts in six Asian countries* (pp. 106-123). Quezon City: ANGOC.