



ANGOC POLICY DISCUSSION PAPER

Asian NGO Perspectives
on Agrarian Reform &
Access to Land

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The International Land Coalition is a global alliance of intergovernmental, governmental and civil society organizations. The Land Coalition works together with the rural poor to increase their secure access to natural resources, especially land, and enable them to participate directly in policy and decision-making processes that affect their livelihoods at local, national, regional and international levels.

MISEREOR is a Catholic development organization, founded in 1958 as a campaign “against hunger in the world.” It offers to cooperate in a spirit of partnership with all people of goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity with the poor and the persecuted, and help create “One World.” MISEREOR supports projects and promotes local initiatives in Africa, Asia and Latin America, irrespective of nationality, religion or gender. Within Germany, MISEREOR carries out the Church’s mission to raise awareness on global causes and structures of poverty as well as to fight them – through education, publicity and political lobbying.

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Prepared by Antonio B. Quizon
*in behalf of the Asian NGO Coalition
for Agrarian Reform and Rural Development
(ANGOC)*

PREFACE

ANGOC was borne out of country consultations that culminated in the World Conference on Agrarian Reform and Rural Development (WCARRD) in 1979. Its founders from various Asian NGOs all held that agrarian reform was a fundamental element to eradicate poverty.

While there have been many shifts in development advocacy through the decades, ANGOC continues to believe that agrarian reform is still essential to the development of Asian rural communities. Access to land brings livelihood, reduces social tensions and conflicts over resources, achieves sustainable management of lands, and improves overall peace for greater political and economic stability. Land is NOT just an economic commodity but a necessary instrument of equity for the poor.

Agrarian reform is a continuing political process as well, since it involves changing power relations. Even after legislative reforms are instituted, there is a need for constant public vigilance and pressure to influence governments to exert political will for agrarian reform. Agrarian reform also allows women equal rights to land and its resources.

While we commit to dialogue with governments, there is a need to explore other avenues and spaces to broaden poor communities' access to land and other productive resources. Thus, we welcome the growing constituency around the issue of access to common property resources especially by the poor. Although agrarian reform is still our primary advocacy, we recognize that common property resources are an important component of rural livelihoods. However, we should be cautious that these commons are used equitably and sustainably by its stewards. It is also important to find effective ways of resolving the growing conflicts between landless farmers and other sectors claiming the same piece of land.

Thus, 26 years later, we at ANGOC are trying to view agrarian reform advocacy through different perspectives, by revisiting its past and envisioning its future with this Policy Discussion Paper. We hope this

document contributes significantly in putting agrarian reform back in development discussions and strategies, especially in the Asian region.

Finally, we would like to acknowledge the people who poured so much thought and effort into the completion of this paper. We particularly commend the passion of Mr. Antonio Quizon, former ANGOC director and current Board member, for painstakingly putting this discussion paper together that covers more than two decades of agrarian reform advocacy in the region. We are also grateful to the ANGOC Board, under the inspiring leadership of Fr. Francis Lucas, for their tireless guidance and support to the ANGOC network and its secretariat. Our sincere appreciation also to the International Land Coalition (ILC) and MISEREOR for their continued support to the cause of agrarian reform.

We would also like to express our deepest gratitude to Tess Lingan-Debuque for the editing and layout, Troy Dilidili for the cover design and the ANGOC secretariat staff, namely, Maricel Almojuela-Tolentino, Teresito Elumba, Joseph Onesa, Catherine Ordon, Catherine Liamzon and Mary Grace Santos who provided assistance in the various stages of this publication.

The ANGOC network vows to pursue agrarian reform even into the next 25 years until it is achieved and its full, positive effects are felt by Asia's rural people.

by Nathaniel Don E. Marquez
ANGOC Executive Director

Quezon City, Philippines

FOREWORD

Seventy-five percent of the world's poor live and work in rural areas where their current and future needs depend on agriculture. With few, if any, assets they have little command over their livelihoods and are among the first to suffer the effects of low rainfall, environmental degradation and economic shocks resulting from global price fluctuations. The search for solutions has raised agrarian issues higher on the poverty eradication agenda.

This paper examines agrarian policies and practices in terms of how land is linked to many complex social, economic, cultural and political relations. While drawing from upon experiences from Asian countries, the paper is much more than an analysis of Asia's agrarian reform experience. The paper is a timely resource for policy makers and practitioners regardless of their countries of special concern or responsibility.

The Millennium + 5 Summit and the World Food Summit + 10 will be important opportunities to learn from the success and failures of past agrarian reforms and build strategies for the future. This paper can be a valuable resource to participants in national debates beyond Asian and in global for a.

Access to land touches upon fundamental inequalities in rural societies. Change is always difficult, but even more so if seen in a narrow moment in time. This paper helps decision-makers with a wider frame of reference when making decisions on current issues.

Of its many messages, the paper gives very helpful insight into five essential inputs to land policy development and implementation.

First, there is a body of knowledge, experience and lessons upon which future scenarios can be evaluated. The paper provides a foundation – the 1979 World Conference on Agrarian Reform and Rural Development and the experience accumulated thereafter from other global events where agrarian issues and land access were integral to the outcomes.

Second, the relevance, today, of agrarian reform and land access is highlighted. Given the magnitude of poverty within the region, the Asian context of this paper serves to explain why it is not feasible to overcome poverty without addressing agrarian issues. Among the explanation of the beneficial outcomes, the paper creates understanding of the multiplier effects on a country's social and economic well-being from providing the poor with asset security.

Third, the range of choices and required decisions are highlighted. The consequences for the poor, and the wider economy are discussed through options ranging in characterization from being "pro-poor" to being based on global trends toward liberalization. Choices in roles and responsibilities are also examined from state-led to civil-society led and including various hybrid approaches where the benefits and challenges of partnerships are considered.

Fourth, the incentives that arise when poor households have secure property rights are highlighted, among others, being improved production, environmentally sustainable resource management, stronger household social capital and diversification into additional income opportunities.

Fifth, the paper situates land and agrarian agenda within the context of the emerging consensus that a rights-based approach should under-pin development policies and their implementation.

I hope that this paper will receive a high level of consideration by the leaders of civil society and social movements, intergovernmental organizations, bilateral agencies and national institutions of government. It is insightful and provides lessons important to achieving the internationally agreed goals to attack poverty at its roots.

by Bruce Moore
ILC Director

Rome, Italy

I. INTRODUCTION

1. The World Conference on Agrarian Reform and Rural Development (WCARRD), convened by FAO in 1979 marked a “watershed” in bringing global recognition and consensus on the need for agrarian reform. Attended by 145 member-states, WCARRD adopted a Declaration of Principles and Programme of Action known as the “*Peasants’ Charter*” that emphasized the overall principle of “growth with equity through people’s participation”. Widely viewed as a radical UN document at its time, the WCARRD Charter recommended various actions to promote the following components of agrarian reform: access to land, water and other natural resources; people's participation; the integration of women in rural development; access to inputs, markets and services; the development of non-farm activities; and need for education, training and extension.
2. The establishment of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) in 1979 was an offshoot of an extensive series of local, national and regional consultations in preparation for WCARRD. This resulted in an alternative Asian civil society report to WCARRD entitled “*Development of the People, by the People, for the People.*” Since then, the ANGOC network has led various CSO initiatives for pursuing policy and institutional reforms, combined with concrete community actions, to improve access to land and tenurial security for the rural poor across Asia. Currently, ANGOC is a regional association of 25 national NGO networks and institutions from 12 countries of South, Southeast and East Asia.
3. Over the past 25 years, ANGOC’s programs have continually evolved to address the changing socio-political landscape in rural Asia. While WCARRD principles remain valid today as ever before, new opportunities and imperatives have emerged in the regional development agenda. The fall of totalitarian martial law regimes and the restoration of formal democratic processes since the mid-1980s have opened up new political space for pursuing social reforms. There has also been a major shift towards decentralization and devolution in several countries. The UN Summits of the 1990s also helped draw public attention to major development themes – environmental protection and management, indigenous people’s rights, women’s rights, human rights, and food security. Finally, the recent decade also saw two major land reforms in the Philippines,¹ changes in land policy in emerging market economies (China, Cambodia, Vietnam) and heightened calls for agrarian reform in post-dictatorship countries (Indonesia). At the start of the new millennium, poverty reduction has returned to the top of the global agenda, and with this, a resurgent donor interest in agrarian reform and land issues after a hiatus of nearly two decades.

¹ These are the 1987 Comprehensive Agrarian Reform Law (CARL, 1987) and the Indigenous Peoples Rights Act (IPRA, 1995).

4. However, the 1990s also saw the rising power and role of “markets” with the dissolution of the Soviet Union and the rise of neo-liberalism from the West. Across Asia, small farmers and producers were hard hit by the immediate impacts of trade liberalization policies – i.e., plummeting commodity prices, the growing encroachment by commercial interests into productive lands, and the increasing privatization of access to “the commons”. With trade liberalization, state power has begun to shift in many small developing countries, from states to corporations, and agrarian reform advocates thus question: “what residual powers will states have to pursue redistributive reforms if they continue to abdicate their roles and powers to the market?” Across rural Asia, traditional “landlord-tenant” relations are also gradually being redefined; agrarian tensions now arise not just from landlords, but increasingly, also from the pressures of urbanization, real estate developers, as well as from commercial and industrial interests. Meanwhile, the World Bank has introduced a new approach of “market-assisted land reforms,” consistent with its neo-liberal economic policies.
5. Although much has changed in terms of development agendas, actual conditions have not changed for much of Asia’s rural poor. Their lives continue to be characterized by poverty, landlessness, degraded environments, and continued marginalization especially among rural women and indigenous peoples. The past decade has seen the growing restlessness and social/ethnic tensions that have erupted into violence at times, and the rising out-migration among rural workers that contributes to social fragmentation within rural families.
6. **Objectives.** For ANGOC, it has become necessary now to review the agrarian reform agenda and debate in light of emerging issues and trends. This paper pursues two main objectives:
 - To review and summarize Asian CSO *consensus positions* on agrarian reform and related land issues and policies;
 - Based on the above, to articulate a *broad set of working guidelines* for defining policy positions and CSO actions on agrarian reform issues from an Asian CSO perspective.
7. This paper draws its insights and policy positions from a variety of sources. These consist mainly of research studies (both published and unpublished) as well as recent position papers on agrarian reform that have been directly prepared, or contributed to, by Asian CSOs – both within and outside of the ANGOC network. Many of these materials were sourced through the ANGOC network – written contributions and articles through hard copies or electronic mail. Although there have been noted differences in CSO policy positions, a major realization is that there has been some level of agreement on the *general principles*, and that the differences among CSOs usually arise on the use of political language, strategies and tactics in dealing with attendant situations (whether or not to participate in a formal process, whether to call for outright rejection or reform, etc.)

8. The paper also draws information and data from a number of official sources – i.e., the Asian Development Bank, International Land Coalition, International Fund for Agriculture Development and Food and Agriculture Organization. Supplemental data has been sourced through the Internet.
9. This paper is far from comprehensive, given the huge topic of agrarian reform in Asia. Rather, the paper focuses on certain key themes that are perceived as important by CSOs themselves. These include, e.g., questions about “market-assisted land reforms,” the role of the state in land reforms, women’s equal access to land, and land rights for indigenous peoples. Moreover, the paper provides brief assessments of some emerging trends, including, i.e., a review of state-led agrarian reform programs and approaches in Asia, and shifts in donor priorities on agrarian reform and land issues.
10. As a policy discussion paper, an attempt was made to compile and consolidate various information sources and perspectives into a coherent whole. Much of the work here is not original. There are specific paragraphs or sections here that have been lifted in whole or in part, or else summarized from other studies.
11. This paper focuses only on a limited number of Asian countries where the ANGO network currently operates – i.e., Bangladesh, Cambodia, China, India, Indonesia, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka and Vietnam. Japan is cited here as a country where agrarian reform has been implemented in the past.

II. ASIAN CONTEXT OF POVERTY AND LANDLESSNESS

12. **Poverty is the result – not of scarcity, but of the mal-distribution of resources and power.** And in a rapidly globalizing world, the gap between rich and poor continues to widen. *In 1960, the top 20% of the world's population had incomes 30 times the poorest 20%. Today, the gap is 60 times.* In a world of plenty, this is morally unacceptable.
13. The irony of it all is that it is the small food producers – farm laborers, tenants and small farmers – who remain most vulnerable to food insecurity. The Asian region has 75% of the world's farming households. About 80% of these are small-scale farmers and producers, and the majority of them are resource-poor.
14. **The most common feature of Asia's rural poor is landlessness** or denial of access to productive land. Major sub-groups of the poor are the landless, marginal farmers and tenants, *adivasis* or indigenous peoples, minority castes and internally displaced persons. In certain countries, pastoralists and herders, and coastal fisherfolk constitute significant groups among the rural poor. Some 40% of Asia's rural poor live in marginal areas, forced to eke out a living from fragile environments. Dry and arid regions now constitute 1.7 billion out of the total 4.3 billion hectares in Asia, and the demand for water, and water-related conflicts are increasing. Rural women and female-headed households are particularly prone to acute poverty. Because of growing landlessness and rising out-migration especially of men and youth in search of other livelihoods, women, the elderly and part-time workers are playing an increasing role in Asia's agricultural workforce.
15. The Asian region today accounts for 505 million hungry people today, or two-thirds of the 800 million severely undernourished people in the world. South Asia has 293 million people in poverty; 145 million are in East Asia, and 66 million are in Southeast Asia.

AGRARIAN STRUCTURES IN ASIA

16. **Three types.** Majority of Asian countries and regions remain essentially agrarian. Wide differences in agrarian structure exist across and within, Asian countries. For purposes of this review, countries are classified into *three broad categories*, based on their dominant agrarian structures and past land reforms that have been instituted. Our main concern with this paper are Types 2 & 3 countries, as described below:

Dominant agrarian structures

Type 1: Industrialized economies. Most of these countries and regions have implemented land reforms in the post-World War II period, mainly under totalitarian regimes or by occupation forces. These countries have since undergone agricultural modernization and rural industrialization, with a lesser segment of the population currently involved in agriculture.

Type 2: Emerging market economies. These are countries where collectivization of agriculture was earlier introduced under 'communist' revolutionary governments. Collective farms were later broken up into family farms, or else usufruct rights given to farming families. There is a fairly equitable distribution of resources and a large segment of the population is involved in production. These countries are gradually being opened to forces of the market.

Type 3: Feudal and traditional agricultural economies. These are countries where traditional patterns exist with a feudal or semi-feudal character, with lands held by absentee owners or corporations. Past land reforms have been left largely un-implemented, except for a few (Philippines, Kerala and West Bengal in India). A large portion of the population is involved in production, mostly engaged in subsistence agriculture in small, family-sized farms. These countries are increasingly exposed to forces of the market & modernization.

Countries and Regions

Japan, Taiwan, South Korea, and until recently, China & Malaysia

Vietnam, Kampuchea, China, North Korea, Kampuchea & Central Asian Republics

All countries of South Asia (India, Bangladesh, Pakistan, Nepal & Sri Lanka) and most countries of Southeast Asia (Indonesia, Philippines, Myanmar)

17. **Agrarian trends.** Asia is home to the most culturally and ecologically diverse agricultural systems compared to anywhere in the world. Nevertheless, certain essential features and trends characterize the region:
18. ***Agriculture remains as the main provider of employment*** in most developing countries of Asia, accounting for between 21% (Malaysia) to 93% (Nepal) of the total labor force. Hence, *land* is a major source of livelihood.
19. ***Typical to many Asian countries is the presence of two crop sectors:***
 - A *food crop* sector (rice, wheat, legumes) characterized by small family farms catering mainly to the domestic market; and
 - A *cash crop* sector (sugar, cotton, palm oil, rubber) characterized by larger farms (plantations) and often geared to industries and/or the export market.
20. ***The choice of production systems and markets often determines land allocation.*** In Indonesia, for example, while 80 percent of the country's farmers owned less than 0.5 hectares of land, some 2,178 corporate-run plantations controlled state concessions covering 3.52 million hectares.² Large farms tend to increase the pressure on fragile lands by displacing labor. Large-scale farmers often resort to mechanization and high levels of chemical inputs. Hence, breaking down large farms into family farms is likely to create far greater rural employment.

² Data as of year 2000, based on a study by the Consortium for Agrarian Reform (KPA). Also cited in the article "Activists divided over agrarian reform," **The Jakarta Post**, 2 August 2003.

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21. ***In most rural areas, land remains as a major source/ determinant of wealth; it is also a symbol of prestige and a means to power.*** In Nepal, over 78% of households depend on agriculture, yet over 50% of farming households have barely 0.15 hectare. On the other hand, Members of Parliament (MPs) possess land over 16.8 hectares in hill areas and 10 hectares in the plains (*terai*). In Bangladesh, MPs possess an average of 15 hectares, while nearly half the population is landless, and another 11 million possess as little as 0.02 hectares per household. Thus any effort to institute land reforms will surely encounter strong opposition from the landed political elite.
22. ***Land tenure systems and structures are highly complex and vary widely across and within countries.*** These include both formal and informal systems; state laws and customary laws; leaseholds, tenancy and sub-tenancy arrangements; ownership and land-use rights; primary and secondary rights; as well as collective and individual land rights. Hence, land reforms must focus on ensuring equity, access to land and tenurial security for the rural poor through various measures relevant to the different socio-cultural contexts. Also, single-minded approaches, such as land administration through cadastrals and state-led land titling systems alone, are not likely to work.
23. ***Moreover, there are often complex & overlapping legal systems.*** These include:
- *Conflicting policies and priorities on land use and land classification.* A major issue, for instance, is the legal status and rights of forest dwellers & those who depend on the common lands (the “commons”) for their livelihoods (e.g., gatherers and pastoralists).
 - *Conflicts between state laws versus customary laws,* often involving large numbers of indigenous populations. Only a few countries have instituted legal instruments that recognize the ancestral land rights of indigenous peoples (e.g., Philippines). In some countries, indigenous peoples are not even recognized as citizens (e.g., Thailand) and thus are often denied their most basic social and political rights.
24. The region exhibits a high population density, with a generally high person-to-farmland ratio. ***For many countries, the options for expanding land under cultivation has become severely limited, without affecting ecological balance or causing massive social disruption.*** Hence, past approaches to land reforms that included the resettlement of landless peasants into new “agricultural frontier” areas, may no longer be a viable option. Present and future land reforms must focus on the *existing* lands that small farmers and workers currently cultivate or reside in. Land-to-the-tiller and user-rights should form major components of agrarian reform.
25. ***All across the region, there are growing land disputes & conflicts.*** These are often due to, i.e.:

- Entry of migrants and new settlers into customary lands;
- Increasing privatization of the commons, often through illegal titling or state-granted concessions;
- State-led resettlement or transmigration programs (e.g., Indonesia) that create conflicts between new settlers and indigenous resident communities;
- Urbanization due to population growth; development and infrastructure projects that cause displacement of rural populations;
- Long-standing agrarian disputes and conflicts due to tenancy systems;

Land reform must seek to address the roots of such land conflicts.

26. ***Moreover, there are various insurgencies that draw its support base from areas of agrarian conflicts.*** As such, land reforms should form part of the central agendas in peace-talks. Insurgencies include:

- Territorial autonomy and independence struggles, linked to ethnic and cultural conflicts (Mindanao in the Philippines; Aceh and Kalimantan in Indonesia; Northern Sri Lanka, etc.); and
- Internal insurgencies (e.g., Communist movement in the Philippines).

27. ***Meanwhile, there has also been an expansion from land to resource conflicts*** (water rights; access to pastures, fishing grounds & forestlands; homelots, etc). It is projected, for instance, that fresh water sources will be a major source of conflict for the Asian region in the 21st century.

PATTERNS OF LAND OWNERSHIP

28. ***Finally, the overall land ownership patterns remain “small & highly-skewed,” and the landless and the near-landless are growing in numbers.*** The importance and urgency for land reforms is shown by some indicative figures cited below:

Bangladesh	The scarce land resource is subjected to increasing pressures by a growing population. Arable land available per capita is less than 0.1 hectares. Yet the distribution of farmland is highly skewed. The average property size is about 0.8 hectares, and about 40% of the rural population is classified as landless. Small groups of affluent landowners hold land in excess of their family needs, and these are share-cropped by landless laborers. In the case of small and medium landholders, fragmentation of landholdings is alarmingly increasing and impedes efficient utilization.
Cambodia	Although census data is not available, 20% of the rural population is believed to be landless, and 1999 sample surveys suggest that about 10% of households held 33% of farmland. ³
Indonesia	Data compiled by the Consortium for Agrarian Reform (KPA) shows that 30% of all farming households are landless, and another 34% own less than one-half hectare of land (1993). The situation had worsened when compared to 1983 data.
Philippines	The agrarian structure in the Philippines is generally characterized by the co-existence of

³ IFAD, Popular Coalition, UNRISD. **Whose Land? Civil Society Perspectives on Land Reform and Rural Poverty Reduction.** 2001, p. 21.

	small peasant farms and large plantations. The ownership–holding size pattern is highly skewed. In 1986, prior to the Comprehensive Agrarian Reform Program, government estimates indicate that around 20% of Filipino families controlled 80% of lands. Also, comparative figures show that inequalities even increased from 1960 to 1980. ⁴ Moreover, 1988 figures showed that although less than 2% of landholders had farms exceeding 24 hectares, they controlled 36% of all farmland.
Sri Lanka	Over 80% of the land remains state property. Privately held lands are found mostly in the densely populated South Western sector of the country. Land owners of paddy lands classified as follows: (1) those who own and operate paddy land (owner-cultivators); (2) those who operate but do not own paddy land (tenant farmers). Only 64% own and operate paddy landholdings with an aggregate area of 819,000 acres, or 67.5 % of the total paddy area. In the Upper North provinces, over 50% of households have holdings of less than a hectare, while 31 per cent own even less (more specifically, less than 0.8 hectare) and are considered "near-landless". In 1988, about 3 million hectares (12.7 per cent of the country's agricultural land) were being farmed by tenant farmers.

29. In summary, landholding patterns in selected countries can be seen through the comparative table below.

	Year	Poorest 20%	Second quintile	Third quintile	Fourth quintile	Richest 20%	Landless as % of rural population
South Asia							
Bangladesh	1983-84	2.3	5.4	12.5	23.6	56.2	20
India	1976-77	4.1	4.1	6.3	20.3	65.2	30
Nepal	1982	2.6	2.6	7.7	19.8	67.3	18
SE Asia							
Indonesia	1976-77	3.0	6.2	11.3	24.0	55.5	15
Thailand	1978	4.0	8.3	16.3	24.2	47.2	15
Philippines	1981	3.2	8.1	11.6	20.4	56.7	34

Source: IFAD, Popular Coalition, UNRISD. **Whose Land? Civil Society Perspectives on Land Reform and Rural Poverty Reduction.** 2001, pp. 20-21.

30. **Another major gap is the overall lack of information.** While there had been close monitoring of land distribution and land tenure data in national agricultural censuses conducted during the 1970s and 1980s, such data has been notably missing in later censuses, reflecting a significant shift in national planning priorities.

⁴ The Gini coefficient for landholding in the Philippines was a high level of 0.53 (1960); this inequality even increased somewhat to 0.57 in 1990.

III. AGRARIAN REFORMS IN ASIA

31. **Various types of redistributive land reforms** have been legislated and/or implemented across the Asian region – with the intention of creating access to land for the poor, providing security of tenure, and promoting greater equity in landholdings. Past *state-led* interventions in Asia have included one or a combination of the following common features:

Land ceilings	The state imposes a maximum limit, or “ceiling” on the size of agricultural landholding that an individual or family can own or possess. Lands above this ceiling are either confiscated or compulsorily purchased by the state for free redistribution or re-sale. Land ceilings were a common feature in many past agrarian reform programs, especially in South Asia.
Redistribution of public lands	The state redistributes existing government lands, or else re-classifies and alienates state lands for redistribution to the landless.
Land expropriation and redistribution of private lands	Private lands are either confiscated or compulsorily purchased by the state for free redistribution or re-sale. Lands may be distributed either to individual families, or collectively – to communities, cooperatives or production collectives.
Reform of tenancy and land-lease arrangements	This is also often called “ <i>tenancy reform</i> ” whereby the state fixes, or imposes ceilings on the leasehold rents or sharing arrangements between landowner and tenant. In some countries (Philippines), sharecropping arrangements are transformed into leaseholds, or “fixed rental” arrangements. Tenancy reform also includes granting tenants security of tenure on the land.
Agrarian reform settlements & resettlement	The state opens up new lands, usually by clearing up classified forestlands for agricultural expansion. In some cases, the state creates new settlements in degraded or marginal lands, or in new agricultural frontier areas. Examples of this approach were the transmigration program in Indonesia (1970s-80s), the homestead program in the Philippines (1950s-60s), and the expansion of rubber & palm oil plantations in Peninsula Malaysia (1970s-80s).
Recognition of customary land and resource rights	To varying degrees, the state grants formal recognition to the customary land rights especially of indigenous peoples communities and tribes. These rights may range from “harvesting and user rights,” to ancestral domain land titles. There are also varying degrees to which customary law is applied on the use and management of the land and resources. Land rights are usually held “in common” (as collective rights or property).
Long-term user-rights	The state gives legal recognition to the long-term <i>in situ</i> tenurial security and user rights either to individual families or to communities over forestlands or common resources. This recognition is often premised on the expectation that user-groups will practice resource conservation and sustainable management, if they hold tenure over such resources. There has been a marked increase in community-based natural resource management (CBNRM) schemes since the 1990s.
Formalization of ownership and/or tenure	The state formalizes the <i>de facto</i> land ownership or tenurial rights of long-time settlers or users. This is necessary in a large number of cases where both land and occupants remain undocumented.

32. **One unique CSO-led approach in the past has been the “land donation” movement in India**, known as the *Bhoodan* and *Gramdhan* movements. Vinoba Bhave, a Gandhian follower, initiated this reform by walking across the country

and asking landowners to donate a piece of land. Eventually, the movement collected about two million acres, consisting mainly of marginal lands, for redistribution to the landless poor especially among the Dalits (scheduled castes).⁵

33. **Meanwhile, other state-led land tenure schemes are more evolutionary, rather than re-distributive.** Under *evolutionary* schemes, the state plays a less active role, and institutes policy interventions to induce changes or to improve efficiency in land ownership and access that are expected to occur over long periods of time. These types of interventions include:

Reform of civil laws, such as on inheritance rights	The reform of civil laws includes ensuring equal rights for women, on issues such as inheritance and control of conjugal properties. The Civil Laws of a country also define the extent to which state laws recognize the effectivity and validity of existing customary or religious laws related to property (entitlement, control and disposition).
Progressive taxation schemes	Taxation schemes are enacted either as an incentive or disincentive to particular types of land ownership or land use. An "idle land tax", for instance, may act as a disincentive to land speculation, or a "land conversion tax" may deter the conversion of agricultural lands to other purposes.
"Market-assisted land reform"	This approach was conceptualized, and is actively being promoted by the World Bank. It promotes land sales under the principle of "willing buyer, willing seller". The role of the state is merely to promote land markets, through efficient land administration and creation of "land banks".

34. **Evolving concepts of land rights and rights-based principles.** While many past land reforms were instituted based on a variety of principles (including "welfare" and "charity"), there is now an increasing awareness, recognition and acceptance of the different evolving principles and concepts of "land and property rights". Unlike other assets, land (including natural resources) is a *finite* resource; hence, entitlements to land must embrace social functions and social rights that go beyond individual rights to "private property". Rights-based approaches pursued under agrarian reform, include:

- **"Land to the tiller", or "tiller rights."** Entitlement to land is based on labor and productivity, to reform past tenurial arrangements that have alienated workers from their produce and productive resources.
- **Historical rights; prior rights.** This approach recognizes and seeks to correct the historical injustices committed against particular communities, especially against indigenous peoples that may historically date back to the past colonial period when indigenous communities were disenfranchised of their lands. (See box below)

In the Philippines, private land ownership was first introduced under the *Regalian doctrine* during the Spanish colonial occupation, and this became the main basis for all land laws in the country as expressed in the 1935, 1973 and the 1987 Constitutions. The Regalian doctrine stipulated that "*all lands of the public domain and other natural resources belonged to the King of Spain,*" and thus, when

⁵ Among those groups currently working in Bhoodan lands is the Association of Sarva Seva Farms (ASSEFA), recipient of the "ANGOC Award for Rural Development" in 1987.

the republican state was later introduced, the State claimed to be the rightful heir. Traditional systems of communal land ownership were broken up and not accorded legal recognition; thus, all natives (and indigenous peoples) were disenfranchised.⁶

- **“First farmer” rights.** This concept of “*first farmer*” rights (as opposed to “*farmers first*”, which is seen more as charity or welfare approach) emerged among CSOs in the 1990s, in the context of global debates on biodiversity. It recognizes the role of indigenous peoples and traditional farmers as plant genetic resource conservators and first breeders through their indigenous knowledge & farming systems. If the new global regime allows intellectual property rights (IPRs) to be given to corporations, then more so, “first farmers” must exercise rights over their intellectual property, which includes their habitats and immediate working & living environments.
- **Cultural rights** or the rights of communities to pursue their own customs, beliefs and practices of choice. Certain cultures and belief systems are closely linked/ integrated with particular habitats, territories or homelands.
- **“Land to the landless.”** This was a common public slogan and policy made popular in the 1950s to 1980s, calling for greater equity especially in the allocation and redistribution of lands under the public domain.
- **User rights**, especially in recognition of the fact that many rural households depend on the commons for their food, livelihoods and survival. It has also been recognized that many user practices are sustainable, and some may even contribute to the re-generation of the resource itself (e.g., gathering, pasturing at controlled levels).
- **Equal rights.** Equality before the law is a basic principle enshrined in all national Constitutions. Hence this equality principle must be highlighted especially in two cases: ensuring the equal rights of *women* to land and assets, and ensuring equal access to *common property resources*.
- **Secondary access rights.** It is increasingly recognized that particular populations have “secondary access rights” to particular lands and resources. Examples include the rights of pastoralists for grazing lands and rights-of-way, as well as the rights of fisherfolk to have free and unrestricted access to the coastlines to ensure their source of livelihood.
- **The “right to food”; the right to decent livelihoods; the right to habitat & shelter** as necessary extensions of basic human rights have been raised in the various UN Summits convened in the 1990s.

A REVIEW OF AGRARIAN REFORM PROGRAMS IN SELECTED ASIAN COUNTRIES AND REGIONS

⁶ Quizon, A., Mendoza, M., Quitangon, D. *A Review of Land Partnerships in the Philippines*. Final draft. 14 July 2004.

35. Agrarian reform legislations, policies and programs in Asia were the direct result of either: *occupation forces* (Japan, Taiwan in the 1950s); *revolutionary governments* (China, 1950s), *military dictatorships seeking popular support* (Philippines, 1972), *popular movements and public pressure* (Philippines, 1988) or *responses to breakdowns in centralized planning systems* (Cambodia after 1995). However, the mere presence of policies does not always lead to effective implementation.
36. The following is a brief summary of past land/ agrarian reforms in the different Asian countries, based on our earlier *three broad categories of agrarian systems* (refer to paragraph 15, this paper):

TYPE 1: LAND REFORMS IN JAPAN, SOUTH KOREA AND TAIWAN

37. **Japan.** The land reform programme of Japan imposed a ceiling on land holdings of one hectare. The landowners were compensated in cash and development bonds. In the course of the reform the actual tillers were given full ownership rights for the holdings they had previously cultivated and received a subsidized mortgage. Labor productivity increased annually by 5 % and land productivity by 4 % between 1954 and 1968. Key factors for the success of the reform were an existing well-developed extension service, land records and an efficient bureaucracy.
38. **South Korea.** A critical factor for the success of the land reform in South Korea has been the equally thorough development and support to local village government to assume the land administration function. Thus the country has been able to maintain a local dynamic for continuous agricultural and rural development. In the course of the reform 65 % of the agricultural land was redistributed. A ceiling on all individual holdings was set at 3 hectares of good cropland and land in excess of this ceiling was distributed in units of one hectare to former tenants. This low ceiling enabled nearly 76 % of the total agricultural households to own land for the first time. Under the impact of the reform agriculture achieved an annual growth rate of almost 4 %.
39. **Taiwan.** In Taiwan the land reform has been imposed by the Nationalist Government, which had just been exiled from the main land. The new government thus had no ties, nor any obligation toward the local indigenous landowners. Also important were accurate land tenure data and a non-indigenous bureaucracy. Land ownership ceilings were fixed at one hectare. The former landowners were compensated in industrial bonds, which they invested in the urban-industrial zone. Between 1953 and 1960 the annual production and consumption of inputs was of 23 % and 11 %, respectively.

TYPE 2: AGRARIAN REFORMS AND TENURIAL CHANGES IN CHINA, VIETNAM AND CAMBODIA

40. **China.** The “people’s commune” system was introduced in the 1950s by the revolutionary government, and this led to overall equity in land distribution. But in

1978 the Central Committee of the Communist Party of China approved the “*Decision on some issues for speeding up agricultural development*” which laid the foundation for another comprehensive agrarian reform program. The reform was carried out gradually. First, the introduction of the household contract responsibility system which gave the farming family usufruct rights over the land it cultivated, second, the abolition of the organizational system of the People’s Commune which had proved to be of low efficiency; and third, the development of new rural economic organizations. The results of the reform have been impressive. Between 1978 and 1989 the value of gross agricultural output increased by 88.3 % with an average annual growth of 13.5 %. During the same time the per capita net income of farmers rose from 134 to 601 *yuan*, representing an annual increase of 13.5 %. This increase in income was partly due to price factors, but 74% resulted from the strong incentives the reform gave to individual farmers. Furthermore, the increased income led to investments in non-agricultural activities, the establishment of small rural enterprises and the creation of non-farm employment. As a result of the overall economic growth in rural areas, the number of rural poor fell from 260 million or 33 % of the rural population in 1978 to 89 million or 11 % in 1984.⁷

41. **Vietnam.** Vietnam experienced similar productivity gains from breaking up large collective farms into tiny family units. Laws enacted in 1981 and 1987 aimed at improving agricultural productivity through increased incentives of individual farmers and recognized land use rights of individual households. These reforms have resulted in an impressive growth of agricultural output, transforming Vietnam from a food-deficit country into a food-surplus country. Rice production increased from 12 million tons in 1981 to 22 million tons in 1992. In addition, there has been a significant increase in the areas under industrial/commercial crops including rubber, coffee, tea, coconut, fruits and vegetables, while the area under inferior crops such as cassava and sweet potatoes has declined.
42. **Cambodia.** Unstable and rapid land tenure changes in Cambodia are related with historical antecedents. Previously, land belonged to the state in theory, but actually belonged to the tiller in practice. Much of the land remained un-surveyed, & formal registration co-existed with traditional forms of ownership. In 1975, the Khmer Rouge regime abolished all private property, and all land belonged to the State. After the Khmer Rouge regime collapsed in 1979, the Vietnamese-backed People's Republic of Kampuchea upheld collective property rights and created collective work groups called *krom samaki* – consisting of 12-15 families with an allocation of 15 to 25 hectares. In 1989 the Constitution was amended, providing for ownership rights for residential land and possession rights for agricultural land. In 1992, The Basic Land Law was promulgated, reflecting a further shift in government policy from a centrally planned, to a free market economy. However, many officials took advantage of the confusion in ownership to amass large tracts

⁷ A report released by the OECD in September 2002, makes the point that while poverty in rural China has been reduced over the past 20 years and incomes have grown - with an estimated upswing in 2002 of 4.2 percent, the gap between rural and urban incomes has widened. In 1985, rural incomes were 54 percent of the level of their urban counterparts; in 2003, they were less than one-third.

of land. Powerful groups confiscated common property resources; land-grabbing and land concentration increased.

43. An inventory of land disputes in Cambodia, arising just between 1987 and 2000 shows that there have been 687 recorded cases, involving 37,500 families and affecting 78,990 hectares. Most disputes are reported from the richest agricultural areas reasonably reflecting population densities. Most frequently the land was taken by assertion of superior title, abuse of power, fraud and use of violence. Over 80% of those accused of taking other peoples land are in positions of power – government officials, military officials, and businessmen. In March 1999, the Cambodian government set up a National Land Dispute Settlement Commission. Subsequently, Land Dispute Settlement Commissions were established in every Province and Municipality. (A typical case involved about fifty families in dispute over approximately 75 hectares of rain-fed rice land that they had farmed for ten years or more against someone in a powerful position with some kind official sanction to evict the current occupants.) However, central government and its agents significantly contribute to the level of land disputes, making it difficult, if not impossible, for Provincial authorities to be able to resolve these cases. Landlessness among farmers is on the rise because of the combined effects of the market economy and the wholesale privatization of previously common resources such as forests and wetlands. Recent studies also show that distress sales among farmers are increasing.

TYPE 3: AGRARIAN REFORMS IN SOUTH AND SOUTHEAST ASIA

44. **South Asia.** Governments in Bangladesh, India and Nepal have formulated various land legislations since the 1950s to the 1990s. Although their political contexts vary, land-related reform policies in South Asia had many common patterns. They included: (a) attempts at providing greater tenurial rights to sharecroppers, (b) regulating sharecropping and tenancy arrangements; (c) establishing minimum wage for agricultural labor and *benami* (proxy) transactions; (d) abolition of the *Zamindari* system⁸ (e) re-distributing *khas* (state-controlled) lands; and (f) imposing ceilings on land ownership and then distributing the surplus lands among the landless and poor households. In general, many of these reforms failed because of several factors, including: land ceilings were set too high (among the highest was 17 hectares per household in Nepal, when the average farm size was less than one hectare); and heavy influence of the landowning elite in state administrations, and their ability to maintain a strong patron-client relationship at local level. Overall, land reforms have had limited impact in South Asia. In India, barely 1.2% of cultivated land was redistributed in the past 50 years (from 1950 to 2000).⁹

⁸ The *Zamindari* system was operationalized through multiple layers of rent-seeking intermediaries between the *Zamindars* (landlords) and the actual cultivators. This traditional tenancy system was abolished through legislations introduced in the 1950s.

⁹ IFAD, *Assessment of Rural Poverty in Asia and the Pacific*. Rome: January 2002. p 57.

45. **Land Reform in West Bengal.** The Indian situation differs from state to state. Among the more notable land reform programs were those of West Bengal, India. It has had a positive impact on agricultural, production, poverty alleviation and economic growth. It covered under its three components more than 4 million households representing 59 % of all agricultural households. A total of 1.04 million acres, constituting 8 % of arable land was redistributed to 2.54 million households, representing 34% of all agricultural households, while 1.1 million acres were covered by the tenancy reform benefiting 1.5 million households or about 20% of agricultural households.
46. During the period 1980/81 until 1998/99, the average annual growth of food grain production was 4.2% compared to 2.5% for all other major states. Vegetable production has more than doubled from 5.2 million tons in 1995/96 to 11 million tons in 1999/2000. Per capita calorie intake has increased from 1983/84 to 1993/94 by 9.6 % in rural West Bengal while at the same time it has decreased in rural India as a whole by 3.1%. More important than agricultural growth itself land reform has also contributed to the well-being of West Bengal's rural population including the poorest sections of the society. The proportion of the population below the poverty line declined from 60.5 % in 1977 to 25.1 % in 1997, a drop of more than 35 percentage points. In addition, important changes of a social and political nature have taken place.
47. **Philippines.** Various coalitions of farmer groups, social movements and NGOs have kept the pressure for land reform in both advocacy and program implementation. Generally recognized as the first historic agrarian legislation was the 1963 Agricultural Land Reform Code which abolished and replaced the share tenancy system with the leasehold system. The second major legislation came with the imposition of martial law in 1972, when all rice and corn lands in the country were placed under land reform; all tenants and lessee in lands above the 7-hectare ceiling became amortizing owners, who would own their farms after a 15-year amortization payment scheme. The third landmark agrarian reform legislation followed the ouster of the Marcos dictatorship and the restoration of democratic processes in 1986. As a result of a strong peasant lobby, the 1988 Comprehensive Agrarian Reform Law (CARL) was enacted, based on the "land-to-the-tiller" principle. The program has a total target scope of 8.1 million hectares. About half of this consists of agricultural lands for distribution to landless farmers and farm workers, while the other half consists mainly of forestlands which will be covered by tenurial (user) rights to upland dwellers. As of 2003, government data claims that 76% of the total target has been achieved. However, the remaining lands to be covered consist mainly of private lands, *haciendas* and large plantations where there is strong landlord resistance.
48. **Indonesia.** The country's earlier agrarian reforms were stopped, and in fact, there has been "reverse land reform" or massive land consolidation over the past 30 years. There are two "old" agrarian reform policies: the 1960 Basic Agrarian Law and the 1962 Land Reform Programme. These involved the imposition of land

ceilings and the redistribution of private and state lands. However, with the political turmoil in 1965 and the rise of the Soeharto dictatorship, agrarian reform was stopped in 1966-67. As a result, redistributed lands were recovered by original landlords or fell into the hands of third parties. Instead, the ensuing Soeharto period (1967-1998) emphasized large-scale exploitation of natural resources, privatization and deregulation to stimulate private sector participation and growth. In summary, various legislations created and protected access to land, mining and timber by big corporations at the expense of peasants, small producers and indigenous peoples. Data compiled by the Consortium for Agrarian Reform (KPA) shows that while 30.2 million peasant households held only 17.1 million hectares of agricultural land, large-scale concessions have been given to private companies, to wit:

- 2,178 large plantation companies control around 3.52 million hectares land, for an average of 1,600 hectares per company (2000)
- 555 companies hold 264.7 million hectares of mining concession areas, or an average of 477,000 hectares per company (1999)
- 620 production units of forestry concessions control over 48 million hectares of forestry land, including Perhutani (2.6 million hectares of land which is classified as state forest areas in Java); this yields an average of 77,500 hectares/concession unit (1999).¹⁰

¹⁰ Dianto Bachriadi. *The Land Problem in Indonesia*. Consortium for Agrarian Reform (KPA), 2004. (powerpoint presentation)

IV. AGRARIAN REFORM IN THE GLOBAL AGENDA

EMERGENCE OF THE CONCEPT OF “AGRARIAN REFORM”

49. The **World Land Reform Conference**, convened by FAO in 1966, was the first major UN meeting focused on “access to land” issues. It drew attention to the need for a more comprehensive approach to land tenure improvement, and recognized the provision of support services as essential for the success of any land tenure reform.
50. The **FAO Special Committee on Agrarian Reform**, created in 1969, broadened the concept of land tenure reform by using the more comprehensive term “*agrarian reform*” which embraces “all aspects of the progress of rural institutions and covers mainly changes in the following three structures: tenure, production and supporting services.” It also includes measures to improve land tenure through land settlement and secure leasing arrangements.¹¹
51. Politically, the term “agrarian reform” was a construct of the Cold War to counter 'communist' “land reforms” at the time (i.e. China, Cuba). Its policy prescriptions urged governments to go beyond land redistribution, to include support through other rural development measures such as farm credit, cooperatives for farm-input supply and marketing, and extension services to facilitate the productive use of the land reallocated.
52. Today, the term “land reform” is used to refer mainly to land redistribution, while “agrarian reform” covers the wider context of land tenure improvement. However, both terms are often being used interchangeably.

THE WORLD CONFERENCE ON AGRARIAN REFORM AND RURAL DEVELOPMENT (WCARRD)

53. The **World Conference on Agrarian Reform and Rural Development (or WCARRD)** was convened by FAO in Rome on 12-20 July 1979. Attended by 145 member-governments, WCARRD adopted a Declaration of Principles and Programme of Action known as the “*Peasants’ Charter*” that emphasized the overall principle of “growth with equity and participation”. Widely viewed as a radical UN document at its time, the WCARRD programme recommended actions to promote the following components of agrarian reform: access to land, water and other natural resources; people's participation; the integration of women in rural

¹¹ Meliczek, H. *Activities of FAO in Agrarian Reform since WCARRD*, 2000.

development; access to inputs, markets and services; the development of non-farm activities; and education, training and extension.

54. **Working political context of WCARRD.** The WCARRD Conference was convened during a period of rising nationalism, as new, independent nation-states began to assert themselves in a post-colonial era. After gaining independence in the 1950s and 1960s, many developing countries began to endorse land reform as an essential element in national development strategies, following successful experiences in countries such as Japan, Korea and Japan. A global non-aligned movement also emerged amidst the prevailing “Cold War” between US allied forces and the Soviet Union bloc. Hence, the preamble of the WCARRD Declaration upheld earlier UN resolutions on world peace & disarmament (i.e., the call against “all forms of foreign occupation, apartheid, colonial, neo-colonial & alien domination & exploitation through the exercise of permanent sovereignty over all natural resources”); UNCTAD resolutions calling for a “new international economic order”; and ILO Conventions 87 & 141 related to the rights and roles of rural workers.
55. **The WCARRD principles and plan of action** mandated the state with the primary role & responsibility for implementing land reforms through: land redistribution, reforming tenancy and regulating rural wages, promoting settlements in unoccupied public lands, regulating customary tenure, promoting group farming and land consolidation, and increasing community control over natural resources.
56. **WCARRD promoted international policies** based on:
- International trade, market access & commodity agreements in favor of developing countries;
 - Equitable terms for small producers;
 - Economic & technical cooperation among developing countries; and
 - Development assistance

THE INITIAL YEARS OF WCARRD, 1979-91

57. **Two regional NGO networks** were established following the conduct of pre-WCARRD local, national and regional consultations among NGOs and people’s organizations across Asia and Latin America. The Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) was established in Bangkok in February 1979 where it produced an alternative report entitled “*Development of the People, by the People, for the People.*” The Asosacion ... (ALOP) was created in the same year.
58. **Agrarian reforms.** Encouraged by the successes of earlier land reforms in Japan, Taiwan and South Korea, more than 30 countries worldwide enacted and implemented reform legislation during the 1980s. In most of these countries, between 10 to 30% of the agricultural land was redistributed, benefiting a similar proportion of rural families. The social status and the income opportunities of the

reform beneficiaries increased, but the unequal land distribution remained largely unchanged. In many cases reforms failed because of inadequate implementation and the lack of support services. During the 1980s, most developing countries even experienced an increase of rural poverty and inequality.¹²

59. **Declining donor support.** However, land reform fell out of favor with donors since the early 1970s, following initial enthusiasm in the post-war period. Within FAO itself, the monitoring of WCARRD commitments and agrarian reform programs continued in Asia only until 1991, when reporting by Asian governments on WCARRD follow-up was abruptly discontinued, and was no longer seen in the working agenda of FAO Council Meetings.¹³

THE UN SUMMITS OF THE 1990s

60. **Some 12 United Nations Summit Conferences** were convened in the 1990s, focused on varied themes such as environment and sustainable development, women, hunger and food security, the rights of children, human rights, social development, and habitat. Each of these Summits highlighted different dimensions of the “access- to-land” question.
61. **Agenda 21** (UNCED, Rio de Janeiro, 1992) highlighted the close linkage between security of resource tenure and sustainable management, noting the “increasing pressures that economic activities are placing on land resources, creating competition and resulting in sub-optimal use of both land and land resources.” (Section 10) It called for “... equitable access of rural people, particularly women, small farmers, landless and indigenous people, to land, water and forest resources and to technologies, financing, marketing, processing and distribution.” (Section 14.17) It instructed governments to ... “review and re-focus existing measures to achieve wider access to land (Section 14.8 b), assign clear titles, rights and responsibilities for land and for individuals or communities (Section 14.8 c), develop policies in extension and training, (Section 14.8 e), and develop guidelines for decentralization policies for rural development through reorganization and strengthening of rural institutions (Section 14.8 d).” The objective is “... to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition of a sustainable and integrated management of land resources.” (Section 10.5)
62. **The World Food Summit** (WFS, Rome 1996), convened by FAO, called on governments to “establish legal & other mechanisms, as appropriate, that advance land reform, recognize & protect property, water and user rights, to enhance access to the poor and women to resources. Such mechanisms should also promote conservation and sustainable use of natural resources (such as land, water and

¹² Ibid

¹³ ANGOC issued NGO reports and statements during biennial meetings of the FAO Regional Council on WCARRD Follow-up, from 1979-1991.

forests), lower risks, and encourage investments.” However, CSOs were generally disappointed with the WFS Declaration, which was seen as a distant cry in its call for agrarian reforms, compared to the earlier 1979 WCARRD document.¹⁴

63. **The World Summit for Social Development** (Copenhagen 1995) called for improved access to productive resources and infrastructure. It noted the need for “expanding and improving land ownership through such measures as land reform and improving the security of land tenure, and ensuring the equal rights of women and men in this respect, developing new agricultural land, promoting fair land rents, making land transfers more efficient and fair, and adjudicating land disputes.”
64. **The World Women’s Conference** (Beijing 1995) emphasized the need to guarantee equal property rights for women. Its strategic goals and measures included:
- Support of women for obtaining affordable living space and for the access to property and land,
 - Ensuring the access to and the power of disposal over property and land,
 - Ensuring the access to free or less expensive legal advisory services,
 - Implementation of legal and administrative reforms to give women unrestricted and equal access to economic resources including the right to inherit and the right to ownership of property, land and other investments [...]
- (Report from the Fourth World Women’s Conference, Beijing 1995)*
65. **Assessment.** Overall, CSOs have given mixed reviews of the UN Summits from the perspective of agrarian reform. On one hand, these UN Summit meetings helped to strengthen global awareness and recognition to the need for greater equity of access and tenurial security on land. On the other hand, none of the UN Summit declarations raised serious challenges or questions about the dominant paradigm of trade liberalization itself. Among the biggest disappointments was the World Food Summit Declaration, which gave a tacit endorsement to global trade and investments as the prime engine for addressing global hunger and poverty.

SHIFTING DONOR AGENDAS IN AGRARIAN REFORM

66. Globally, donor agendas and engagements with land reform have changed significantly over time. The evolution of donor policies and priorities on land and agrarian reform can be seen in terms of five (5) phases:
- 1950s: Post-war reconstruction
 - 1960s-70s: The Cold War and anti-Communism
 - 1979-89: The WCARRD period
 - 1990-95: Collapse of centrally-planned economies

- 1995-present: Access to resources under neo-liberalism
67. **1950s: Period of post-war reconstruction:** In the restructuring which followed World War II, a major objective of land reform was to break up feudal estates and to prevent the advance of communist revolution. Land reforms introduced in East Asia were comprehensive, creating a class of independent property-owning peasants and alleviating poverty and landlessness. In Japan, land reform was enforced by US occupation forces as a means of breaking the power of large landowners, which were the pillars of the militaristic class. Resident landlords were entitled to retain only about one hectare. Land reform in South Korea was carried out under the threat of communist aggression from the North. In Taiwan, land reform was imposed by the Nationalist Government exiled from mainland China and therefore alienated from indigenous landowners. Also important for success in Taiwan were accurate land tenure data and the non-indigenous bureaucracy that had accompanied Chiang Kai-shek.
 68. **1960s-70s: Cold War and anti-Communism.** Donor engagement with land reform increased in the 1960s and 70s, when agrarian reforms especially in Latin America were supported as a means for defusing mounting radical pressures for political change. The strong support given especially by the US for land reforms was motivated by a need to control the spread of communism, especially after the successful Cuban revolution of 1960. Interestingly, the 1970s also saw the rise of military dictatorships in both Latin America and across Asia.
 69. **1979-1989: The WCARRD period.** Donor support for agrarian reform wavered during this period, due largely to perceived social and financial costs of instituting reforms. Donors retreated to the position that considered land policies and land reforms to be a matter of political choice of sovereign states and their citizens. About 30 countries instituted land reform legislations during this period, but unequal land distribution remained, due to inadequate implementation and support services.
 70. **1990-95: Collapse of centrally-planned economies.** The poor performance of the agricultural sector in the former socialist countries emanated to a large extent from the inefficiency of their large scale state and collective farms. Following the declaration of Perestroika, most of these countries tried to remedy the situation by initiating land reform programs that aimed at redistributing agricultural land to private individual farmers.
 71. The disintegration of the centrally planned economies paved the way for an emerging consensus on the neo-liberal theory of economic growth summed up in terms of New Institutional Economics. The new paradigm was inherently opposed to policy interventions that aimed at achieving social equity; instead emphasis was placed in the agricultural sector on productivity which was to be achieved by privatization and de-collectivization. This process was to be enhanced by improved *land administration*, including the establishment of land markets, land registration

and the introduction of improved leasing arrangements. Donor countries, especially the US, began to play an active role in the promotion of land administration and privatization programs in Central Europe.

72. At the same time many developing countries experienced the negative effects of structural adjustment. Countries that had the most to benefit from land redistribution were constrained to do so by debt burden, budget deficits and the consequent reduction in public spending.
73. **1995-present: Access to resources under neo-liberalism:** The implementation of neo-liberal economic policies led to a reduced role of the state, increased privatization, export orientation and emphasis on efficiency and competitiveness. In the course of privatization several countries in Latin America and Asia changed their agrarian reform laws into agricultural modernization laws, which emphasize productivity over equity. In Africa countries experienced a trend towards the transition from traditional to statutory land tenure systems, while in some ex-socialist countries formerly collectively owned and state land was restituted to previous owners.
74. The persistence of rural poverty, as well as the increase of landlessness and social unrest in rural areas became a major concern in the mid-1990s, and drew renewed donor attention to land problems. The World Bank advocated a market-assisted approach to land reform, as this approach was deemed consistent with its neo-liberal policies. It initiated pilot projects in South Africa, Colombia, Brazil and Guatemala aimed at improving access to land through land market transactions on the principle: of “willing buyer, willing seller”. Overall, however, very few countries have achieved any major progress with regard to land tenure improvement since 1996.
75. **EU policy on addressing land conflicts.** Beginning in 2003, both the OECD and European Union (EU) began to focus on a new priority area on dealing with “land conflicts.” This need grew out from EU’s earlier involvement in dealing with food emergencies, internally-displaced persons, and conflicts over the previous decade especially in sub-Saharan Africa. The draft “*EU Policy Guidelines on Land*” takes on a broader approach to land tenure questions, compared to the World Bank’s market-assisted strategy. For one, the EU Policy Paper recognizes the importance of customary and non-formal systems to land rights, in addition to land titling under land administration projects.

V. SELECTED ISSUES IN AGRARIAN REFORM

THE RATIONALE FOR AGRARIAN REFORM

76. **Access to land**, whether to a farm or a homelot, brings a source of livelihood and survival, an increased sense of human dignity and security, an increased level of resilience, and the opportunity to break out of one's poverty. For indigenous people (IP) communities, the right to land carries the right to self-determination, cultural integrity and autonomy. For communities and society, access to land is a necessary first step to reduce unemployment and poverty, reduce social tensions and conflicts over resources, increase productivity to ensure the food security, achieve sustainable management of lands, and improve overall peace for greater economic and political stability.¹⁵
77. Not only does agrarian reform bring direct relief to rural poverty; its democratizing effects also enable other pro-poor reforms to work more efficiently. Although there are other roads to alleviate poverty, all are subject to distortions induced by existing inequality, a major component of which is skewed distribution of property.
78. There are compelling reasons cited for improving access to land – poverty reduction, environmental and natural resource management, reduction of resource conflicts, slower rural out-migration and urban growth, and increased food production. However, access to land is seen more than just a development strategy; at its core is the principle of social justice: the right to food and decent livelihood; the right to human dignity and security.

Definition of agrarian reform

"Agrarian reform is a collection of activities and changes designed to alter the agrarian structure of a country and the ways of using the land. It invariably has political, economic and socio-cultural dimensions. The objectives of agrarian reform are generally to improve qualitatively and quantitatively the levels of agricultural production and to improve the standards of living of agricultural producers. Such reforms will often involve elements of redistribution of land and changes to the land tenure system." (FAO, Multilingual Thesaurus of Land Tenure. Rome: 2003.)

79. Access to land is a necessary precondition, but is not alone sufficient to ensure the well being of resource-poor producers. Agrarian reform must be made an integral part of broader rural and national development strategies. Agrarian reform must not be instituted merely as a "safety-net" or "social welfare" program. Indeed, successful agrarian reforms are distinguished from failed ones by a motivation that

¹⁵ In the Philippines, for instance, public opinion surveys conducted in the mid-1990s revealed that majority of Filipinos viewed that much of the improving peace in the countryside was due to agrarian reform.

the new, family farms created are to be the centerpiece of economic development, as was the case in Japan, Taiwan, Korea, China and Cuba. When land reform is seen as “welfare” or as a “charitable policy” for the indigent, failure has been the inevitable result.

80. Agrarian reform involves more equitable land redistribution, ensuring long-term security of tenure over land and natural resources, the rights to the benefits of production, as well as the provision of support services necessary to make the land productive. The intended beneficiaries of agrarian reform include agricultural workers, tenants and small producers who possess little or no land, and those who may have some access to land but lack security of land use and formal entitlements.

The formula for agrarian reform:

$$\text{Agrarian reform} = \frac{(\text{Land tenure} + \text{support services}) \times \text{people's participation}}{\text{Landed interests} + \text{bureaucratic inertia}}$$

IMPACTS OF AGRARIAN REFORM

81. **Impact on poverty.** Studies have shown that agrarian reform has had a positive impact on poverty alleviation. In the Philippines for instance, there has been a decline in the incidence of poverty among agrarian reform households from 47.6% in 1990 to 45.2% in 2000. In contrast, the proportion of non-AR beneficiaries increased from 55.1% in 1990 to 56.4% in 2000.¹⁶
82. **Impact on productivity.** Numerous studies across the region show that:
- Small family farms are more productive than large farms per unit of land because of their differential advantage in labor cost and the superiority of soil quality. There is greater labor intensity and more attention to the land and crops with the use of household labor.
 - Owner-operated family farms are generally more efficient in the use of land and other inputs than large farms operated with supervised wage labor
 - Secure property rights promote long-term investments in enhancing productivity and in implementing conservation.
83. **Impact on sustainable management.** In the Philippines, for instance, land tenure security has markedly improved reforestation and environmental protection in forestlands. In 1988, the government under the Integrated Social Forestry (ISF) programme shifted to a policy of contract reforestation in lieu of issuance of licenses to cut down timber. Massive contract reforestation efforts undertaken between 1989 and 1993 revealed a significant improvement in survival rate (76%) in contrast to the low 26% rate of government reforestation efforts. In 1995,

¹⁶ G.M. Llanto and M.M. Ballesteros, “Land issues in poverty reduction strategies and the development agenda: the Philippines.” Philippine Institute of Development Studies. Land Reform, 2003/3, special edition. pp 208-209.

government also shifted from government-managed forestry to community-led forest management. About 4.9 million hectares of forestlands have been under community management since 1998 compared to only 32,000 hectares in 1982.¹⁷ Clearly, this serves to illustrate that the longer tenure given to local communities has provided an incentive towards conservation and sustainable management of the remaining forests.

QUESTIONS ON THE ROLE OF THE STATE AS “REFORMER”

84. **Agrarian reform is essentially a political process;** it involves changing power relations. There is overall consensus that the *state* should take the lead role in instituting such reform, for three basic reasons:
- First, the state is the only institution that is legally vested with “*coercive*” powers,¹⁸ particularly *police powers* and the right of *eminent domain*, that are needed to implement redistributive land reforms;
 - Second, the state is the only institution that has the *potential administrative capacity and resources* required to implement widespread reforms; and
 - Finally, the state is vested with both the duty and responsibility for establishing the *broad policy environment* for the effective functioning of society.
85. Yet, when the state takes on the role of a “reformer”, questions often arise: Can a government truly take on an “activist role” at land redistribution when its functionaries belong to the landed class, with interests to protect? Can *private* lands be re-distributed at all by the State without conflict and violence? Can genuine agrarian reform program be implemented at all within a democratic setting? Prior to 1986, Asian experiences in agrarian reforms involving direct land redistribution had either been limited to *public* lands, or had been carried out *under totalitarian regimes* (i.e., in China, Japan, Taiwan, Korea and partly in the Philippines in the 1970s under the deposed Marcos dictatorship).
86. Experience has likewise shown that legislative measures alone can do little to alter the well-entrenched positions of the landed elite. Indeed, many past agrarian reform legislations were never fully implemented. Official policies often lack continuity, as government priorities tend to shift with each change in government administration. And even if agrarian reform policies are successfully instituted at one period, political elites tend to reverse the reform gains made through succeeding administrations.
87. In countries where land redistribution has been implemented, experience also shows that rural elites have been capable of regaining the land redistributed to peasants in due course. These are done through moneylending, land purchase, lease-back arrangements, and outright eviction. Local landed elites often control

¹⁷ Ibid.,

¹⁸ The reference to “coercive” powers here is used in a neutral, descriptive sense.

political power; they regulate local and national markets; they also control agricultural supplies and inputs, post-harvest services, transport, trading and marketing.

AGRARIAN REFORM AS A CONTINUING POLITICAL PROCESS

88. The following are some important lessons learned by CSOs across Asia in dealing with governments:
- ***Historically, governments have instituted land reforms in direct response to massive public pressure or to agrarian/land-related unrest.*** This has been the previous experience in the State of Kerala, India, and in the Philippines, following the People Power Revolution of 1986. These cases were far different from the cases of revolutionary governments (China) or occupation forces (Japan, Taiwan).
 - ***Even after legislative reforms are instituted, there is need for constant public vigilance and pressure, in order for governments to exercise its political will.*** There will always be a natural tendency for Government officials and bureaucrats to “take the middle ground” in cases of conflict (mediating role), rather than to side with the poor and powerless (activist role). Agrarian reform is a continuing political act; hence, even today, 17 years after the legislation of CARL, Philippine social movements continue to mobilize for implementation of the 1987 Agrarian Reform program. The approaches taken by Philippine CSOs have ranged from persuasion and negotiation to direct pressure through court cases, media, street protests, hunger strikes, and even through non-violent, extra-legal measures such as the direct dismantling of fences and barriers in awarded lands.
89. Moreover, it will be important to include certain legislative provisions and actions to ensure and safeguard the effective implementation of agrarian reforms, including:
- ***A formal recognition and role for civil society.*** The role of CSOs has four aspects: (a) as *constituent expressions* of the political will to pursue social reforms and to serve as a counter-balance to elite interests; (b) as direct *service-providers and resource-mobilisers*; (c) as *development facilitators*, mediators and convenors among different stakeholders and implementing agencies; (d) as *capacity-builders* among farmers and beneficiary organizations.
 - ***The need to organize agrarian reform beneficiaries.*** Through Peoples organizations and federations, the poor gain collective power. From a program perspective, beneficiary-organizations can act as conduits and local facilitators for support services. They also facilitate the processing of land transfers, by allowing government to transfer *collective* (rather than *individual*) land rights.
 - ***The need to create parallel CSO-led structures at the local level.*** These parallel structures not only provide the venues for negotiation and decision-

making; they also serve to push government bureaucrats to act – by providing it with a “local constituency” and political will. The significance of such structures is that the beneficiaries become not just recipients of assistance but equal partners in policymaking and decision-making.

THE DILEMNA OF DECENTRALIZATION AND DEVOLUTION

90. The decentralization and devolution of central state powers has often been equated with “good governance”. However, agrarian reform activists tend to view decentralization efforts with mixed sentiments. On the one hand, devolution brings government closer to the people; it increases people’s access to local services and programs; and it enables people to demand more services from their local government. But since local governments are inevitably captured by the local landed elite, in most cases devolution merely increases the power of local elites to consolidate their assets and to thwart efforts at social reform.
91. Experience has shown that decentralization without property reform brings greater politicization of land issues. This often happens in several forms – i.e., the wholesale conversion of lands to other uses in order to avoid coverage under existing agrarian reform programs; the granting of public leases and concessions to kin and favored businesses; the manipulation of land and farm production records to get higher land valuations in cases of land-for-sale, or to lower one’s taxes; direct harassment of local activists and farmer groups, use of the local police, or withdrawal of support from NGOs and farmers advocating for agrarian reform.
92. Finally, increasing the power of local landed elites is likely to reinforce practices of political patronage and feudal dependence – the same values that agrarian reform itself seeks to change.

ENSURING WOMEN’S ACCESS TO LAND¹⁹

93. Women constitute a disproportionate number of the poor, and especially of the chronically poor in Asia.
94. Across most of the region, women-headed households are also becoming an increasingly marginalized sector in rural areas characterized by the high out-migration of men.²⁰ In India, while 58% of male workers are in agriculture, a high 78% of female workers depend on agriculture. It is estimated that between 20% to 35% of households in India and Bangladesh are *de facto* female-headed. Yet in

¹⁹ This section draws mainly from the article *Dialogue on Gender, Land and Livelihood in South Asia*. CPD Dialogue Report No. 30. Center for Policy Dialogue, February 2000.

²⁰ The out-migration of men from agricultural areas also contributes to the increasing “feminization” of agriculture and rural poverty. However, there are some exceptions: in the rice-growing areas of Central Luzon, Philippines it is usually the young women who migrate to the towns and cities and remit their earnings home. Studies show that, in these rural communities, girls tend to have more years of schooling than boys, who often leave school at an early age to engage in farmwork.

female-headed households, women often manage both family subsistence and cultivation with little male assistance, and often without possessing a field of their own.

95. Especially in many parts of South Asia, women generally have lower mobility, relatively lower levels of education and fewer investable assets, and these factors limit their entry into viable non-agricultural jobs. In the foreseeable future, women's livelihoods will thus be linked more (than of men) to access to land. Yet, studies in South Asia show that:
 - *First*, there is systematic bias against women and female children in intra-household sharing of benefits from male-controlled resources. These include access to food, health care and education.
 - *Second*, women without independent resources are highly vulnerable to poverty and destitution in case of desertion, divorce or widowhood.
96. Productive assets (especially land) in women's hands make a big difference. Studies show that children's nutritional status is more positively linked to the mother's earning than that of the father's. Other studies show that children in rural areas are more likely to attend school and receive medical attention if the mother has more assets. Women in poor households are noted to spend most of their earnings on basic household needs, including food, while men spend a significant amount of their earnings on personal goods, including alcohol and tobacco.
97. For widows and elderly, owning land also improves the quality of support from kin, and studies show that, without property, children don't look after their parents well. Thus, owning land can improve not just welfare directly, but can also enhance a person's entitlement to family welfare support.
98. Access to land, even to a small plot or homelot, can help a household diversify its livelihood system. It can be used for growing trees, cultivating backyard gardens, growing fodder for animals, or for raising poultry. Having some land also enables women to engage in non-farm, income-generating activities (vending, provision of services, processing recyclable materials or engaging in cottage industries).
99. As agriculture gets increasingly feminized, increasingly larger numbers of rural women and female-headed households will be left with the prime responsibility for farming and household incomes but without titles to the lands they cultivate. Thus, ensuring women's access to land will be increasingly crucial, not just for welfare, but also to improve the overall efficiency of farming.
100. In most Asian countries, rural women are often better informed about traditional seed and tree varieties. In hills and tribal belts, women are often the main seed selectors. Such knowledge would enable more bio-diverse production if women had greater control over farming and decision-making.

101. Women with land would have greater bargaining power, which would enable them to negotiate more equal allocations in the family and higher wages in the labor market. Formal land titles and entitlements would contribute to improving women's access to production credit. Titles would also empower women to assert themselves better with external agencies that provide inputs and extension services. Until today, many extension service providers still do not recognize women as farmers.
102. Land would also serve as a security asset for mortgage or sale during crises. Land rights would further empower women by improving the treatment they receive from other villagers, and by increasing their access to rural decision-making bodies as well as to farmers' institutions.
103. However, there are several factors that curtail women's equal rights to land:
 - Discriminatory laws and regulations especially related to property and inheritance
 - Customary practices and traditional patriarchal relations within families and communities
 - Overall disadvantaged position of women (nutrition, education, access to information)
104. In many Asian countries, there are existing laws that discriminate against women (*See Annex A*). In Nepal, the Act Concerning Land (1964) restricts daughters from inheriting the tenancy rights of their father or mother. A widow also forfeits the property of her husband or his family if she is found to be "sexually disloyal to her deceased husband". In India, Hindus are governed by the Hindu Succession Act (HSA, 1956).²¹ Under this Act, although daughters and sons are given the same rights in the father's separate property and in his share in the joint family property, daughters, unlike sons, do not have independent shares in the joint family property. Clearly, laws that discriminate against women should be repealed. However, the demand for change should come from within the communities themselves before the State is likely to intervene.
105. In most cases it is administrative practices and biases that curtail women's equal property rights. While property laws in most Asian countries provide for equal land rights between women and men, women rarely have their names on land titles, certificates, leases and contracts. In most countries, the man is often considered as the head of the family, either implicitly or through designation, and this status gives him authority over decisions on property and land. In Vietnam, women rarely have their names on land-use certificates, making it difficult for them to use those certificates to apply for mortgage. Under the Philippine agrarian reform program, over half of the land certificates issued still do not include the name of wife, despite a department order to include the name of both spouses.

²¹ The Hindu Succession Act has since been overhauled, to give women greater rights regarding inheritance, adoption and divorce.

106. The continued “dis-entitlement” of women cannot be explained by unequal laws alone. Although most Asian countries provide Constitutional guarantees for the equal rights of women to land, many customary practices discriminate against women’s access to land. And this discrepancy between *de jure* and *de facto* equality is most obvious in the area of law and family life.
- Traditional inheritance, especially of agricultural land, has been predominantly patrilineal. As men are traditionally seen as the breadwinners in the family, inheritance of farmlands is often construed as a father-to-son affair. Especially in South Asia, cultural norms often dictate that women voluntarily forego their shares in parental land in favor of brothers or uncles. In some cases, male relatives with strong entrenched interests in land file court cases, forge wills, and even use threats to discourage women from pursuing claims. Local government functionaries sometimes compound this problem by obstructing the implementation of laws in women’s favor, or by failing to record daughters’ inheritance shares.
 - Conflicts over land can result in high levels of violence against women such as physical assault, rape and murder. Forced dowries, divorces and evictions can lead to further destitution and marginalization. Thus, agrarian reform should address the issue of violence against women in land conflicts.
107. Even in cases where women gain formal ownership of land, there is sometimes a gap between ownership and effective control. Marriages in distant villages make direct cultivation by women difficult. Moreover, in some societies there are social restrictions on women’s mobility and public interaction. In Bangladesh and Pakistan, women are expected to avoid spaces where men congregate, especially the marketplace. The territorial gendering of space affects the woman’s participation in activities outside the home – in seeking fieldwork, in accessing new technologies, in purchasing inputs and in selling products.
108. Land reform programs should clearly address women’s concerns. Towards this end, agrarian reform advocates should link up with women’s rights groups, and vice versa, in order to strengthen their perspectives and advocacies on the issue of women’s access to land. It is not sufficient to advocate for new agrarian reform legislations and policies; equal attention should be given to those *existing* laws and practices that currently curtail equal property rights for women. It is noted that, in most cases, discriminatory provisions are contained *not* in the agrarian laws, but in the Civil and Personal Laws related to family and property.
109. Most Asian countries already have existing Constitutions and legislations that guarantee equal civil and political rights for women. In addition, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, could provide a legal basis for contesting discriminatory laws and practices against women’s access to land. Some 170 states, including most Asian governments, have ratified this convention

and thus they are legally bound to end discrimination against women in all forms;²² in most cases, international conventions form part of the organic law of a ratifying country. Article 14 of the Convention highlights the rights of women to equal access to resources and basic social services.

110. The more difficult task, however, will be to “reform” existing customary practices & social norms that currently discriminate against women’s access to land. The given reality is that social practices cannot simply be legislated; wide gaps often exist between law and actual practice.
111. A central approach, therefore, should be the empowerment of rural women themselves in both their spheres of public and personal (family) lives. This will require a wide range of direct, on-site intervention activities (education, counseling and facilitation, support services, advocacy and mobilization, etc.) *with* the affected sectors. The level of cultural resistance, and thus the needed interventions, will vary for each country, sub-region and community.

High resistance	Bangladesh, Pakistan
Medium resistance	Indonesia, Nepal, most Indian states
Least resistance	China, Kampuchea, Philippines, Sri Lanka, Vietnam, certain Indian states (matrilineal societies in North)

112. **A note on micro-credit.** Increasingly across Asia, micro-credit for women has been heralded as the “*new formula*” for dealing with poverty. The availability of more donor resources for micro-credit re-lending has attracted many NGOs and cooperatives to shift their current programs. Even rural banks and formal financial institutions (as in the Philippines) have now opened up micro-credit windows in their lending portfolios.
113. Overall, micro-credit has been found to be an effective tool for enabling women to engage in micro-enterprises, thereby increasing household incomes and uplifting their status in the home and community. While micro-credit has enabled some families to move out of poverty, its overall net effect has been to increase the *resilience* of poor families against destitution – by helping them to diversify their income sources and thus smoothen out the wide fluctuations in their daily incomes.
114. Yet, the current emphasis on micro-credit has also tended to obscure the more central question of women’s access to productive resources, in particular access to land. Land-rights and agrarian reform have become somewhat marginalized within the development agenda for women. This has led a number of women rights

²² Some 170 states have ratified CEDAW as of June 2002. However, some countries have ratified the Convention with expressed reservation. Bangladesh has made reservations to specific sections of the Convention on the grounds that they conflict with certain provisions of the Islamic Shari’ah. India has also expressed reservations on Article 16 on marriage and family life, in conformity with its policy of non-interference in the personal affairs of any community without consent. However, there have been no expressed reservations on Article 14 on rural women.

activists to question – “*land for men, and micro-credit for women?*”

115. As more rural institutions shift their support towards micro-credit, the other unintended effect has been the overall reduction of support services for small farmers and agriculture. Studies show that the very design of micro-credit programs makes them highly unsuitable for agriculture. Under various micro-credit schemes, loans are small, interest rates are high, repayment schedules are periodic and regular, and loan durations are short. Such credit schemes are usually designed to support particular types of enterprises with a fast turnover of profits on a daily or weekly basis. On the other hand, agricultural activities generally require *larger loans* and *season-long* investment schemes.
116. Even in those cases where micro-credit has been extended to farming households with the specific intention of supporting *non-farming* enterprises, experience has shown that such loans are often diverted to agricultural credit. The availability of external credit simply increases the total funds in a rural household, and families are likely to use the funds based on their own needs. The ensuing result of low repayment rates has often been not due to the borrower, but to those designers who insist on micro-credit as a cure-all remedy.
117. **But can micro-credit be used by the poor to access land?** In Bangladesh, some NGOs have started local initiatives whereby women’s savings and loans are mobilized to purchase or to lease small plots of land. But because of the prohibitive costs of land and the inability of poor women to negotiate directly with private landowners and government, the NGO purchases or leases out lands, then subdivides these into tiny plots for resale or sub-leasing. In most cases, these consist of marginal lands, state or *khas* lands.
118. These initiatives are indeed laudable, insofar as they improve land access and enhance survival strategies for the poor. But the same NGOs have begun to realize that there is really very little prospect for poor households to gain access to land through the market. For them, such schemes cannot correct the widely skewed distribution of land and productive resources that exists, and that land redistribution is still the imperative for the longer-term.

THE CONTINUING STRUGGLE FOR INDIGENOUS PEOPLES RIGHTS²³

119. **An estimated 70% of the world’s 250 million indigenous people are in Asia.** Indigenous peoples constitute as much as 30% (Lao PDR) and 33% (Myanmar) of total populations. In other countries, they constitute smaller populations (e.g., 9% in India; 12% in Philippines), yet they fall among the poorest of the poor both in terms of income and access to justice. In Vietnam, for instance, the incidence of

²³ “Indigenous peoples” is also known by other terms, such as “tribes” (Bangladesh, Malaysia, Nepal & Pakistan); “scheduled tribes” or “*adivasi*” (India), “nationalities” (China & Myanmar), and “isolated and alien peoples” (Indonesia). IFAD, *Valuing Diversity in Sustainable Development*. Rome: 2003.

poverty among ethnic minorities – mostly indigenous peoples – ranges from 66% to 100%, far higher than the national average of 51%.²⁴ Securing indigenous people's rights to their lands is important for their cultural survival, for promoting equity, and for protecting their immediate environment.

120. The colonial period first drove off natives from their fertile lands, then started the extended process of state intrusion into forest areas. Until today, indigenous peoples are increasingly being displaced from their customary lands due to immigration, ethnic conflicts and insurgency, appropriation of land for development projects, privatization, expansion of commercial agriculture and forestry or corporate logging and mining by national and transnational interests. Without recognized customary and tenurial rights, IPs risk further marginalization.
121. Encroachment by migrants has contributed to rising violence. Some of the migration programs were in fact sponsored by governments, as a means for reducing pressures for land reform in the plains. Indonesia's transmigration program has resulted in heavy conflict over resource use. In India, tribals currently constitute only 8% of the total population, but they account for 40% of the internally displaced population.²⁵ It is therefore easy to understand why IP areas have also become long-standing seats of insurgency.
122. In the Chittagong Hill Tracts (CHT) in Bangladesh, previous governments (dating from the Pakistan era²⁶) initiated state-sponsored policies for establishing non-*Adivasi* (Bengali) settlements on CHT forest and arable land. During the early 1960s, the Kaptai Hydroelectric Dam Project flooded 40% of CHT arable land, displacing 100,000 people²⁷. In recent years, multinational and national companies and government forestry projects have encroached on *Adivasi* land without agreement or compensation; whilst surveying for natural resources in the CHT is being carried out without permission from or consultation with *Adivasi* communities.
123. CSOs' support for indigenous peoples does not only stem from issues of poverty and humanitarian concerns, but from commitments to social justice and basic human rights. Indigenous populations are often subject to extreme forms of exploitation by officials, traders and contractors. In Thailand, forest dwellers and indigenous peoples are not even recognized as citizens.

²⁴ IFAD. *Regional Strategy Paper: Asia and Pacific*. Rome: March 2003, p.5.

²⁵ IFAD. *Assessment of Rural Poverty in Asia and the Pacific*. Rome: January 2002. p 23.

²⁶ The 1900 Hill Tracts Manual provided the CHT, as the homeland of the indigenous 'hill tribes,' with a degree of autonomy and self-governance as a non-regulated or excluded area. However, after the partition of India the CHT was awarded to (East) Pakistan and successive Pakistani and Bangladeshi governments gradually curtailed the autonomy and land-rights of the *adivasi* peoples through statutory laws. From "Access to Land: Innovative Agrarian Reforms for Sustainability and Poverty Reduction – Bangladesh Report and Discussion Paper" by Gain, Philip and Kabir, Kushi. Paper presented at ALRD/EZE Workshop, 28th Feb-1st Mar 2001.

²⁷ One quarter of the then population of the region, the majority of whom have not been compensated or resettled by the government to this day.

124. **Growing recognition of IP rights.** The past decade, 1994-2004, has been declared as the UN Indigenous People's Decade. The past decade has also witnessed a growing worldwide awareness of indigenous peoples' concerns and contributions, due to growing local and international support, as well as the mobilization of indigenous peoples themselves in both technical and political discussions.²⁸ These inter-governmental agreements and technical reports could provide another important "handle" for pursuing dialogue on IP rights with governments.
125. While indigenous peoples are among the most marginalized, they possess a wealth of knowledge, resource management practices and environmental services which are invaluable for sustainable development. Their role and contributions to society are invaluable. Indigenous people play a crucial role in the stewardship of natural resources and biodiversity. They are repositories of rich, varied and locally-rooted knowledge systems (e.g., traditional medicine). Their rich cultural diversity becomes even more valuable in today's world threatened by the homogenization of cultural value systems.
126. **Ensuring "land rights and access" for indigenous peoples** goes far beyond common definitions of "land reform" or "agrarian reform." It includes the right to self-governance, through indigenous cultures, institutions, systems of law and justice, and use of resources. Also, there is a common misperception that ancestral lands refer only to the uplands, or to forestlands. In reality, ancestral domains extend over rangelands, plains, river systems, and even coastlines, traditional waters and fishing grounds. For the record, the first ancestral domain rights over coastal waters ever awarded in Asia was to the *Tagbanwa* IP community in Coron, Palawan Province in the Philippines, under the 1997 Indigenous Peoples' Rights Act (see box article below).
127. On the other hand, indigenous peoples' rights also includes some classic elements of "agrarian reform" – the need for support services, as well as access to basic amenities such as education and health care.

The Indigenous Peoples' Rights Act (IPRA) of the Philippines

Passed in 1997, Philippine Republic Act 8371 or the Indigenous Peoples Rights Act (IPRA) seeks to recognize, promote and protect the rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs). These include the right to ancestral domain and lands, self-governance, and the right to cultural integrity. In a reversal of the Regalian doctrine, IPRA recognizes the *prior rights*, including the *pre-conquest* rights of indigenous peoples, thus superseding other land and resource rights. ICCs/IPs comprise an estimated 13% of the Philippine population (10 million people). If and when IPRA is fully implemented, it is projected that between 5 million to 7 million hectares will be covered

²⁸ Some major milestones include: Convention No. 169 on Indigenous and Tribal Peoples, adopted by ILO in 1989; World Conference on Human Rights (1993); draft UN Declaration on the Rights of Indigenous Peoples (1994); Agenda 21 at the Earth Summit (1992); Convention on Biodiversity (1992); Convention on Climate Change (1992); establishment of the Permanent Forum on Indigenous Issues (2000); World Conference against Racism, Racial Discrimination, Xenophobia and Related Tolerance.

under ancestral domain titles or claims.

Under the principle of self-determination, the law stipulates that ICCs/IPs shall formulate their own sustainable development and management plans (ADSDPs) for the land and natural resources within their ancestral domains based on their indigenous knowledge systems and practices. Contracts, licenses, concessions, leases and permits within the ancestral domains shall not be renewed or allowed without the Free and Prior Informed Consent (FPIC) of the IP community – i.e., “consensus of all members of the IPs/ ICCs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference or coercion.”
(Chapter 2, Sec.3g, IPRA)

128. Agrarian reform advocates in Asia will have to link up with indigenous peoples rights groups, and vice versa. While this is already happening in a number of countries, in terms of joint forums and common advocacies, there is still a need for nurturing better cross-sectoral understanding of the different perspectives on land between farmers/ peasants and indigenous peoples.

ACCESS TO COMMON PROPERTY RESOURCES

129. In many areas of Asia, the rural poor rely heavily for their livelihood on common resources available through open-access systems. Moreover, studies have shown that in some communities, families may derive as much as 30% of their food requirements from *uncultivated* crops during the lean months, or the “hunger season” each year. Hence, for a number of poor families, access to the commons is an important, and sometimes the only, source of subsistence.
130. However, access to common property resources may be governed by different legal systems. State legal systems over particular delineated areas may either emphasize resource conservation and protection, community livelihoods and use, or outright exploitation of the resource.
131. **Strict conservation.** In most Asian countries, however, strict conservation under a “no touch” policy is still the most common. Dwellers or harvesters on designated forest lands are treated as illegal entrants or without tenure nor access. The 1993 Nepal Forest Act, for instance, gives forest officials the right to arrest without warrant and to settle fines up to NRP 10,000. In many countries, legislations exist that curtail the power of user-groups and increase the “management role” of forest officials, who are often granted both police and judicial powers in behalf of the state. Because of their extensive and unbridled powers, forest officials can declare even the simplest use of the forest as a source of livelihood, such as the gathering and selling of firewood, as an illegal act. Forest dwellers live in constant fear of prohibition and coercion imposed by forest officials, in the absence of secure tenurial rights to the land and their habitat.
132. **Empowerment of forest officials?** In some countries, the same agency that undertakes forest (or resource protection) is also the same agency that grants extraction licenses or resource concessions. The enormous powers given to such

officials breed corruption, and resistance to change. The common thinking seems to be: “*All forestlands belong to the state, and therefore all lands belong to the forest department.*”

133. **Rights to the highest bidder?** Often, the other approach taken has been to privatize the resources, by leasing them to the highest bidder. However, such approaches only further deprive the poor of their traditional livelihood resources.
134. **Result: short-term survival strategies.** Without security of tenure, forest dwellers or gatherers tend to adopt survival strategies with short-term horizons. When tenure is insecure, there is greater incidence of desertification, deforestation, overgrazing, excessive use of groundwater, & soil erosion due to unsustainable farming.
135. **Ownership or long-term tenurial rights, on the other hand, motivate users to protect and sustainably manage their environment.** Over the past decade, community-based natural resource management (CBNRM) approaches have been successfully implemented across the Asian region – showing a livelihoods-based approach to resource conservation and management. Many CSOs have been pioneers of CBNRM. This approach combines tenurial security and access with social organization, resource monitoring, and use of appropriate technologies (e.g., agro-forestry, soil and water conservation). However, it is also noted that tenurial security *does not automatically* lead to conservation, as users will have to be made aware of both their rights and *responsibilities*.
136. While CBNRM approaches have grown in popularity, some observers have also come to question certain trends, i.e., “why is it that CBNRM is often introduced only into those areas where resources have already been degraded, or where stocks have already been depleted?” Rather, “why isn’t CBNRM introduced into those areas where resources are still pristine and abundant?” It should also be noted here that CBNRM can also be pursued not just through “projects”, but also through increased state recognition of the ancestral domain rights of IP communities.²⁹

ADDRESSING LAND CONFLICTS

137. Between 1987-97, more than 85% of major conflicts were fought within national borders, and overwhelmingly in poor countries. Some 14 out of the 29 recorded cases were in Asia. Land and resource questions (ownership, rights & access) often lie at the core of major conflicts – whether they relate to territorial disputes, heightened cultural tensions, or competition for resources. Also, many active insurgencies throughout the region draw their base of support from hotbeds of agrarian unrest. As noted earlier, indigenous peoples’ areas, in particular, have also

²⁹ The Philippines’ Indigenous People’s Rights Act (IPRA) provides for indigenous cultural communities to formulate sustainable development and management plans (ADSDPs) for the land and natural resources within their ancestral domains, based on their indigenous knowledge systems and practices. One emerging challenge now being faced is, how to reconcile and harmonize resource management plans of *central* and *local* governments with those plans of IP communities themselves.

become long-standing seats of insurgency due to continued encroachment on their lands and their continued denial of social justice.

138. While contexts vary, there seems to be an alarming new trend in the nature of land disputes in several Asian countries: traditional landlord-tenant disputes are being overshadowed by the growing involvement of government and military officials, private companies and state corporations as direct parties to such land conflicts. In emerging market states such as Cambodia, land is taken by assertion of superior title, abuse of power, fraud and use of violence. Over 80% of those who have been accused of taking other people's land are in positions of power – government officials, military officials, and businessmen (*refer to paras 41-42*). In countries struggling with newly restored democracies such as Indonesia, local communities find themselves up against political and commercial interests, as well as by large-scale development projects, as shown below:

Plantations	344	Conservation forests	44
Urban public facilities	243	Large fishponds	36
Housing & new cities	232	Government facilities	33
Production forests	141	Access to water resources	20
Industrial estates	115	Transmigration project	11
Large dams	77	Others	278
Tourism/hotels/resorts	73		
Mining	59	Total recorded by KPA (1989 to Dec 2001)	1,753
Military facilities	47		

139. In most cases, however, land conflicts consist of domestic disputes that can and should be resolved at community level before they erupt into open conflict. To the extent possible, the capacities of local institutions should be strengthened for resolving local conflicts as they arise. These include, e.g., boundary disputes between groups or tribes; competition for common resources between different user groups, or between upstream vs downstream users; encroachment into land or waters; privatization of a common resource; rights-of-way; tenancy contracts; leasehold arrangements; inheritances; or ownership rights.
140. CSOs have played significant roles in conflict resolution, pioneering new approaches to out-of-court negotiations and settlements. In Indonesia, NGOs and indigenous people's associations are undertaking inventories and developing approaches to delineation of *adat* lands, and resolution of territorial disputes. In the Philippines, community mapping systems combine traditional knowledge with GIS technology to delineate ancestral domains. In other areas, farmer "barefoot" paralegals represent tenants in agrarian cases and courts; over 95% of cases have been resolved through mediation. In Cambodia and Indonesia, NGOs monitor cases of land conflict; and assist in the training of government mediators.
141. The process of negotiating land issues, however, requires courage and innovation, since in many situations, the systemic obstacles, the complex transaction processes and opposing self-interests are firmly entrenched. Moreover, the process of

establishing negotiating mechanisms to resolve land-related issues requires *sensitive* facilitation, as it involves diverse public and private interests, and oftentimes, competing claims between powerful vested interests and hitherto weaker institutions of the poor.

142. **Importance of women as conflict-mediators.** Under a recent *Cambodia Land Study Project*, initial trainings were conducted for mediators in land conflicts. Subsequent assessments of the training programs noted the need to include more women as conflict-mediators. Some of the reasons cited for increasing the level of women participation as mediators in land conflicts were:

- the fact that women would be more understanding of the concerns of women who are involved in the disputes
- the fact that women parties would be more likely to speak openly if a woman was also mediating or arbitrating
- women are better at resolving disputes than men
- women are generally more courteous, and better at forming good relationships and would be better respected by the parties, and generally communicate better with contending parties.

143. **Role of women in peace negotiations.** Several CSO experiences have also highlighted the vital importance of involving women in major peace negotiations. Where conflicts have already erupted into violence, the ensuing peace negotiations are usually conducted only among men, with heavy involvement of the “military” protagonists in the conflict. On the other hand, lessons from experiences show that the presence of women in actual peace negotiations and settlements helps to bring in more important dimensions – e.g., questions about the future of children and “non-combatants”, the struggle to meet basic family needs, and social relations. Even on occasions when negotiations appear to break down, and an impasse is met, women from opposing parties are still likely to find common topics to discuss (e.g., family, children, community). While these may not be immediately relevant to the topic at hand, the participation of women sometimes helps to keep the “lines of communication” open among protagonists.

QUESTIONS ABOUT “MARKET-ASSISTED LAND REFORMS”

144. Over recent years, an increasing number of bilateral and multilateral institutions have followed the World Bank-designed and supported policies to: title lands, facilitate land markets, and promote “land bank” credit for land purchases by the poor. This approach is called “market assisted land reform” (MALR) or “negotiated” land reform. The World Bank found MALR to be consistent with neo-liberal policies. Also, under the principle of “willing buyer, willing seller”, MALR seeks to overcome elite resistance to land reforms by offering credit to landless or land poor farmers to buy lands at market rates from wealthy

landowners, with some level of participation by states in mediation and credit programs.

145. In pursuing this MALR approach, the World Bank has also taken the lead in promoting and financing “land administration” projects that include titling, cadasters and land registries. It is noted that today’s global marketplace requires formal and written systems, legal instruments, privatization of property and land markets.
146. “Market assisted land reform” has come under heavy criticism by a broad cross-section of society that has come to believe that MALR policies are not likely to improve access by the poor to land, or give them more secure tenure. The general arguments are that:
 - Market-assisted land reform policies (including mechanisms and land funds) are insufficient instruments in the context of highly unequal societies, where there is no level-playing field. They cannot replace redistributive Agrarian Reform which expropriates, within the framework of the law, land from large landowners and redistributes such land to the poor and landless.³⁰ In fact, prior redistributive reforms must be instituted before land markets can be considered as a measure for ensuring equity.
 - Market transactions themselves are not “reform,” especially when sales are based on prevailing “market rates”. MALR itself is *not* founded on a rights-based approach. Moreover, the availability of credit and the high costs of land are just likely to just sink the poor deeper into debt.
 - Land is never just a commodity.³¹ It is a factor of production, a capital asset, a source of human security, and a source of identity.
147. In the application of MALR, CSOs have also pointed out that:
 - Donors (WB) have been actively promoting, even prescribing, market-assisted land reforms to governments – often accompanied by offers of technical assistance and financial credit loans. Thus, some governments are likely to take the path of least resistance – i.e., initiating MALR *as a substitute for* the more difficult task of undertaking redistributive agrarian reforms.
 - When MALR programs or approaches are introduced in countries with existing land reform programs, then they could adversely affect the ongoing reform program. A 2001 World Bank feasibility study for the Philippines, for instance, showed that land prices under a market-assisted scheme would have been *higher*

³⁰ *The Bonn Statement on Access to Land*. 23 March 2001.

³¹ As cited also in *Draft EU Land Policy Guidelines*, January 2004.

than the government's own land valuation system. In short, MALR would have resulted in higher land prices for poor and landless farmers.³²

- In cases where land scarcity exists and/or where there is a high concentration of landholdings, landowners may choose to sell only the most marginal, the most remote, or the most difficult plots that they own (steep slopes, dry, etc). This would set-up the farming families for failure, as they are usually saddled with heavy debts from the land purchase itself, while finding themselves on poor soils with little access to markets.
 - The programme of promoting credit-financed land purchases by the landless could also be self-defeating by driving land prices up.
148. **Land administration projects** have been initiated by the World Bank, USAID, AusAid and other donors in several Asian countries (e.g., Indonesia, Cambodia, Philippines). However, as CSOs have pointed out, reforming land administration itself is *not* land reform; nor should land administration be designed to replace agrarian reform. Good land administration may indeed ensure the efficiency of the land titling system. A technically-sound cadastral system will establish the territorial boundaries between two plots of land, but the system itself will not (and should not) determine ownership or proprietary rights.
149. In fact, land administration provides fertile ground for corruption and political patronage, whether in allocating rights, agreeing to change of land use from farmland to building plot, or deciding in favor of one party in a dispute over land claims. The risk also is that land administration could “legitimize” historical injustices, including land-grabbing, or eviction of tenants and occupants.
150. Addressing conflicting land claims should be a prerequisite for any land registration program. Frequently, conflict resolution mechanisms are weak and inaccessible to rural people who are often left un-informed of their land rights.
151. If used, cadastrals, land registration, land titling and administration should be able to reflect both primary land rights, as well as the overlapping and secondary rights of other users, such as pastoralists. Governments must directly involve local populations and institutions, social organizations and popular movements in the debate and application of land policies, and they must play a central role to the active management of natural resources.
152. Land titling is not the only means for securing land rights, nor does it necessarily lead to greater investments and productivity. Customary land systems have long existed, and have proven to be resilient in many parts of Asia.

³² Rather than using “prevailing market value,” the Philippine government’s land valuation formula is based on three factors: *productivity* (average net income in the three years preceding the transfer); *comparable land sales* (in the vicinity); and *declared market value* (the owner’s tax declaration).

153. In fact, small-scale family farms rarely have access to formal credit anyway. It is large-scale commercial farms, requiring significant amounts of capital that require a title of ownership to obtain credit from a bank.
154. In some Asian contexts, land titling is not the preferred or socially accepted system for long-term allocation and management of land and resources. Secure land and resource rights can be provided by either formal or informal institutions. In each context there must be agreement on who “owns” the land, who has secure interest on the land, how land transactions are negotiated, and how conflicts are to be resolved.
155. Community-defined ownership or user rights may ensure tenure security for people who may have no intention to sell their land, or may have limited rights such as selling or leasing only to other members of a community. Community-based approaches can offer a cheaper and effective alternative to formal institutions, since buyers and sellers know each other, and there is strong peer pressure to avoid socially disruptive property disputes. It is important that communities retain their right to choose the most suitable way to protect their interests in managing their property resources.
156. Finally, it should be noted that land cadastres and titling systems are a huge, multi-billion dollar business. The particular choice of information management system, choice of technology, satellite feed requirements, hardware and software needs, staff training, and potential consultancies that existing “land administration” projects are likely to propose and generate for particular countries, are a huge source of potential procurement contracts for foreign, private corporations. Governments are likely to finance these new requirements through additional foreign loans. Setting up a comprehensive cadastral and registration system for one country like Cambodia, for instance, would entail at least a decade, or more, of continuous work. Hence, it will be important to ensure full transparency, accountability and public participation in ongoing land administration projects, which should not be seen as the exclusive enclave of technical experts or consultants. CSOs will have to serve as watchdogs over such processes.

IMPACT OF TRADE LIBERALIZATION

157. Over the past two decades, Asian countries have shifted from *import-substitution* to *export-oriented growth*, deepening the integration and dependence of Asia’s rural areas with the global market. This global integration has been accelerated in recent years with the entry of GATT into agriculture, and the creation of the WTO.
158. For most Asian farmers, trade liberalization policies has meant the abolition of credit and other subsidies, the privatization of agricultural support services, increased competition from cheaper imports and the continued dumping of surplus

produce.³³ On the other hand, there has been continued heavy subsidies and protectionism in OECD countries for OECD farming, estimated at an astounding USD1 billion a day! This has driven down global commodity prices, thus discouraging investment and innovation in Asian agriculture. Asia's small producers have been exposed to low and volatile commodity prices, and rural incomes have been reduced.

159. Globalization of the economy, and its impact on both internal and external market forces are causing major changes in land access and tenure:

- ***Patterns of land use have been changing.*** In Bangladesh, for example, large-scale industries such as shrimp farming, commercial plantations and monoculture of cash crops not only cause landlessness in the short term but also result in large-scale environmental degradation. Mangrove forests have been converted for shrimp farming, while forests and farms small farms are lost through forcible acquisition of land for large scale industry (tobacco, commercial forestry, etc.)
- ***There has been increasing privatization of the commons,*** and this, in turn, has become a major source of land and resource conflicts where government and military officials and corporations are often involved (*e.g., as in Indonesia, see para 137*)
- ***Rural out-migration appears to be an emerging trend.*** The risks and vulnerability of small farmers have increased due to low and volatile market prices of agricultural commodities. Meanwhile, there has also been a widening gap between rural and urban incomes, and part of this has been due to official policies. In countries such as China, there has been a conscious effort in official policy to focus on China's comparative advantage in labor-intensive industrial products as the country accedes to the WTO. It is estimated that more than 30 million to 40 million Chinese farmers will be displaced annually over the next five years (2003-08) as the country fully integrates with the global trading community. There are forecasts that these farmers will find their way to the cities, clogging facilities and adding to the urban stress and strife.³⁴

160. **Agrarian reform amidst the threat of trade liberalization.** Finally, trade liberalization has increased the vulnerability of small producers, by suddenly forcing them into the arena of global competition. The following excerpt illustrates the dilemma of landless workers in Philippine sugar plantations, as they begin to till their newly-acquired lands under the Agrarian Reform program:

“With agrarian reform, sugarworkers living under the 19th century *hacienda* system have suddenly been thrust into today's 21st century of globalization. The *twin challenges* that sugarworkers face are enormous. On the one hand, they must learn to

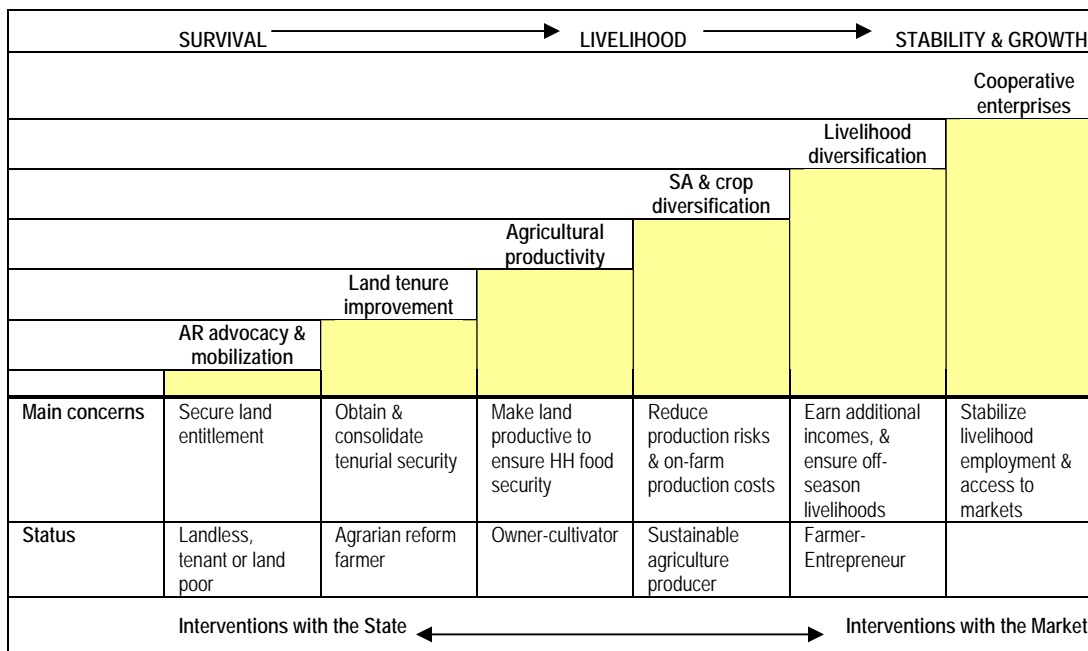
³³ “*Food Sovereignty: A Right For All.*” Political Statement of the NGO/CSO Forum for Food Sovereignty. Beijing, China, May 2004.

³⁴ Iyengar, J. “*Beijing unveils new land reform policy.*” 2003 Asia Times Online Co, Ltd., 11 March 2003. URL: <http://www.atimes.com/atimes/China/EC11Ad01.html>

survive on the land without the financial capital, support services, patronage and protection that used to be provided by their landlords. On the other hand, they must eke out a living in an industry now threatened by globalization. Just after emerging from a feudal era, poor farmers are now expected to *compete* in a rapidly globalized market! To compound their woes, agrarian reform beneficiaries have not received the government support services promised them under agrarian reform. And while global trade is being liberalized, unfair markets continue to rule the domestic sugar industry, tightly controlled by powerful *compradors* (trader cartels) and landlord interests.”³⁵

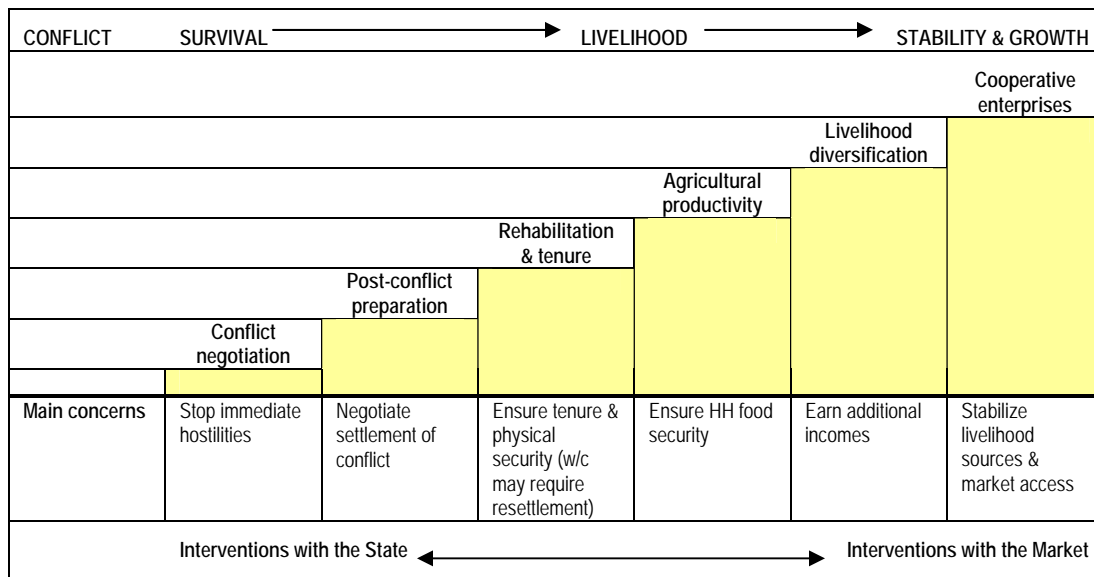
THE BROADER TASK OF AGRARIAN REFORM AND POVERTY ERADICATION

- 161. Experience has shown that the task of agrarian reform goes beyond the mere redistribution of lands, and creating more secure tenure. While agrarian reform is a necessary first step, there is also need to ensure that there are adequate support services, so as to enable small producers to make their lands productive. Moreover, the task of helping former landless and land poor farmers to move away from poverty requires a longer-term process of empowerment.
- 162. As one example, the schematic diagram below briefly illustrates a *socio-economic progression of stages* – from landless worker or tenant → to owner-cultivator → entrepreneur. As situations are likely to vary widely across the region, the following also serves to shows how different types of development interventions may be needed at different stages of a farmer’s socio-economic empowerment.



³⁵ Quizon, A., Riguer, G. “Agrarian Reform in Sugarlands: Survival in a Dying Industry?” CARRD and ANGOC, Philippines, 2003.

163. In cases where *land conflicts* exist, a different approach is needed; more time and effort are initially required to undertake conflict resolution and rehabilitation.

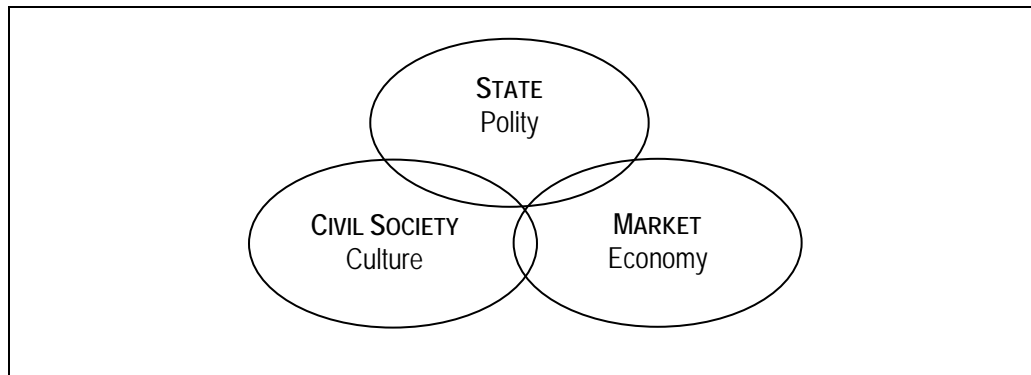


Above diagrams taken and adapted from: Quizon, A., Maglana, M. Pacturan, J. “*Rapid Appraisal of PPSE Sites: Report to the PDAP-Philippines Board*”, July 2002; and PDAP. “*Development Stages of the Rural Poor*”, 2004 (powerpoint presentation).

ROLE OF CIVIL SOCIETY VIS-À-VIS STATES AND MARKETS

164. Civil society has gradually begun to re-formulate its role as a countervailing *third force* to the threats and excesses of the State (government politicians, bureaucrats and structures) and the abuses of the Market (landowners, traders, industries). In terms of agrarian reform, the Market is obviously situated in land ownership and the rural/global economy, while the State is active in the realm of the political or polity. The natural habitat of Civil Society is “cultural power”, as civil society moves people to action on the basis of the beliefs and values they hold. Culture is the terrain that constructs and reproduces deep-seated beliefs and convictions about social justice, transparency, rights, gender, equity, empowerment, freedom, peace, democracy, environment and other values.³⁶
165. Thus, the main role of social movements and institutions of civil society in agrarian reform has been highlighted in efforts such as advocacy, community organizing and capacity-building, negotiation and facilitation, consensus-building and in other predominantly social processes. Civil society advocates for social reforms by institutionalizing its cultural values in the domain of economics (e.g., business ethics and social responsibility) and politics (social legislations and reform policies). In pursuing agrarian reforms and tenurial security, a central approach will be the mobilization of the landless and near-landless poor.

³⁶ Perlas, Nicanor. *The Contemporary Discourse on Civil Society – An Overview*. Center for Alternative Development Initiatives (CADI). March 2001. (E-mail copy)



166. The major objective of agrarian reform is not just to “redistribute land,” but “to change existing social and power relations” towards greater equity and egalitarianism. Indeed, one of the most difficult tasks facing civil society lies in breaking the persistent structures and patterns of “powerlessness, patronage and dependence” that continues to prevail – that is, in the hearts and minds of long-oppressed sectors – the landless, tenants, farmworkers, marginal producers, rural women, pastoralists, rural women, indigenous peoples and scheduled tribes.

FINANCING FOR AGRARIAN REFORM

167. Agrarian reform programs at national or state level will require substantial financing – (a) to support the various implementing institutions, (b) to enable land acquisition activities, and (c) to provide support services for small producers in the newly reformed lands. To date, the 1987 Philippine Comprehensive Agrarian Reform Program has cost the government about PhP 100 billion (about USD2 B), and it is estimated that an equal amount will be needed to complete the remaining 24% of the program.
168. Most developing country governments in Asia are heavily cash-strapped. Invariably, most national budgets are eaten up by oversized bureaucracies and ballooning foreign debt payments, and thus, governments often have to rely on new taxes and fresh loans to support any new development initiative. On the other hand, bilateral and multilateral donors are hesitant to support what they construe as “political initiatives” of “sovereign governments,” such as land reform. (Although at the same time, there has been a markedly increased propensity for donors over recent years to impose loan conditionalities.) Moreover, the existing charters of almost all ODA agencies specifically prohibit them from financing the purchase of land.
169. While the task of financing is not the specific task of agrarian reform advocates, the question will surely arise once lobbying activities and subsequent negotiations begin. Hence, it will be *informative* to present and discuss here certain working

principles and options, based on the 1986-87 experiences of NGO and farmer groups in lobbying with the Philippine Congress.³⁷

170. *First*, the basic principle is that agrarian reform is not a merely a welfare or a charity project, but should be a centerpiece of government programs. Hence, the state will have to give utmost priority to the reform in reallocating its budgets.
171. Based on the Philippine agrarian reform lobbying experience, it is expected that landlord-dominated Parliaments will use the “lack of financial resources” argument to derail the entire reform program itself, or to pursue a “watered-down” version of the program. They are likely to argue for “less-costly” versions, such as trimming the program down to the redistribution of idle state lands, or the resettlement of the landless on public lands. Philippine AR advocates opposed this counter-proposal, on the principle that redistribution of *private* lands should be included, as it lies at the “heart & soul” of historical injustices and agrarian conflict.
172. *Second*, it would be ideal if additional financing is secured in ways and from sources consistent with the principles of social justice, and with the objectives of agrarian reform itself. (The poor should not be unduly taxed on top of their already existing burdens. When families receive land they must not be saddled with heavy debt burdens. Unless land is provided under financial conditions manageable by the rural poor, beneficiaries will simply accumulate more debt, and will be unable to render the land productive.)
173. From the Philippine experience, there have been several propositions for financing the agrarian reform program, some of which have been implemented:
 - “Idle land” tax, to discourage speculative landholdings;
 - Increased fees & taxes for timber, mining, exploratory and extractive industries;
 - Recovery of ill-gotten wealth of government officials under the past dictatorship, particularly of the Marcos family in the Philippines (how about the Soeharto family in Indonesia?)
 - Debt-for-agrarian reform swaps (similar to the debt-for-nature swaps that have successfully been implemented in a number of developing countries);
 - Redirecting foreign-assisted projects towards the provision of support services to beneficiaries of agrarian reform (this allows more government resources to be utilized for the more “politically sensitive” task of land acquisition).

³⁷ Congress for a People’s Agrarian Reform (CPAR)

VI. EMERGING ROLE OF THE ANGOC NETWORK

174. In pursuing agrarian reform and access to land issues, the following are the identified major strengths of the ANGOC network:
- A broad-based membership in 12 Asian countries, with an effective reach of some 3,000 local NGOs and peoples organizations, mostly involved in rural development initiatives;
 - A 25-year experience in CSO networking activities as well as policy dialogues with governments and multilateral agencies on issues of agrarian reform, food security and sustainable agriculture;
 - International linkages with other CSOs and networks in Asia, as well as with various multilateral agencies with development projects in Asia;
 - Active involvement in global networks such as the International Land Coalition.
175. The examination of current trends and emerging issues in access to land across Asia have highlighted several major themes which must be incorporated into the perspectives, policy positions and direct actions of the ANGOC network.
176. Over the next five years, the ANGOC network will focus on the following broad thematic areas and initiatives:
177. *First, encourage the sharing of experiences and land struggles* among civil society organizations, and support greater coordination and common understanding of land issues. These exchanges should go beyond sharing of technical information, so as to build greater public awareness and solidarity, share lessons, and allow choices.³⁸
178. Conceivably, it could be potentially productive and useful to bring together CSOs from those countries working within similar policy contexts and/or facing similar issues – i.e., land issues in emerging market economies (China, Vietnam, Cambodia); land issues in South Asia (Nepal, Pakistan, Bangladesh, India, Sri Lanka); moving from post-dictatorships to social reforms (Indonesia, Philippines); addressing land conflicts, and others. Such exchanges should go beyond knowledge-sharing, and towards more strategic planning.
179. *Second, In the process of sharing experiences, synthesize field learnings in order to develop practical guidelines, approaches, methods and tools* that could assist field activists and AR practitioners in their work with communities. These could include, for instance:
- Participatory appraisal systems
 - Instruments and approaches for recourse in land disputes and for strengthening extra-judicial mediation for the resolution of land and resource conflicts;

³⁸ *The Bonn Statement on Access to Land*. 23 March 2001.

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- Participatory mapping systems for delineating boundaries, and for assisting in community land-management and land-use plans.
180. *Third*, Through ANGO C’s in-country members and other in-country partners, engage governments in active dialogue on issues of “land access” and agrarian reforms. Pursue policy dialogues and reforms through the different venues available:
- Involve the ANGO C network and country partners in the preparation and monitoring of PRSPs and country assistance papers, to highlight the link between poverty and land issues, and the need for policy and institutional reforms on land;
 - In cooperation with the International Land Coalition (ILC), involve ANGO C and partners in the creation of LAND Partnerships in a number of Asian countries; these “partnerships” refer to joint GO-CSO policy forums centered on land issues;
 - Facilitate active linkages between ANGO C partners and other CSOs in each country working on land issues; these include indigenous peoples groups, social movements, women’s rights groups, farmer federations, and other agrarian reform advocates.
 - Engage in monitoring of land issues and trends at country and/or at state level. The program currently being conceived by the ILC (“LANDWATCH”) might provide an appropriate venue that would allow cross-country and cross-regional sharing, comparisons and learnings.

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ANGOC is a regional association of 21 national and regional networks of non-government organizations (NGO's) from 11 Asian Countries actively engaged in food security, agrarian reform, sustainable agriculture and rural development activities. Its member-networks have an effective reach of some 3,000 NGO's throughout the region. ANGOC was founded in Bangkok in February 1979, following a two-years series of village and national –level consultations in 10 Asian Countries leading to the World Conference on Agrarian Reform and Rural Development (WCARRD, Rome, 1979).

The complexity of Asian realities and the diversity of NGO's highlight the need for a development leadership to service the poor of Asia – providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives. ANGOC seeks to address the key issues related to agrarian reform, sustainable agriculture and rural development in the region