

# From the Farmland to the Table



Exploring the Links Between  
Tenure and Food Security





Founded in 1979, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in promoting food security, agrarian reform, sustainable agriculture, participatory governance, and rural development.

ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of NGOs 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.

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GLOBAL LAND TOOL NETWORK

The Global Land Tool Network (GLTN) is an alliance of global regional and national partners contributing to poverty alleviation through land reform, improved land management and security of tenure particularly through the

development and dissemination of pro-poor and gender-sensitive land tools.

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ANGOC

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# Foreword

In September 2016, ANGOC as member of the Global Land Tool Network (GLTN) Rural CSO Cluster, started the implementation of a project “Piloting and consolidation of the Food Security Framework.” The main activity of the project is to conduct an exploratory study on establishing the link of land tenure to food security. Thus, the study is part of ANGOC’s contribution to the discourse on access to land as a key intervention in addressing food insecurity in rural Asia.

This initiative builds on ANGOC’s earlier undertaking, the *200-Village Project*, that linked household food security to several factors, including land tenure. It also uses the continuum of land rights, a tool developed by GLTN to describe an existing tenure situation and for predicting how a range of tenure types may transform over time given different scenarios and intervention strategies.

The overall goal of this three-country study is to pilot a participatory evidence-based documentation on access to land as a key intervention in addressing food insecurity in rural areas. In particular, the study shall:

- outline a land rights continuum in Cambodia, Nepal and the Philippines; and,
- describe the links between land rights and food security, through community-level studies in the three countries.

This publication contains a regional overview of the community studies, the edited version of the community study conducted in Cambodia, the abridged versions of the community studies conducted in Nepal and Philippines, and the guide questions used in the focus group discussions.

ANGOC acknowledges the work of the lead writers and the research team members in the three countries, the partner organizations – STAR Kampuchea,

CSRC, XSF, CARRD, Kaisahan and PAFID, and the 44 local communities involved in the focus group discussions. Special thanks to Antonio Quizon for steering the process and for preparing the regional overview. We also thank the participants of the **Regional Forum on Continuum of Land Rights and Food Security** (16 October 2017; Quezon City, Philippines) for sharing their insights and feedback. Finally, our appreciation to the Global Land Tool Network for supporting this initiative.

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# The Continuum of Land Rights and Links to Food Security:

## An Overview of Community Studies from Cambodia, Nepal and Philippines

**ANTONIO B. QUIZON**  
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Small farmers and producers have served as the backbone of Asian agriculture and food security. Asia is home to 75 percent of the world's farming households, 80 percent of whom are small-scale farmers and producers. However, majority of them are resource poor, and lacking tenure security and access to productive assets, especially land and water. Moreover, agricultural households face limited access to basic services, low productivity, and underemployment. Small rural producers also often lack access to financial services, education opportunities, advisory services, infrastructure, and well-functioning markets.

The great irony is that poverty and hunger remain largely rural and agricultural, and that small food producers continue to count among the most vulnerable to hunger. In the Philippines, for instance, statistics show that fisherfolk and farmers are the two poorest sectors. The poverty incidence is 40 percent among farmer households and 50 percent among fisherfolk households – compared to the national poverty incidence of 21 percent in 2009.

This three-country study was undertaken by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) in order to explore the

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This is based on a review and analysis of three in-country studies - "Land Tenure and Food Security: Case Study of Two Forest Communities in Pursat Province, Cambodia," "Study on Continuum of Land and Property Rights in Nepal," and "Connecting Land Rights to Food Security: The Philippines Case." The edited version of the Cambodia case study, and the abridged versions of the Nepal and the Philippine case studies are included in this publication.

linkages between land tenure and food security at community level, with the perspective of developing tools and strategies towards monitoring and addressing rural hunger and poverty. ANGO is an Asian regional network of civil society organizations (CSOs) that has been advocating for land rights since its founding in 1979.

This study builds upon an earlier *200-Village Project* initiative that the ANGO network undertook in 2000, focused on food security of rural households, with land tenure security as a major component of the program. The current research has been undertaken jointly with ANGO partners: STARKampuchea in Cambodia; the Community Self-Reliance Centre (CSRC) in Nepal; and the Center for Agrarian Reform and Rural Development (CARRD), Solidarity towards Agrarian Reform and Rural Development (Kaisahan, Inc.), Xavier Science Foundation (XSF) and Philippine Association for Intercultural Development (PAFID) in the Philippines.

This research initiative is supported by the Global Land Tool Network (GLTN), an alliance of international partners focused on poverty alleviation through land reform, improved land management and security of tenure. This study also builds on the “Continuum of Land Rights” – a tool developed by GLTN as a cornerstone of its philosophy and approach.

## **Study Objectives**

*The overall goal* of the three-country study is “to pilot a participatory evidence-based documentation on access to land as a key intervention in addressing food insecurity in rural areas.” In this regard, community-level studies were undertaken in three countries: Cambodia, Nepal and the Philippines.

*The specific objectives* of the study are: a) to outline a *land rights continuum*, and; b) to describe the *links between land access and food security* in selected communities in each of the three countries.

## **Methodology**

The study uses both secondary and primary sources. Data collection methods include: *desk reviews* on information regarding the countries’ land tenure systems and food security status, *key informant interviews* (KIIs) for gathering

local and community-level profiles, and *ocular inspection and direct observation* of community conditions and practices. *Focus group discussions* (FGDs) was the principal tool used for gathering and discussing relevant data at the neighborhood/community and household levels.

The guide questions for KIIs and FGDs were initially drawn up based on the data gathering tools and questions used in ANGO’s earlier *200-Village Project*, which focused on food security. The shortened questionnaire was then field-tested in two community sites in the Philippines, then discussed at a regional planning meeting in April 2017 involving lead researchers from the three countries. More specific discussions were conducted to: (a) identify the specific focus of the study for each country, including an initial draft continuum of land rights (for each country study); (b) develop the FGD guide questionnaire; and (c) obtain feedback on a community profile format. Participants also finalized the research design framework, including the sampling methodology and selection of communities, the guide questions, the proposed outline of each study, and the overall work plans for the country and regional studies.

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***“The overall goal of the three-country study is “to pilot a participatory evidence-based documentation on access to land as a key intervention in addressing food insecurity in rural areas.”***

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The agreed FGD guide questions focused on eight major topics: a) general household profiles, b) housing and homelots, c) incomes and livelihoods, d) migration, e) credit and inputs, f) tenurial status of farmlands, g) perceptions of food security, and h) perceptions of community problems. In particular, the questions on food security used a self-assessment system, a seasonal calendar, and a discussion guide on the factors that contribute to household food security and/or hunger. The guide questions were translated into local languages and dialects. Based on purposive sampling, FGDs were conducted among the different land tenure groups spread across the land rights continuum for each country. A total of 49 community-level FGDs were conducted – seven in Cambodia, 20 in Nepal and 22 in the Philippines. The qualitative data was then analyzed by searching for patterns in data, particularly on existing land tenure practices, and on the relationship between land tenure and food security. Insights were gained by comparing the findings of the FGDs among the different tenure groups in the continuum.

Aside from the three in-country studies, an initial effort was made to undertake a separate study focused on indigenous peoples communities (in the Philippines). However, the study could not be completed due to limited time and resources. Aside from having to travel to distant locations, the researchers would need to obtain the free, prior and informed consent of indigenous communities. An initial write-up was prepared but was not presented and discussed at the regional forum. It focuses on the recognition of indigenous peoples in the Philippines from the legal and statutory perspective, and provides a historical narrative of how these laws were promulgated. Nevertheless, the continuum of land rights from the perspective of indigenous peoples communities is a subject for future study.

This study has its limitations. It is largely an exploratory and descriptive study, due to the limited sample size and the amount of data that could be generated with limited resources and within a short period of time. Nevertheless, it identifies certain trends in the continuum of land rights, and describes the links between land tenure and food security. In the Nepal case study, which covered distant and diverse communities from three eco-geographic regions, researchers commented that the “continuum” perhaps could have been better analyzed with more financial support for an extended period of “fieldwork,” instead of relying entirely on FGDs, or rapid rural appraisal methodology.

## **Food Security Framework**

The study builds around existing frameworks and initiatives related to *food security* and the *continuum of land rights*.

The *concept of food security (FS)* has evolved over time. Earlier concepts focused on the *physical availability* of food, regardless of whether people had access or not. In 1983, FAO expanded the FS concept to include *economic access* by vulnerable people to available supplies: “... ensuring that all people at all times have both physical and *economic access* to the basic food that they need.” In 1986, the World Bank report “*Poverty and Hunger*” included the *adequacy* of food, making a distinction between *chronic food insecurity* brought about by structural poverty and low incomes, and *transitory food insecurity* caused by natural disasters, economic collapse or conflict. In the mid-1980s, there was a shift in focus towards *rights* and *entitlements*, influenced by Amartya Sen’s 1981

study “Poverty and Famines” that showed how famines thrive even with food availability. Sen’s work provided the underlying impetus and framework for the Human Development Index (HDI), which was launched in 1990.

In the mid-1990s, there was a concern to link access to sufficient food with *food safety* and *nutritional balance*. According to the 1996 World Food Summit, “Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.” Thus, the four dimensions of food security are: *food availability*, *food access*, *utilization* (food safety and nutrition), and *stability* (security of access and protection against risks).

Meanwhile, CSOs criticized the over-reliance on external markets, trade and food aid for ensuring food security. Instead, CSOs advocated for the principle of *food sovereignty*, or the need for communities and countries to produce and ensure their own food, to the extent possible. Related to this is the working principle of *reducing food kilometers*, or reducing the distance between where food is produced and where the same food is consumed. This principle emphasized the rights of small producers, along with the need to develop local markets, and the need to reduce the environmental effects and carbon dioxide (CO<sub>2</sub>) emissions associated with transporting food over wide distances.

ANGOC’s earlier *200-Village Project* examined food security at the *household and community level* as a basis for community-level planning and action, and for linking village-based initiatives with policy advocacy at the national and regional levels. It surveyed 188 village communities in 10 Asian countries. The level of food security was measured by asking respondents to rate their consumption (“sufficient,” “insufficient,” or “insufficient at times”) across a number of food groups, and based on these responses, the level of household food security was categorized as “food secure, moderately food secure, food insecure and highly food insecure.” The food security analysis was then correlated with various factors (nine key indicators and 30 sub-indicators) to identify relationships and to monitor trends.

The ANGOC study found that only 40 percent of the rural households surveyed rated themselves as “food secure.” It also found that the level of household food security is positively correlated with: (a) access to land and level of security of tenure; (b) agricultural productivity; (c) gender equity and food distribution

within households; (d) household incomes and purchasing power; (e) access to credit; and (f) health status and low incidence of disease among household members.

When asked about their perception regarding “what factors would ensure their food security in the future,” the household respondents cited the following (ranked according to number of responses):

- support to agricultural production
- improved incomes (most respondents derived their incomes from agriculture)
- access to credit/capital
- social services and infrastructure
- agricultural land

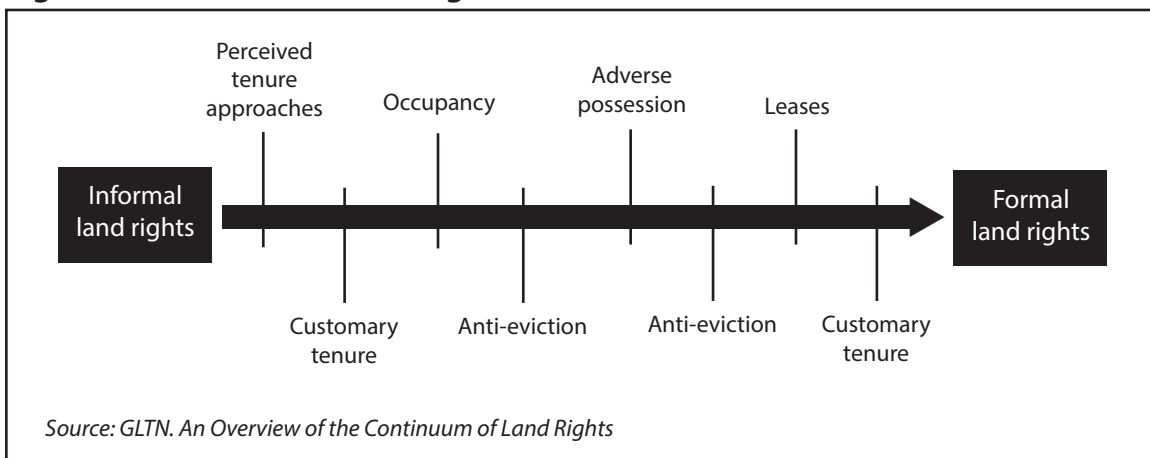
Regarding the link between food security and access to land, the earlier *200-Village Project* found that food secure groups had the highest incidence among owner-cultivators (70 percent), and the lowest incidence among share tenants (seven percent) and leaseholders (seven percent). This seemed to indicate that household food security is directly linked to access to land and the type of land tenure, among other factors.

## **Continuum of Land Rights**

The *Continuum of Land Rights* is a tool developed by the Global Land Tool Network (GLTN) as an aide to describe and explain an existing tenure situation and predicting how a range of tenure types may transform over time given different scenarios and intervention strategies. The continuum has gained wide acceptance among a number of international agencies.

The rights to land are shown as lying in a continuum (Figure 1). As explained by GLTN, at one end are formal land rights, where the owner holds a set of registered rights to a parcel of land that are enshrined in law; the parcel is delineated on a map held in a records office; the owner has the right to occupy the land, build on it (subject to approvals), sell it, rent it out, transfer it to his or her heirs, and prevent other people from coming on to it. At the informal end of the continuum are informal rights. The boundaries of the land may not be clearly marked on the ground or on a map, and there may be no official paperwork certifying who owns or has what rights to the land. In between these two poles a number of different

**Figure 1. Continuum of Land Rights**



tenure forms may exist. They may overlap and transform as change occurs and they are likely to be supported by a mix of formal (State systems) and informal (non-State) institutions.

A number of important observations, however, should be made about the continuum. These observations also stem from *criticisms* of the continuum itself (including Fig. 1 above), and how it was viewed and applied. The continuum earlier gained wide acceptance among UN and international agencies, and has often been used to describe official processes in land titling and land administration projects.

*First*, it should be noted that the continuum is a *metaphor*, not a theory (of property) in its own right (Barry and Augustinus 2015). It originally emerged as a *tool* and can be used for describing a land tenure situation from different ideological and theoretical perspectives; it can also be used to make predictions about how a situation is likely to evolve.

*Secondly*, the continuum itself does not advocate that formal land rights in the form of individual land ownership should be the sole tenure form of choice in development strategies. There is often the misconception that private individual tenure (private property) lies at the apex of legal and economic evolution, as the precondition for efficient and free markets. Land is more than just an economic asset or commodity. In reality, land involves a web of interests, and individual private ownership is seldom the appropriate tenure form for many poor sectors of society (Barry and Augustinus 2015). Furthermore, markets are seldom the most equitable allocators of interest over land and resources.

*Thirdly*, although the continuum of land rights might imply a simple linear progression, reality shows that the changes in tenure and property relations are much more complex, heterogenous, non-linear and with multiple directions. Land (and water) may have overlapping interests and serve multi-functions; there may be a *de facto* plurality of tenure forms over land, some of which may not be recognized by law. While some changes are evolutionary, others are drastic. People may experience increases or decreases in land tenure over time due to several factors, including war, conflict and natural disasters, political and social changes, and the behavior of the State and other powerful institutions. Some forms of tenure may be temporary, while others may be deemed illegal or unethical which the State or civil society may wish to eradicate. (*Thus, in this study, arrows in the continuum point both left and right.*)

Finally, some definitions of relevant terms are important here. A *right*, along with its restrictions and responsibilities, is defined as an entitlement supported by law, long-standing custom or common practice (Barry and Augustinus 2015). This means that a right is not limited only to those codified by law (i.e., legal rights) but includes interests in land that flow from customary systems and conventional practice.

*Land tenure* is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and related resources (FAO 2002). However, *security of tenure* does not solely refer to the legal right of ownership of land, in the form of individual land titles. Land may have multiple uses by different people in ways that are defined and protected by customary law or practice, and community norms.

A key element of tenurial security lies in the protection and *enforcement of rights*. On this matter, the central State is not the sole enforcer of rights, nor does it necessarily have the reach or capacity to do so, at all times. The enforcement of rights is also implemented by communities and institutions in ways that may, or may not be, officially recognized by the central State.

For purposes of this study, it might be useful to note that there are three main types of security of tenure. First, *perceived* tenure security relates to a community's own subjective perception that individuals within it will not lose their land rights through forced eviction. Secondly, *de facto* tenure security refers to the actual



control of land and property, regardless of the legal status. Thirdly, *legal* tenure security refers to tenure protection backed up by State authority.

## **The Continuum as Applied to Different Country Contexts**

There is no universal land rights continuum, and the tool should be used to describe or reflect specific contexts. The three countries selected for this study have experienced significant changes in property regimes, along with the implementation of State programs on land tenure and agrarian reforms. Each country therefore provides a unique working context for study, especially when the continuum of land rights is viewed from below, from the perspective of local communities.

### ***Cambodia Context***

Cambodia presents a unique case of a country that has experienced four major property regimes within a single generation due to decades of internal war and foreign occupation. French colonization and a return to monarchical rule (1953-1975) was followed by land collectivization under the Khmer Rouge (1975-1979), then partial de-collectivization under Vietnamese occupation, and finally the move towards privatization after 1989 (Quizon, 2013). In 1975-79, the Khmer Rouge regime abolished private property, destroyed cadastral maps and wiped out the entire administrative and institutional infrastructure of the land system. Decades of war and forced relocation resulted in the massive movement of millions of people and the loss of property rights.

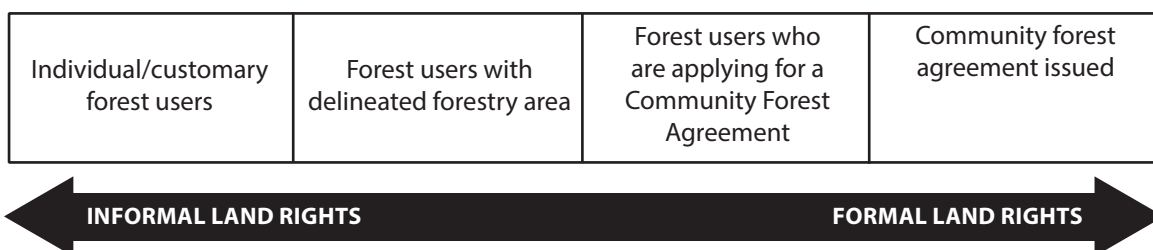
After the Vietnamese departed in 1989, Sub-Decree 25 was enacted, permitting Cambodians to buy and sell land. However, land disputes arose in the process of reclaiming lands. In 1992, the Basic Land Law was then promulgated; but in the period of 1993-2000, the recourse to markets, inappropriate use of power and the absence of effective measures to protect peasants resulted in landlessness, land concentration and land insecurity. There were no public institutions able to tackle land tenure problems. Thus, the priority was to create a strong legal basis to allow for the establishment of land tenure institutions. In this context, the 2001 Land Law introduced a cadastral system, a central registry of titles and a land classification system.

In Cambodia today, the State directly owns and manages 80 percent (14.5 million hectares) of the country's 18.1 million hectares.<sup>1</sup> However, State land management has favored large-scale economic land concessions (ELCs) to private entities; today, some 20 percent of State lands (3.6 million hectares) have already been awarded to large-scale agricultural concessionaires. In the wake of heightened violence and conflict between concessionaires and displaced communities, the Prime Minister in May 2012 issued a moratorium on granting ELCs, and Order 01 to initiate a land titling campaign in those areas of conflict between concessionaire companies and existing communities on State land. Thus, the challenge facing many small farmers is how to formalize their land property rights under the 2001 Land Law in the face of competing claims. Central to this is the formalization of individual and collective tenure rights over State lands (domain), to include lands classified as forest lands and agricultural lands.

In the Cambodia case study, two land rights continuums were formulated. *First*, the land rights continuum for State-owned *forestlands* illustrates a process of how informal settlers in forest communities gradually gain increasing State recognition of their “possession” rights or claims over forestland, leading towards obtaining Community Forest certificates (rather than land titles).

It identifies four main categories or phases in this land rights continuum. The specific areas of study are two forest communities located in Pursat Province in Western Cambodia.

**Fig. 2. Continuum of Tenure Rights for Forest Users in Cambodia**

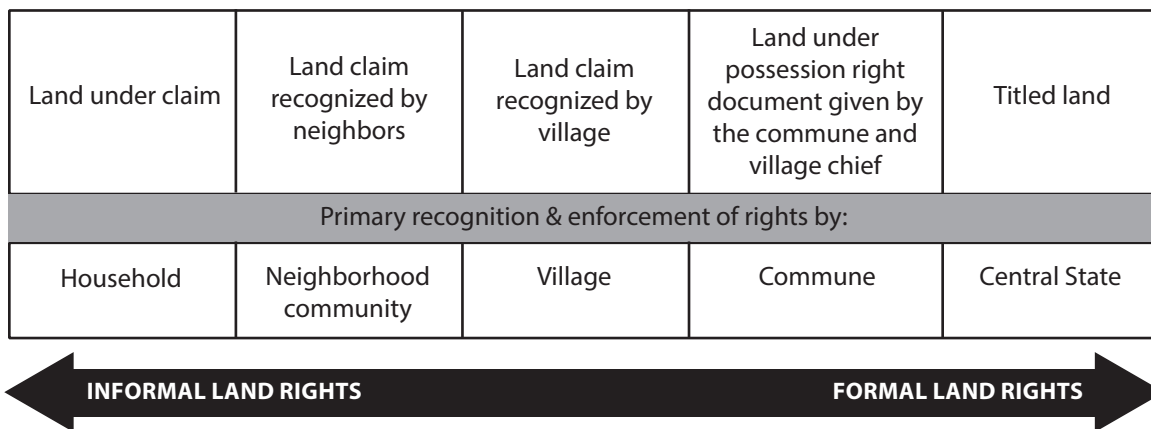


*Second* is the case of Cambodia's land rights continuum for State grants of *agricultural lands*. Five categories of tenure were identified based on an analysis of increasing rights recognition and the enforcement of such rights. A cursory look into which institutions actually provide and enforce land rights was instrumental in identifying the different categories, as it allows for an understanding of the

<sup>1</sup> In comparison: in the Philippines, the State controls 53 percent of the country's land area (2015 data); and in Indonesia, the State controls 62 percent of the country's total land area.

abundance or absence of legal rights for farmers. These categories were then viewed against the bundle of rights made available to farmers according to who (or which institution) recognizes and enforces the farmer's land rights. The continuum also demonstrates how local institutions might provide some level of recognition or protection to local land claims even in the absence of official recognition by the central State.

**Fig 3. Continuum of Tenure Rights among Tillers of State Agricultural Lands in Cambodia**



***Nepal Context***

Nepal is a country where the land systems have been governed by statutory laws, as well as historically by customary and non-formal practices. In a country where indigenous ethnic groups comprise 37 percent of the population, customary laws continue to play an important role in the management of land, and in the exercise of tenure rights.

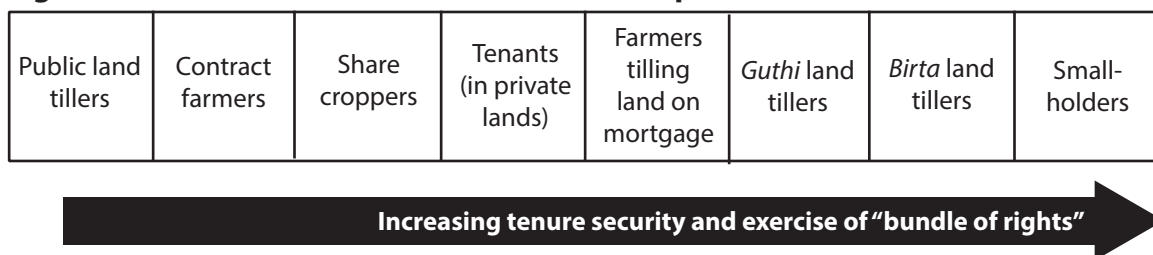
The system of land tenure has evolved into various forms and phases over the years. Historically, State ownership was the traditional form of land tenure in Nepal, as the land belonged to the State and its rulers (monarchs). After 1946, six major types of land were officially recognized: *Raikar*, or State-owned land on which the State levies taxes; *Birta*, or land grants awarded to individuals by the State; *Jagir*, where civil servants were authorized to collect land taxes; *Rakam*, or lands temporarily assigned as compensation to particular workers; *Kipat*, or land collectively owned by the community and managed under usufructory rights, and *Guthi*, or land allocated for the purpose of religious, charitable, cultural or

social functions, which was sometimes farmed by tenants. Today, however, only two major types of legal tenure prevail in terms of *Raikar* and *Guthi*, as many of the other land types were legally subsumed under *Raikar*. Currently, *Raikar* covers both privately-owned and State-controlled and managed lands, while *Guthi* refers to trust lands (of four types). Meanwhile, a third type of tenure exists in terms of the growing slums and settlements of landless and homeless people, also called *informal tenure*.

In the Nepal case study, the land rights continuum illustrates eight major types of smallholder farmers, based on their legal tenure and bundle of rights effected under contemporary law.<sup>2</sup> These include: public land tillers, contract farmers, sharecroppers, tenants (on private lands), farmers tilling land on mortgage, *Guthi* land tillers, *Birta* land tillers and smallholders. Yet, as noted in the Nepal case study, this continuum presents a somewhat simplified picture of reality, for actual tenure relations in rural areas are much more diverse and complex. For example, while much of customary practices of land resource management have been eroded by statutory land laws, indigenous communities of the hills and mountains still manage rangelands and pastureland based on community traditions and institutional norms. Also, several sub-categories of tenurial arrangements exist under both *Raikar* and *Guthi* land. Finally, feudal and exploitative practices continue to exist, such as *Haliya* and *Haruwa*, and forms of bonded labor that are considered illegal under the law.

The Nepal case study had informant-groups from 20 communities representing different categories of land-poor farmers, and distributed by geo-ecological region (*Tarai*, Hills, High Hills). The FGD groups also focused on different tenure groups of women, different indigenous (minority) communities (*Tamang*, *Thami*, *Sherpa*) and groups of different castes (*Dalit*, *Brahmin*, *Chetri*).

**Fig. 4. Continuum of Smallholder Farmers in Nepal**



<sup>2</sup> For Nepal, small farmers are defined as having less than half of a hectare of operational farmland.

## ***Philippines Context***

The Philippines is a country with a long history of agrarian reforms since the 1950s. Major land reforms were legislated in 1955 and 1963 in direct response to escalating agrarian and social unrest, yet their implementation was stifled by landowning interests entrenched in power, and by the lack of government support and implementation. In 1972, the martial law regime instituted a land-to-the-tiller act, but this was limited to tenanted farms planted to rice and corn, which were hotbeds of agrarian unrest, while large plantations in other crops (e.g., sugarcane) remained untouched.

Following the 1986 revolution that ousted the dictatorship, and with the formulation of a new constitution, the Comprehensive Agrarian Reform Program (CARP) was instituted in 1988 that aimed to redistribute land and to reform tenure arrangements over some 9.1 million hectares of existing private farms and public lands deemed suitable for agriculture. However, over the years the implementation of CARP has shown to be slow and cumbersome, in part due to the complexity and scope of the program, corruption in the bureaucracy, the poor state of land records and system of land administration, as well as agrarian disputes especially involving private lands.

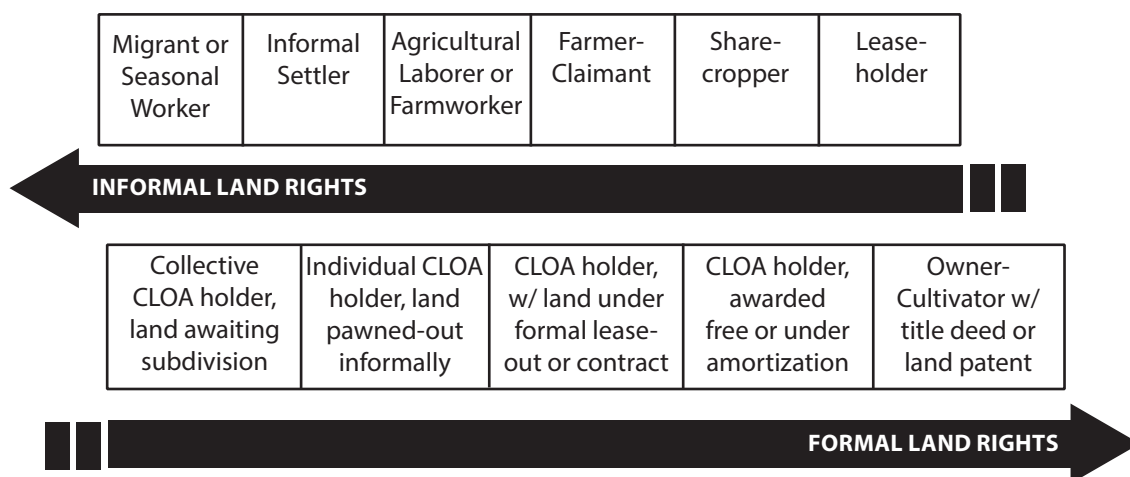
Consolidated data show that, between 1988 and December 2015, a total of 5.2 million farmer-beneficiaries were awarded *direct land ownership* over 7.3 million hectares. These consisted of 2.8 million beneficiaries in 4.7 million hectares of *existing private farms*, and 2.4 million beneficiaries who were awarded land patents over 2.5 million hectares of *erstwhile State lands* that were transferred as private property. Also in private lands, an undetermined number of farmers have benefited from tenancy reforms under CARP, with the institution of leasehold (fixed rental) arrangements for tenanted lands retained by landowners.

However, an estimated 600,000 eligible beneficiaries have yet to be covered by the program, as of December 2015. Moreover, many *existing* beneficiaries are unable to fully exercise their land rights, or experience insecurity over their tenure. Many of those who have been awarded lands under collective titles are still awaiting legal partition of the land into their individually-assigned plots. Farmer cooperatives have entered into various long-term contracts (long-term lease, joint venture, marketing contracts) with large agribusiness companies under problematic contractual arrangements unfavorable to smallholders.

Some may have received their land award documents but do not have actual possession of the land, and are prevented from doing so. Sharecropping systems continue despite being declared illegal under the law. Some awarded lands may be under dispute or competing claims. Also, many farmers are known to have illegally pawned their awarded lands due to poverty and indebtedness.

Thus, in the Philippines case study, the land rights continuum illustrates a set of 11 different tenure categories of lowland farmers and farmworkers in alienable and disposable lands.<sup>3</sup> The continuum – from informal to formal rights – categorizes farmers and farmworkers according to their (a) *physical access* and actual use of the land, and (b) their *tenure instrument* and legal recognition of rights over the land, which includes the various milestones towards land ownership provided under CARP. The field study focuses on two main crops – rice and sugarcane – owing to the high poverty incidence and the different prevailing tenure systems in these two crops. The focus of the study are 22 small farming communities in the provinces of Iloilo (for rice) and Negros Occidental (for sugarcane).

**Fig. 5. Land Rights Continuum for Farmers in A&D Lands, Philippines**



\*Note: CLOA refers to the “Certificate of Land Ownership Award” given to beneficiaries under the Comprehensive Agrarian Reform Program.

<sup>3</sup> In the Philippines, all lands are either public domain (State-owned) or alienable and disposable (A&D). Only A&D lands can be privately owned, (which include agricultural lands). State-owned (non-A&D) lands, on the other hand, are subject only to usufruct and resource utilization rights under certain conditions.

## Summary

Table 1 provides a summary of how the continuum of land rights has been applied in the different country contexts.

**Table 1. Summary of the Continuum of Land Rights as Applied to Different Country Contexts**

	<b>CAMBODIA</b>	<b>NEPAL</b>	<b>PHILIPPINES</b>
<b>FOCUS OF CONTINUUM</b>	Formalization of rights in State lands	Tenure status among small producers in the context of cultural & geophysical diversity, & pending land reforms	Tenure status of farmers in alienable and disposable (A&D) agricultural lands in the context of agrarian reform
<b>CONTINUUM TOOL</b>	2 processes: (a) 4 stages towards community <i>forestry land</i> (usufruct) rights, and (b) 5 stages towards titling of State <i>agricultural land</i>	7 major tenure types of land-poor farmers, based on their legal tenure and bundle of rights	11 tenure categories of lowland farmers and farmworkers in A&D lands
<b>BASIS FOR CONTINUUM</b>	Bundle of rights  Institutions providing recognition	Type of tenure instrument  Bundle of rights	Physical access  Type of tenure instrument  Bundle of rights
<b>FGDs CONDUCTED</b>	7 FGDs in 2 communities; 110 households	20 FGDs in 3 geophysical regions; 190 households	22 FGDs in 2 provinces
<b>OTHER BASIS FOR FGDs</b>	—	caste, women, geophysical regions ( <i>Tarai</i> , Hills, High Hills)	crops (rice and sugarcane)

## Summary of Major Findings from the Community Studies

### *Housing and Homelots*

In the Philippines case study, those with formal tenure instruments such as a title or Certificate of Land Ownership Award (CLOA) or Emancipation Patent (EP) feel that they have tenure security in their homelots, with no threat of being evicted. On the other hand, informal settlers, agricultural laborers, and tenants

(sharecroppers and leaseholders) feel that they have no tenure security over their homelots, as they are vulnerable to decisions of the landowner. It may be

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***“Those who own and control land are able to plan according to their household needs, including for food needs and long-term food security. These include decisions regarding crops to plant, use of labor, production inputs, consumption and marketing of produce, as well as long-term investments on the land.”***

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noted that in most of the FGD sites, respondent families have been living in their communities for around 30 years.

In the Nepal case study, tenure security over one’s house and homelot is positively correlated not just with *ownership* documents, but also with *tenancy certificates*, *provisional documentary evidence of settlement/cultivation*, *certificates of settlement* issued by local government units, and *certificates of landlessness* issued by the Landless Problem Solving Commission. Households also feel secure over their homelots if they have organizational strength and are organized into Village Land Rights Forums (VLRf) and District Land Rights Forums (DLRF). On the other hand, those who have no documentary evidences of their tenancy, settlement or those without certificates of

landlessness do not feel security of tenure over their homelots.

In the Philippines case study, households with legal tenure tend to have houses built with permanent housing materials and tend to occupy larger homelots than those with informal tenure.

### ***Livelihoods and Income***

In all three countries, farming (land) is the main source of livelihood. Both men and women heads of household engage in farming. Those who own and control land are able to plan according to their household needs, including for food needs and long-term food security. These include decisions regarding crops to plant, use of labor, production inputs, consumption and marketing of produce, as well as long-term investments on the land. However, these decisions are not open to land claimants, landless agricultural workers and tenants.

There are slight differences in the way small farmers and workers perceive the stability of their livelihoods.



- a. The Philippines case study found that those who own and control land consider their livelihoods and income sources to be stable and secure. On the other hand, farmworkers and tenants consider their income sources to be “temporary” and “unstable” as they are wholly dependent on decisions of the landowner.
- b. The Nepal case study found that farmers generally consider farming as a permanent source of employment if and when they receive their portion of yields or on-farm income periodically during every harvest.

Given the seasonality of farming, nearly all households have *secondary* sources of income. In the Philippines case study, those with land tend to engage in secondary on-farm activities such as poultry and livestock raising, or raising cash crops. Others work as paid farm laborers.

In the Nepal case study, rural households have to diversify their livelihoods as a conscious strategy to survive, as reliance on agriculture alone is often not sufficient for families to meet their basic food requirements. Agricultural labor is often paid in kind. However, there is gender discrimination in the wage structure, as female laborers receive Rs. 100 less than male laborers. Meanwhile, non-agricultural labor (paid in cash) usually consists of construction work, employment in brick kilns, collecting pebbles/stones from rivers, and serving as tourist trekking guides and porters.

### ***Migration***

Due to poverty, low and unstable agricultural productivity and the lack of local employment opportunities, there is a continuing out-migration of the economically-productive youth from the rural areas in all three countries.

In the Nepal case study, each of the 20 FGD groups had at least one family member who migrated overseas to find work. Rural out-migration in Nepal seems to be driven largely by “push-factors” – grinding poverty, landlessness, limited landholdings, indebtedness, lack of work opportunities, subsistence agriculture and political instability. Remittances from family members overseas play a paramount role in ensuring food security among smallholder farmer households.

In the Nepal case study, as young males migrate to cities and abroad in search of work, agricultural tasks tend to be left in women's hands. And as agriculture is increasingly feminized, it will be increasingly important to ensure equal tenure rights for women. Moreover, the Nepal case found that some young women have also begun migrating overseas for employment. These women belong to certain indigenous ethnic groups of the Hills and High Hills, where there is relative egalitarianism with regards to women.

In the Cambodia case study, migration appears to be driven more by "pull-factors," as family members move from the village to the commune, district or province to open a small business, to study in school, or to work in a factory. Oftentimes, the family members relocate their residence to save income from travel. Only a few migrate abroad to work as construction workers in Thailand.

In the Philippines case study, the lack of investments and employment in rural areas drive family members to seek work in urban centers or abroad. However, only those with land ownership (titles, CLOAs, EPs) are often able to send family members (usually women who finished at least high school) to the city or abroad for employment. In turn, remittances from Filipino migrant workers provide the needed buffers for families during the hunger months and in times of calamity.

### ***Credit and Inputs***

In all three countries, most of the respondents (regardless of tenure status) took loans for various purposes. In the case of Cambodia, 95 percent of all respondents took loans for (in order of priority): investment in farming, health and medicine, children's education, and to purchase goods. In the case of the Philippines, loans were used primarily to buy farm inputs.

Sometimes, land is directly used as collateral for loans – both for formal and informal credit sources. In the Philippines case study, distressed farmers pawn their newly-awarded lands (under agrarian reform), even though it may be illegal under the law. The Cambodian case study reported that land titles are commonly used as collateral for loans from banks and microfinance institutions. Where land is used as collateral, one bad harvest might cause a farmer to lose his/her land altogether.

In the Nepal case study, 154 out of 190 households took loans over the past year. The majority (56 percent) took loans from banks and formal credit sources, while a sizable portion (44 percent) depended on traditional moneylenders. In Nepal, banks have increasingly begun reaching villages for credit lending, especially those in the *Tarai* due to better road infrastructure and aggressive penetration of the market economy. Banks offer loans at 14 to 18 percent annual interest. However, landless farmers – including low-caste groups traditionally working on *Guthi* trust land and marginalized *Tarai* indigenous groups still resort to traditional moneylenders for credit. The interest rates charged by moneylenders range from 36 percent to 60 percent per annum. These interest rates are much higher in the *Tarai* among the landless, *Dalits* caste group, and among the marginalized indigenous peoples, even higher than the reported highest interest rate of 36 percent per annum in the Hill and High Hill regions.

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***“Improved tenurial status provides households with a better sense of overall security that comes from the independence to make informed decisions about their livelihoods.”***

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Similarly, in the Philippines case study, the FGD findings seem to indicate that those with formal and legal tenure rights tend to have better access to formal credit sources at lower interest rates than those who are landless or have informal tenure. In the Philippines, banks and formal lending institutions may require documentary evidence of ownership or legal tenure, and of sources of income in order to avail of formal credit.

It should be noted here that family, kin and the community generally continue to be the traditional main sources of support when emergencies and household needs do arise. But because families within the same village or community tend to face similar conditions and cycles (poverty, drought, famine, typhoons, seasonal hunger), they often have to resort to *external* sources (including remittances) for credit and assistance.

In the case of Nepal, local credit and savings groups and cooperatives have helped to reduce dependence on traditional moneylenders who charge usurious rates. In other communities, the *movement fund* under the VLRFs organized by CSRC, have become the main source of credit for its members. Loans were obtained and used for the treatment of sick household members (health), agricultural

inputs, household construction, and for special events (mortuary rites, marriage ceremonies, and the cultural practice of *tilak* or paying cash money to the groom).

In addressing seasonal hunger, study teams in Cambodia and Nepal also found some interesting community self-help initiatives to avert famine in the local community during food-scarce periods in the agricultural cycle. These include the *community foodgrains storage* (or *dharma bhakari*) in Nepal, and *community rice banks* in Cambodia. In both cases, member-households each contribute a certain amount of grain during the time of harvest to a pool, from which they can withdraw or buy during critical periods of the year.

### ***Tenurial Status of Farmlands***

Improved tenurial status provides households with a better sense of overall security that comes from the independence to make informed decisions about their livelihoods. For instance, farming households with secure access or ownership over land are able to more efficiently allocate their resources to improve productivity, unlike farmworkers or tenants who have to consider their landowners in the decision-making process.

A very large portion of the landless and land-poor have undocumented tenure. Claimants/tillers, farmworkers and tenants in the continuum of land rights have a higher chance for enjoying their use, control or decision-making rights over the land if they possess *tenure instruments* (including documentary evidence thereof). In the Nepal case study, these include *certificates of settlement*, *certificates of landlessness*, *certificates of ownership of homelots*, or *sharecropping agreements*. There are also *leasehold contracts* in the Philippines, and *Community Forest Agreements* in Cambodia.

In the Philippines case study, those with formal tenure rights tend to have larger farmland sizes. Land reform beneficiaries (CLT holders, collective CLOA, EP holders) tend to cultivate an average of one hectare, while land claimants and leaseholders cultivate only half of a hectare on average. Particularly among Filipino *rice* farmers who consider farming as their primary source of food, farm size impacts directly on household food security. *First* is through the provision of food grains: those with at least one hectare tend to consider themselves as having an adequate supply of food, compared to those with half of a hectare or less tend to consider themselves as food deficit. *Second* is through farm

diversification which impacts directly on household nutrition, as larger farm sizes allow farmers to diversify their crops (e.g. to include vegetables) and to raise poultry and livestock. This adds greater variety to the food on the table.

Overall, the average farmland sizes vary widely across respondent-households in the three countries. In the Cambodia case study, the average farm size is 2.14 hectares, around one hectare in the study sites of the Philippines, and 0.43 of a hectare in the Nepal study sites. The Nepal case study found that 90 percent of all FGD participants across different tenure groups stated that they experienced food deficiency for nearly five months each year.

The tenure status also determines the distribution and disposition of the produce of farmlands, which directly impacts on household food availability and incomes. While owner-cultivators are entitled to their full harvest; amortizing owners (under agrarian reform in the Philippines) are required to pay installments for their land. Tenants pay land rentals (in cash or kind) to their landowners; while landless agricultural workers receive daily wages.

Since most farmers (especially tenants) almost invariably experience seasonal hunger, the specific sharing arrangements between landlord and tenant can thus dictate the length and severity of the “hunger months” each year. Under tenancy systems, the sharing arrangements and rights of tenants (informal, formal) vary widely within and among the different countries. In the Philippines case study, leaseholders under formal contracts are entitled to the equivalent of 75 percent of the produce, while shareholders (mostly informal) receive a lower share. In the Nepal case study, traditional sharecroppers receive only 50 percent of their harvests, while short-term contract farmers under the *honda* system may receive as low as 25 percent of their harvests.

One issue often overlooked is women’s rights to land. In the Nepal case study, for instance, there is a culture of discrimination against women which is deep-rooted in the *Tarai* social structure because of the caste-based patriarchal system. Regarding women’s ownership of land, the FGDs revealed that only 47 households (out of 190) have women possessing land ownership certificates – either as single owners, or as joint owners together with the husband.

It should be noted here that secure land rights for women ensures better food security for the household. A growing amount of literature shows that when

productive assets (including land) are placed in women's hands, more benefits flow directly to the children. In Nepal, a study showed that the likelihood that a child is severely undernourished is reduced by half if the child's mother owns land. Households where women control greater shares of assets and land at marriage have shown to spend more on basic household needs, such as food, and on children's welfare and education.

### ***Perceptions of Food Security***

In all three countries, farming is the main source of *food* (primarily staples and grains), regardless of the tenure status. This is true among rice farmers in the Philippines study sites where rice cultivation is primarily geared for household consumption, augmented by backyard gardens and the raising of farm animals. In the Cambodia study sites, farmers grow paddy rice, corn, cassava, farm animals as well as small-scale cash crops such as cashew. In the Nepal study sites, paddy rice (both irrigated and rainfed) is the main crop in the *Tarai*; maize is the primary crop in the Hills; and potato is the main crop in the High Hill region. In the Nepal case study, in 14 out of the 20 FGDs, participants said that 100 percent of their primary crop is used for household consumption.

A smaller number of groups/communities primarily grow *cash crops for income* to buy food for the household. This includes sugarcane farmers in the Philippines study sites, where sugarcane was earlier introduced as a colonial crop and used to be farmed by landless workers (who are now agrarian reform beneficiaries). In the Nepal case study, farmers from six FGD sites also sell part of their primary produce (besides household consumption); however, the amount is marginal, with the sole exception of one site in the High Hill region where 75 percent of the potato produce is sold in order to buy rice.

Those who traditionally have no land have to sell their labor. For landless agricultural workers, the wages from both farm and non-farm labor is their main source of food for the whole year. However, agricultural work opportunities are seasonal and low-paying. In the Nepal study sites, agricultural workers also look for non-farm employment during the agricultural off-season such as in brick-kilns and stone/sand collecting. Yet these are still insufficient to meet household food security.

In all three countries, many farming households said that they experience *seasonal hunger*, as the production or income from agriculture is often not enough to meet household food requirements. However, the country studies show some differences in pattern on how food security is linked to tenure.

In the Philippines study sites, where agrarian reform has been widely implemented, *rice* farmers said that they had sufficient food supply, whereas *sugarcane* farmers said that they experience seasonal hunger each year. The pattern of responses seemed the same, regardless of one's tenure status. While rice is a crop traditionally grown on family farms, sugarcane used to be grown on colonial plantations based on wage labor. Sugarcane has a cropping cycle of nine to 10 months, and the lean months would be three to four months. Also, there is little or no crop diversification on sugarcane farms.

However, the *diversity* of food is linked to tenurial status. *Rice* farmers with weak tenure (agricultural workers, sharecroppers) said that while their household food supply appears sufficient, they lack *diversity* of food (and nutrition) in their diets, due to low wages or lack of land where they could grow other crops.

In the Philippines case study, the overall perception of food security is directly connected to tenurial status. Those who are secure about land ownership are also secure about the sufficiency and diversity of their food supply. Food security is also linked to land size, productivity, and the absence of natural disasters.

In the Cambodia case study, 45 percent of respondent households said that they experienced seasonal hunger or the lack of food for four months (August to November) immediately before the harvest season. Food insecurity was linked to: low agricultural production, lack of access to viable livelihoods, poor health, and lack of access to clean and safe potable water.

In the Nepal case study, most respondents said they experience food insecurity for nearly five months each year, especially during the waiting period before

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***“In the Philippines case study, the overall perception of food security is directly connected to tenurial status. Those who are secure about land ownership are also secure about the sufficiency and diversity of their food supply.”***

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the harvests (of the primary and secondary crops). This seasonal lack of food is experienced by different tenure groups in the *Tarai*, Hills and High Hills. This is also the period when the demand for agricultural labor is low, so there is a lack of available employment. Some problems cited are: low yields, absence of irrigation, lack of timely availability of seeds and agricultural inputs, and weather (drought). There are a few exceptions, such as *Tarai* areas with irrigation systems that result in higher cropping intensity and higher agricultural crop yields.

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***“Although security of land tenure is cited as a key factor for ensuring food security, in the Nepal case study, respondents link food security to many other factors, such as availability of employment opportunities, presence of irrigation and inputs, reasonable prices for farmer’s agricultural produce....”***

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There is some diversity of food to satisfy the household nutritional needs across all sites, with the consumption of rice, pulse, bread and vegetables although meat or fish are limited due to low incomes. However, those with weak tenure are unable to meet their nutritional needs – i.e., landless agricultural laborers, non-agricultural workers and *Dalits* have limited diets and consume mostly rice, potatoes and vegetables only and thus suffer from nutritional deficiency.

Although security of land tenure is cited as a key factor for ensuring food security, in the Nepal case study, respondents link food security to many other factors, such as availability of employment opportunities, presence of irrigation and inputs, reasonable prices for farmer’s agricultural produce, remittances, crop protection, and income

generating opportunities at the household level.

Thus, the factors cited for ensuring household food security are: (a) ensuring security of tenure for land tillers and occupants through the issuance of legal instruments; (b) providing safe land for the landless; (c) providing irrigation to increase cropping intensity; and, (d) creating local employment opportunities. Security of tenure would provide the incentive for more intensive cultivation, higher investments in agricultural inputs, and long-term investment in facilities such as irrigation.



## ***Perceptions of Community Problems***

In both the Nepal and Philippines case studies, the FGDs identified a long list of major problems affecting their respective communities. The Nepal groups cited weak tenancy rights, high land rents, threats and eviction in public lands, lack of legal documentation, lack of irrigation and impact of monsoon floods, lack of employment, inadequate local facilities, unsafe drinking water, marketing support, and lack of fair-price shops for the poor. The Philippine groups mentioned problems with potable water, roads, understanding land reform laws, etc. In other words, the community problems raised were beyond issues of land access and tenure.

The role of government in addressing these issues was emphasized – that is, through formulation of responsive laws and policies, and their immediate implementation through the provincial, district and village-level agencies. But in order for government to act, there needs to be pressure from local land-poor organizations – in the case of Nepal, through increased advocacy campaigns supported by CSOs such as CSRC and the National Land Rights Forum (NRLF).

Membership in local organizations was seen as important, in order for poor farmers to undertake self-help initiatives (e.g., credit, inputs, marketing) as well as to advocate for changes with a collective voice.

In the Cambodia case study, which focuses on communities in State-owned forests and in State agricultural lands, there is insecurity over the land which is linked to wider issues. The largest cause of insecurity was poverty, followed by land grabbing, corruption, lack of food, lack of land for the next generation, and inadequate access to health care. Forced and distress land sales added to this insecurity.

Conversely, the main sources of security were: having a land title, schooling opportunities, affordable healthcare, strong community networks

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***“Although land titles were seen as an important source of security, many people in the study felt that it did not provide full security. Most were still worried that their land would be taken away, nor did they trust the judiciary.”***

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and supportive local authorities. Land food and livelihood were seen as linked, and even those with no land disputes said they lacked security as they did not receive adequate agricultural extension of fair prices for their products.

Although land titles were seen as an important source of security, many people in the study felt that it did not provide full security. Most were still worried that their land would be taken away, nor did they trust the judiciary. Sometimes, there was land grabbing even during the titling process, which causes land values and predatory purchases to increase. However, some communities were satisfied with the titling process. Knowledge of the legal framework and official processes was limited. Even commune officials seemed unclear about their role in resolving land disputes or marital property issues. Some local officials were involved in land disputes themselves.

## Links between Land Tenure and Food Security

Upon review, the above findings may be summarized in the following statements:

### ***Tenure Instruments***

Majority of the landless and land-poor have undocumented tenure. Thus, claimants/tillers, farmworker and tenants in the continuum of land rights have a higher chance of enjoying their use, control or decision-making rights over the land if they possess *tenure instruments* (including documentary evidence thereof).

***“In the Philippines study sites, where agrarian reform has been widely implemented, rice farmers said that they had sufficient food supply, whereas sugarcane farmers said that they experience seasonal hunger each year.”***

However, tenure instruments are often not enough. In the Cambodia case study, which focuses on communities in State-owned forests and in State agricultural lands, tenure insecurity is linked to wider issues. The cited causes of tenure insecurity were poverty, followed by land grabbing, corruption, lack of food, lack of land for the next generation, inadequate access to health care, and cases of forced and distress land sales.

The main sources of tenure security cited in the Cambodia case study were: having a land title, schooling opportunities, affordable healthcare, strong community networks, and supportive local authorities.

### **Food Security**

In all three countries, farming is the main source of *food* (primarily staples and grains), regardless of the tenure status. A smaller number of groups/communities primarily grow *cash crops for income* to buy food for the household.

In the Philippines study sites, where agrarian reform has been widely implemented, *rice* farmers said that they had sufficient food supply, whereas *sugarcane* farmers said that they experience seasonal hunger each year.

In all three countries, many farming households experience *seasonal hunger*, as the production or income from agriculture is often not enough to meet household food requirements.

Those who have no land sell their labor. However, agricultural work is seasonal, unstable and low-paying.

Many farming families with insecure tenure also suffer from nutritional deficiency. In the Philippines and Nepal case studies, it was observed that landless agricultural laborers, sharecroppers and *Dalits* also have limited diversity in their diets (and possibly lack of nutrition) – due to unemployment, low wages and lack of access to land to grow other crops.

While security of land tenure is cited as a key factor for ensuring food security, food security is linked to many other factors, such as availability of employment opportunities, presence of irrigation and inputs, reasonable prices for farmers' agricultural produce, remittances, crop protection, and income generating opportunities at the household level.

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***“Many farming families with insecure tenure also suffer from nutritional deficiency. In the Philippines and Nepal case studies, it was observed that landless agricultural laborers, sharecroppers and Dalits also have limited diversity in their diets...”***

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***“Tenure status determines the distribution and disposition of the produce of farmlands. While owner-cultivators are entitled to their full harvest; amortizing owners are required to pay installments for their land. Tenants pay land rentals while landless agricultural workers receive daily wages.”***

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### ***Homes and Homelots***

Those with formal tenure instruments feel that they have tenure security in their homelots, with no threat of being evicted. Those without formal tenure feel vulnerable to decisions of the landowner.

Tenure security over one’s house and homelot is positively correlated not just with “ownership” documents, but also with *tenancy certificates, provisional documentary evidence of settlement/cultivation*, and even *certificates of settlement and proof of occupancy*. *Tenure security can be seen as a continuum.*

In many areas, households with legal tenure tend to have houses built with more permanent housing materials and tend to occupy larger homelots than those with informal tenure.

### ***Livelihoods and Income***

Those who own and control land generally consider their livelihoods and income sources to be stable and secure. On the other hand, farmworkers and tenants consider their income sources to be “temporary” and “unstable” as they are wholly dependent on decisions of the landowner.

Nearly all households have *secondary* sources of income as a way to address the seasonality of work and the inadequacy of harvests. Diversification of livelihoods is a survival strategy as reliance on agriculture alone is often not sufficient for families to meet their basic food requirements.

### ***Farm Management***

As farming (land) is the main source of livelihood, those who own and control land are able to plan according to their household needs, including for food needs and long-term food security. However, these decisions are not open to land claimants, landless agricultural workers and tenants.

Ownership status provides households with a better sense of overall security that comes from the independence to make informed decisions about their livelihoods.

### ***Farm Size***

Those with formal tenure rights tend to have larger farmland sizes. Farm size impacts directly on household food security either through the direct supply of food or through farm diversification, which impacts directly on food variety and household nutrition (as larger farm sizes allow farmers to diversify).

### ***Sharing and Disposition of Produce***

Tenure status determines the distribution and disposition of the produce of farmlands. While owner-cultivators are entitled to their full harvest; amortizing owners (under agrarian reform Philippines) are required to pay installments for their land. Tenants pay land rentals (in cash or kind) to their landowners; while landless agricultural workers receive daily wages.

Also, since most farmers (especially tenants) invariably experience seasonal hunger, the specific sharing arrangements between landlord and tenant can dictate the length and severity of the “hunger months” each year.

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***“Those with land are able to access better credit from formal sources with lower interest rates. Those with weak tenure often have to resort to moneylenders who charge usurious interest.”***

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### ***Credit and Inputs***

In all three countries, most of the respondents (regardless of tenure status) took loans for various purposes. Sometimes, land is directly used as collateral for loans – both for formal and informal credit sources. But where land is used as collateral, tenure security is threatened, as one bad harvest might cause a farmer to lose his/her land altogether.

Those with land are able to access better credit from formal sources with lower interest rates. Those with weak tenure often have to resort to moneylenders who charge usurious interest.

The cost of credit in the informal market tends to be higher among the poor and those with weak tenure.

Traditionally, family, kin and the community are the main sources of support. But when emergencies arise, such as from natural disasters, families often have to resort to *external sources* (including remittances from relatives) for credit and assistance.

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***“In the Philippines case study, migration seems to be due to ‘push-pull factors’ as the lack of investments and employment in rural areas drive family members to seek work in urban centers or abroad.”***

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### ***Migration***

There is continuing out-migration of the economically-productive youth from the rural areas in all three countries. Migration in the Nepal case study has been driven largely by “push-factors” – grinding poverty, landlessness, limited landholdings, indebtedness, lack of work opportunities, subsistence agriculture and political instability. Remittances from family members overseas play a paramount role in ensuring food security.

As young males migrate to cities and abroad in search of work, agricultural tasks are left to women. And as agriculture is increasingly feminized, it will be increasingly important to ensure equal tenure rights for women.

In the Cambodia case study, migration appears to be driven more by “pull-factors” as family members move from the village to the commune, district or province to open a small business, to study in high school, or to work in a factory.

In the Philippines case study, migration seems to be due to “push-pull factors,” as the lack of investments and employment in rural areas drive family members to seek work in urban centers or abroad. However, only those with land ownership (titles, CLOAs, EPs) are often able to send family members (usually women who finished at least high school) to the city or abroad for employment. In turn, remittances from Filipino migrant workers provide the needed buffers for families during the hunger months and in times of calamity.

## **Support Groups**

Community self-help initiatives have been observed, such as savings and lending groups, cooperatives, and pooled *movement funds* under VLRFs. To address seasonal hunger, there are also *community foodgrain storages* (or *dharma bhakari*) in the Nepal study sites, and *community rice banks* in Cambodia.

Membership in local organizations is seen as important to enable poor farmers to undertake self-help initiatives (e.g., credit, inputs, marketing) as well as to advocate for changes with a collective voice.

## **Role of Government**

In all three country studies, the FGDs identified a long list of major problems affecting their respective communities. The role of government in addressing these issues was emphasized. But in order for government to act, there needs to be pressure from local land-poor organizations – and in the case of Nepal, through increased advocacy campaigns.

## **Governance**

Although land titles were seen as an important source of security, many people in the Cambodia case study felt that it did not provide full security. Most were still worried that their land would be taken away, nor did they trust the judiciary. Thus, *there can be no land tenure security without good governance.*

## **Reflection on the Methodology**

The continuum of land rights is a tool that has been used largely by State agencies and international organizations, often focused solely on *legal* tenure. But when constructed from a grassroots perspective, the continuum shows a very different picture of reality. This includes *de facto* tenure rights, or how families and communities actually practice and assert their tenure rights through traditional, customary and other forms that may lie beyond the legal and statutory framework. It also shows the *perceived* tenure rights of families and communities, which they associate with various other factors, such as livelihood, a sense of personal security, access to services, and food security. ■

## Acronyms

ANGOC	Asian Non-Governmental Organizations Coalition for Agrarian Reform and Rural Development
A&D	alienable and disposable (land)
CARP	Comprehensive Agrarian Reform Program
CLOA	Certificate of Land Ownership Award
CSO	civil society organization
DRLF	District Land Rights Forum
ELCs	economic land concessions
FGD	focus group discussion
FS	food security
GLTN	Global Land Tool Network
NLRF	National Land Rights Forum
VLRF	Village Land Rights Forum

## Definition of Terms

<i>Birta</i>	Tax-free land grants in favor of priests, religious teachers, soldiers and members of the nobility and the royal family
<i>Dalit</i>	Term used for the members of lower castes in Nepal
<i>Guthi</i>	Land held in trust by a certain community for public religious and social use
<i>Tarai</i>	Lowland regions at the foothills of mountains

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# Land Tenure and Food Security: Case Study of Two Forest Communities in Pursat Province, Cambodia

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Cambodia occupies a total area of 18,103,500 hectares (consisting of 17,651,500 hectares of land, and 452,000 hectares of inland waters). The State owns and manages 14.5 million hectares, or 80 percent of the country's total area, including all forested areas, most of the marine and fresh water resources, and cultural heritage sites. Large-scale agricultural properties totaling 3.6 million hectares or a fifth of the hectareage owned by the State are with private entities (RGC, 2010). Out of 10 million Cambodians, 8.5 million live in rural areas and are dependent on natural resources for their livelihoods (McKenny and Tola, 2002). They rely directly or indirectly on income from agriculture, forestry, and fisheries. Over two million people are employed in the fisheries sector and related activities (FAO, 2005). Fishing provides a diversified livelihood base which acts as an economic buffer for families in times of distress (CDRI, 2010).

Tenure insecurity stems from having too few rights, inadequate duration of rights, lack of assurance in exercising rights, or high costs of enforcement. Thus, tenure security is closely intertwined with land access in tackling issues of poverty and marginalized farming.

There are persistent human rights concerns over land-grabs associated with the Cambodian Government's economic land concessions (ELCs). As a reaction to this, the Cambodian Government's recent land policy has pursued the issuance

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This is an edited version of the Cambodia paper of the same title.

of thousands of land titles to people in land conflict areas. A study is needed to understand how people construct and experience their security and insecurity over land, and how people perceive the effects of tenure (in)security to their livelihoods and food security. This study uses a land continuum and a food security framework as tools to examine these issues.

## **Objectives**

The objectives of the study are: (a) to construct a land rights continuum to describe how forest communities in Cambodia gain recognition of their tenure rights; and, (b) to describe the relationship between land tenure and food security in forest communities in Pursat Province in Cambodia.

## **Methodology**

For this study, seven focus group discussions (FGDs) were conducted in two villages – three with community forest tenure in Trapeang Romdenh Village, Kbal Trach Commune, and four with agricultural land tenure in Beoung Smok Village, Svay Sor Commune, both in the Krokhor District in Pursat Province. These are communities where STAR Kampuchea has been working since 2012 and 2017, respectively. The FGDs involved 110 participants. Complementing these FGDs were meetings held with local authorities, a forestry administration officer and community forestry network members who attended a consultation on community forestry and agriculture land tenure.

## **Country Overview of Land Tenure, Hunger and Poverty**

### ***Land Tenure System***

After two decades of civil war and the Vietnamese occupation, agricultural land property rights in Cambodia were restored in the central plains during and following the 1993-2000 period. However, the recourse to markets, inappropriate use of power and the absence of effective measures to protect peasants resulted in a rapid recurrence of landlessness, land concentration and land insecurity. There were no institutions able to tackle land tenure problems. The concession system was reintroduced without proper guidance and control mechanisms. Mineral exploitation led to serious environmental degradation and did not contribute much to the national treasury despite big commercial revenues generated.

Conflicts arose around access and control over land and natural resources. And in attempts to tackle those issues, the Cambodian government first established new laws and regulations. The priority was to create a strong legal basis to allow for the establishment of land tenure institutions. This is the context in which the Land Law of 2001 was promulgated.

The 2001 Land Law differentiates between five different domains of property.<sup>1</sup> The land continues to be *owned by the State* unless its ownership has been legally privatized. *State public land* refers to State land with a public interest (roads, mountains, military bases, or land where a public service is delivered such as a school, an administrative post, public hospital land or land that has a natural origin such as forest, water bodies, river beds, and so on). In contrast, *State private land* is defined simply as all State land that is not State public land, and can be legally privatized. The *private domain* includes all land that has full legal private ownership. There is also ownership of *Buddhist properties* that exist within the premises of Buddhist monasteries, and the *indigenous community land properties* where indigenous communities have established residence.

The implementation of the 2001 Land Law embraced a number of ‘new’ formalization processes of land property rights. Central to these is the formal transfer of State property (domain) to private or collective property rights, and the differentiation between *State private* land and *State public* land. This is highly contentious because large-scale concessions to private entities have remained a central element of State land management in Cambodia.

There are three types of land concessions in Cambodia: (i) social land concessions (SLCs), (ii) economic land concessions (ELCs), and (iii) use, development and exploitation concessions (UDEEC). The core objective, according to the government, is two-fold: (i) to improve tenure security and access to land through a market-based land distributive system (relying on land titling, cadastral administration and land markets) and redistributive land reform through SLCs; and (ii) to stimulate investment to improve productivity and agricultural diversity under the system of ‘concessions.’

In May 2012, Prime Minister Hun Sen announced a moratorium on the granting of ELCs in a document now known as Order 01. In addition to freezing the granting of ELCs, Order 01 initiated an unprecedented land titling campaign in

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<sup>1</sup> Five different domains of property referenced by the Land Law of 2001 are: State land, ‘State private land,’ private land, monastery land and indigenous or community land property.

those areas where the land rights of people and companies overlap onto State land, a process called the ‘formalization fix’ (Dwyer, 2015). The decision by the prime minister to suspend the granting of ELCs through Order 01 was the result of a confluence of events. The violence of conflicts and confrontations between concessionaires and people reached a climax on 26 April 2012 when a prominent environmental activist was shot dead while investigating forest crimes and illegal logging. The issuance of Order 01 was seen as a political move to lessen social unrest one month before the commune elections and one year ahead of the legislative election in July 2013 (Diepart and Schoenberger, 2016).

### ***Poverty and Food Security***

Cambodia has made progress in reducing the number of people living in poverty over the past decade. Poverty rate declined from 53.2 percent in 2004 to 20.5 percent in 2011 (WB, 2014). Nonetheless, Cambodia still remains one of the poorest and least developed countries in Asia.

More than 60 percent of Cambodia’s population depend on subsistence farming for survival. In rural communities, rice is the staple food and is the main crop. Many families become extremely vulnerable during the “hunger gap” — the period between the last planting season and the next harvest, when rice stocks run out.

Despite the abundance of natural resources, Cambodia is one of the world’s poorest countries largely as a result of decades of war and internal conflict.

Cambodia has almost 4.8 million poor people, and 90 percent of them lived in rural areas in 2015. While most of them depend on agriculture for their livelihood, at least 12 percent are landless. Most of them practice subsistence farming and productivity remains low.

Seasonal food shortages hit about two-thirds of Cambodia’s 1.6 million rural households every year. Rural people are constantly looking for means to earn a living, but whatever they find is often temporary and pays poorly. Poverty is widespread among the country’s subsistence farmers, members of poor fishing communities, landless people and rural youth, as well as internally displaced persons and mine victims. The most disadvantaged are in the ranks of tribal peoples and women. Like in some countries, women are deprived access to education, paid employment and land ownership and other property rights.

## **Pursat Province: Study Area**

Agriculture is the main source of employment in Pursat province. The total number of people working in the sector continues to increase over time. Many households combine farming with non-farm rural and urban livelihoods, and wage labor and migration are increasingly central to rural people's livelihoods. Yet, control of access to land for production, access to common spaces for grazing cattle and gathering forest products, and the ability to grow some of the household's food needs remains a central part of many people's rural survival strategies. Even as the country becomes more urbanized, the surplus of youth entering the workforce and regional instability makes migration for wages an undependable option.

Due to lack of funds for agriculture, support for subsistence farming and smallholder cash crop production is limited. This leads to chronic food insecurity in many rural areas (Pursat District database, 2016).

Grinding poverty is rampant in upland areas. The poorest are in the districts close to the borders with Thailand, Lao People's Democratic Republic, and Vietnam. Fast population growth fuels poverty. Lack of education and skills training renders poor people unable to get adequate employment. Their access to natural resources is limited, and poor health, lack of education, poor infrastructure and low productivity sink them deeper in poverty. Land tenure insecurity affect many families in rural Cambodia.

## **Land Rights Continuum**

This section focuses on the process of formalization and recognition of the tenure rights of (a) users of State-owned forests and (b) tillers of State agriculture lands in the two villages. Users of State-owned forests may apply for a Community Forestry Agreement which grants usufruct rights and entitles a community to *collectively* use and manage the land for a period of 15 years. On the other hand, tillers of State-owned agricultural lands may apply for a legal *individual* title if they meet eligibility and registration requirements.

### **(1) Forest Users**

The user rights of community forestry (CF) members include: (a) Customary User Rights prescribed in Article 40 of the Forestry Law; (b) the rights to barter, process, transport and sell non-timber forest products (NTFPs) as described under Article 40(B), Item 5 of the Forestry Law of 2002; (c) CF members may continue

to practice traditional agriculture during specific periods of time as determined in the Community Forest Management Plan, as authorized under Article 37 of the Forestry Law; (d) the right to appeal decisions which impact CF members' rights; and (e) the rights granted under a Community Forest Agreement within a specific area that shall ensure the sustainable use of forest resources.

Communities under a Community Forest Agreement may harvest, process, transport and sell forest products and NTFPs in accordance with the following conditions:

- Harvest of forest products for selling or bartering shall not be allowed within the first five years of approval of the Community Forest Management Plan. If the Community Forestry Agreement has been operating with a Community Forest Management Plan prior to the passage of this Sub-Decree, then the moratorium on harvesting forest products shall be considered from the date of approval on that Community Forest Management Plan;
- Payment of any required royalties or premiums on forest products and NTFPs as prescribed in Article 55 of Forestry Law; and,
- Terms and conditions in an approved Community Forest Management Plan.

Based on the Community Forest Agreement, a CF member has the rights to plant, manage, harvest forest products and NTFPs and sell tree species as approved in a Community Forest Management Plan. Community Forest Agreements shall be in effect not more than a period of 15 years from the date of approval by the Forestry Administration Cantonment Chief.

Table 1 details the tenure types among forest users, while Figure 1 shows the same tenure types in terms of a continuum of land rights.

## ***(2) Tillers in State Agricultural Lands***

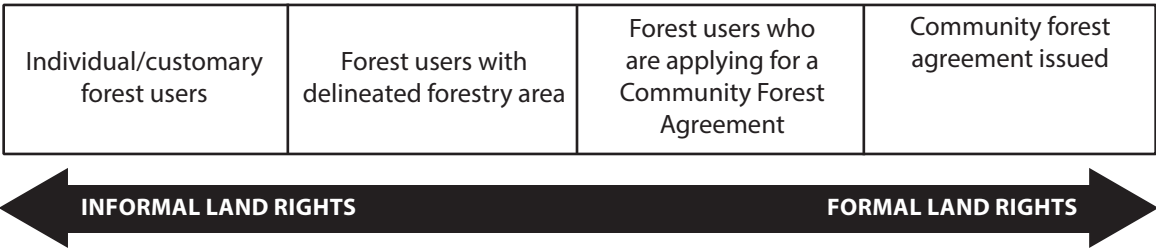
Claimants of State agricultural lands need to secure recognition from their villages, specifically their District/Khan Cadastral Administration, according to the registration guidelines stipulated in Sub-Decree No. 48 on Sporadic Land Registration (2002). The application for land registration sets off an adjudication process that involves an investigation of available documents, evidence and



**Table 1: Tenure Types among Forest Users**

No.	Forest tenure group	Description	Rights
1	Individual/ customary forest users	Individuals or households that harvest forest products or cultivate the land in State property	The 2002 Forestry Law (Article 40) recognizes customary users' rights to harvest, barter, process, transport and sell NTFPs and continue traditional agriculture.
2	Forest users with delineated forestry area	Group of forest users that collectively have their forest area delineated and recognized by the Provincial Governor	<p>Customary user rights to harvest, barter, process, transport and sell NTFPs and undertake traditional agriculture in the delineated area is restricted only to the group of forest users.</p> <p>Meanwhile, the group restricts and controls access to the delineated forest area on its own initiative.</p>
3	Forest users who are applying for a Community Forest Agreement	<p>Group of forest users that apply for a Community Forest Agreement with the Forestry Administration. The map of the delineated area is likewise submitted to the Forestry Administration.</p> <p>The group establishes a Community Forestry Committee and develops its internal structure and by-laws, and rights and responsibilities of members.</p>	<p>Group members continue to exercise their customary user rights.</p> <p>However, the group now exercises the formal right to restrict and control access to the delineated forest area, as recognized by the Forestry Administration.</p> <p>The group have an exclusive right to relate with local authorities and the Forestry Administration cantonment to support the development of community forestry agreement.</p>
4	Community Forest Agreement issued	The group has its Community Forest Agreement approved by the Forestry Administration. This agreement defines the relationship and obligations between the Community Forestry Committee and the Forest Administration Cantonment.	<p>The group of forest users through its Community Forestry Committee, has the right to manage the forest area for a period of 15 years. These rights include:</p> <ul style="list-style-type: none"> <li>■ right to enforce forestry laws and regulations;</li> <li>■ right to protect and conserve the area;</li> <li>■ right to control access of outsiders; and,</li> <li>■ right and obligation to develop a forest management plan.</li> </ul>

**Fig. 1. Continuum of Tenure Rights for Forest Users**



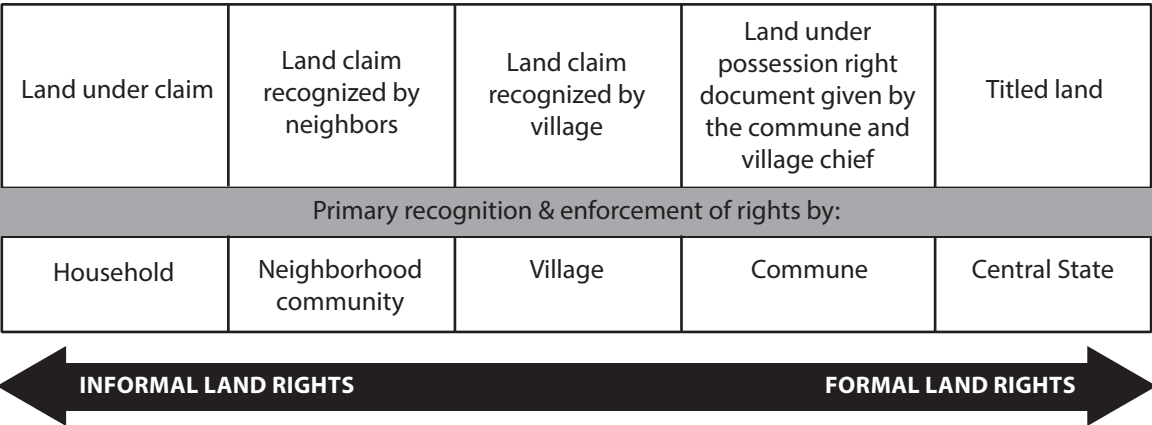
other written or oral information concerning the rights related to the parcel. Adjudication is based on the following requirements:

- land to be registered must have been occupied before 30 August 2001 or occupied for at least five years; and,
- land to be registered must have been occupied peacefully and without contestation.

Tillers in State-owned agricultural lands may be described through a continuum of land rights (Figure 2).

Table 2 details the tenure types among Tillers of State Agricultural Land.

**Fig 2. Continuum of Tenure Rights among Tillers of State Agricultural Lands**



**Table 2: Tenure Types among Tillers of State Agricultural Land**

No.	Status of land tenure	Description	Rights
1	Land under claim	Person or family enters State land, and clears the forest for agriculture.	This is exercised as an informal right, deemed illegal under the law. However, the law is not fully enforced.
2	Land claim recognized by neighbors	The farmer cultivates the land, and informs neighbors that he/she plans to use the land for the long-term. This informal land right is recognized by neighbors.	An informal right, which is not recognized by law, but the <i>actual use</i> of the land is recognized and protected by the local neighborhood from adverse claims.
3	Land claim recognized by village chief	The land claim is recognized by the village chief. The boundaries of the land are identified and documented, along with the adjacent plots.	The informal right to use and to pass inheritance of the land to children is recognized and protected by the village.
4	Land under possession right document given by the commune and village chief	The land use and the land claim are legally recognized by the commune through the issuance of a "possession right" document.	The farmer gains the right to use and manage the land. The land is also protected by the commune and the village from adverse claims. Sometimes, the holders of possession rights sell their land to buyers, but this is risky in the absence of land titles. Those who have cultivated or settled on the land prior to the promulgation of the 2001 Land Law are entitled to possession rights, and may apply for a land title.
5	Titled land	The land is demarcated, and the land/map are registered in the cadaster.	The farmer exercises the full legal rights of ownership. The land can be used as collateral, and can be legally sold as property. The farmer also has to pay land taxes to the government.

## Community Contexts

### *Trapeang Romdenh Village*

Trapeang Romdenh is a village in the Kbal Trach commune, Krokor district, Pursat province. Residents have lived there since before the Khmer Rouge in 1975. The village has 367 families with a total population of 1,223 people (772 women and

451 men). Some 95 percent of the population practice Theravada Buddhism. Ninety-eight percent of the main income of the village comes from farming, livestock raising, forestry, and small enterprises. Most people have rights to manage their paddy lands and homelots as many have possession rights. In 2013, STAR Kampuchea supported local communities in establishing community forestry that covered 265 hectares of forestland. This resulted in the recognition of the tenure of select forest communities in Trapaeng Romdenh by the Ministry of Agriculture Forestry and Fishery in 2010 and the Forestry Administration cantonment in Pursat Province in December 2016.

### **Beoung Smok Village**

Beoung Smok is a village in the Svay Sor commune, Krokor district, Pursat province. It has 269 families with a total population of 1,040 people (676 women and 364 men). Most residents practice Theravada Buddhism. Villagers make a living from farming, livestock raising, forestry, and small enterprises. Most people in the village have rights to manage their paddy lands and homelots, through their possession rights.

### **Participants**

Participants were grouped into seven FGDs in two community target sites – 46 respondents from Community Forestry Ochy Chey Moha (25 men and 21 women), and 64 from Community Forestry Boueng Smok (29 men and 35 women), representing farmers working on farmlands outside forestry.

No	FGDs based on tenure group	Number of participants	
		<i>Ochy Chey Moha Village</i>	<i>Boueng Smok Village</i>
1	Individual/customary forest users	16 (9 men and 7 women)	
2	Users with delineated forest area	15 (10 men and 5 women)	
3	Forest users who are applying for a Community Forestry Agreement	15 (6 men and 9 women)	
4	Community Forestry Agreement issued	None	
5	Land under claim		16 (6 men and 10 women)
6	Land claim recognized by neighbors		15 (5 men and 10 women)
7	Land claim recognized by village		15 (7 men and 8 women)
8	Land under possession right document given by the commune and village chief		18 (11 men and 7 women)
9	Titled land	None	
	Total respondents (110)	46 people (25 men and 21 women)	64 people ( 29 men and 35 women)

The village chiefs were important in getting villagers to participate in the FGDs. They helped to introduce the objectives of the study as well as in grouping the participants for the FGDs according to land tenure across the lands rights continuum in both villages. One guide questionnaire was used for all the seven FGDs, and its questions covered the following topics, among others: background of land tenure, ownership status of homelot, source of drinking water, primary and secondary source of income in household, status of employment, main source and purpose of credit, number of land parcels, tenure status, security of tenure over farmland, supply of staple food for the household, and major problems affecting their community. A consultation meeting was also held to gather information from key stakeholders from government officials/representatives like the Beoung Smok and Trapeang Romdenh village chiefs, Svay Sor and Kbal Trach commune council members, and Cheutom and Ansachambok Forestry Administration triage chiefs.

## Summary of Findings of the FGDs

Below are summaries of findings on housing and homelots, livelihood and income, migration, credit and inputs, tenurial status, perceptions of food security, and perceptions of community problems.

### ***Housing and Homelots***

Most families have housing units that use Khmer traditional style semi-permanent housing materials<sup>2</sup>. The average homelot size is 1,313 square meters per family with an average house size of 39.63 square meters. Most own a small farming garden.

### ***Livelihood and Income***

From the FGD's total of 110 respondents, 96 percent relied on on-farm activities as their primary source of income, 64 percent had a second source of income from off-farm activities, and 3 percent relied on non-farm activities for income.

<sup>2</sup> Khmer traditional style houses are semi-permanent, often made of wood because they need to be transportable to other homelots.

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***“From the FGD’s total of 110 respondents, 96 percent relied on on-farm activities as their primary source of income, 64 percent had a second source of income from off-farm activities, and 3 percent relied on non-farm activities for income.”***

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On-farm income activities involved paddy rice, chicken, pig and corn cassava, and cashew. Off-farm income came from livelihoods like working as individual middleman or trader who buys and/or sells farm products. Those who earn from non-farm income are local government workers such as teachers, military personnel and police officers.

The employment of respondents can be classified into permanent, temporary, contractual, seasonal or occasional, and self-employed. Permanent employment refers to farming and livestock which earn them season or annual income. Temporary employment refers to irregular, contractual work. Seasonal or occasional work involved getting paid for skills such as repair of vehicles, TV and radio sets. Those who are self-employed were running a small business or shop to sell food or material for daily use in the villages.

Main commodities such as paddy rice, chicken, pig and corn in Ochi Chey Moha CF and Beoung Smok are traded from the farm gates and villages to other areas. The selling price of produce fluctuates over time, while the cost of inputs are continuously increasing. In these communities, the buying price of cassava fluctuates throughout the day, which can cause challenges for subsistence farmers. There are many middlemen/traders during the harvesting season of cassava and cashew, but buying prices among individual middleman/trader are not remarkably different.

### ***Migration***

Two respondents had moved from Ochi Chey Moha to Kbal Trach commune to open a small business or food shop. Eighteen respondents had moved to Krokor district to attend high school and cut on travel expenses. Nine respondents had changed houses in Pursat province to open small businesses. Three respondents had family members who work in Thailand's construction sector, sending home an average of US\$250 per month.

### ***Credit and Inputs***

In Beoung Smok and Ochi Chey Moha, farmers took out loans averaging US\$300 from micro-finance institutions and private banks. Most of the respondents or 95 percent borrowed money for various reasons – 64 percent to invest in farming, 9 percent for health/medicine, 18 percent for child's education, and 4 percent

to buy material. Interest rates ranged from 1.2 to 1.5 percent per month. Loan repayment period ranged from 12 months to two years depending on loan size.

Accessing credit for agricultural production is no longer difficult. Many MFIs/banks are available upon need. Land titles are commonly used as collateral to get loans. Each member who borrows can receive up to US\$500. MFIs/banks have facilitated loans with a maximum duration to fit the production cycle. Farmers only pay a monthly interest to the bank/MFI, and pay the loan principal during the harvesting season. Monthly interest rates range from 1.2 percent to 3.5 percent. In general, farmers are forced to sell their produce directly after harvest or even before harvest to meet repayment obligations during the harvest season. A failure to harvest often forces farmers to take out a second loan from another source – mainly from private moneylenders – in order to pay back the primary loan. A bag of chemical fertilizer costs 120,000 KHR (US\$30) when farmers buy it cash. However, most farmers buy it on credit within the rice production cycle at the cost of 150,000 KHR (US\$42.50) plus 30 kilograms of paddy rice. The margin of 30,000KHR (US\$7.50) and 30 kilograms of paddy rice are the interest charged by the sellers. In Beoung Smok and Ochi Chey Moha, farmers took an average loan of US\$300 from MFIs/banks.

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***“A failure to harvest often forces farmers to take out a second loan from another source – mainly from private moneylenders – in order to pay back the primary loan.”***

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### ***Tenurial Status***

In Ochi Chey Moho CF, the forest communities have had their tenure recognized by the Forestry Administration (FA) cantonment as their CF agreement has been signed. Despite this, they have not been given the full right to manage the forest that they are claiming because they need to prepare their community forestry management plan.

In Beoung Smok, the average size of rice farms is 0.63 of a hectare per family. The average size is smaller in Ochi Chey Moha CF at 0.56 of a hectare per family. In Beoung Smok, renting land for farming is difficult, since families only have a small piece of land. Thus, some farmers rent land in other areas or outside their

provinces. The same trend is also observed in Ochi Chey Moha CF. In these two communities, buying or renting land is still possible. However, land prices have been increasing from year to year. The average rental rates per hectare per year is US\$150 in Beoung Smok and US\$120 in Ochi Chey Moha CF.

During fieldwork in the communities identified for this study, farmers continued to demand for land as a source of livelihood, household food security and identity. Most of them said: *“We are farmers. That is what we do. Now many people are losing their land. I’m worried about what will happen to our children.”*

### ***Perceptions of Food Security***

The main crop of respondents is paddy rice and their secondary produce are corn, soybean, cassava, and other vegetables. Planting is done during the rainy season from June to December every year. They farm vegetables during the dry season in small plots in their yards.

Forty-five percent of respondents experience insufficiency in food from August to November, while awaiting their rice harvest season from November to January.

Sixty-seven percent perceived that they are food-secure as they are able to generate income from livelihoods such as animal and chicken raising, vegetable garden, industry worker, and NTFPs. Whereas, perceptions on food insecurity among the rest of the respondents were attributed to high costs of agricultural inputs and health care. They take out loans in times when they do not make money from their livelihoods.

### ***Perceptions of Community Problems***

All of the respondents were farmers planting rice or vegetable; and raising animal using traditional practices – in which they experience lack of water supply and low market price for their yields.

All of the respondents lack awareness on the legal frameworks and procedures on forestland management and tenure in Beoung Smok Village.



## **Analysis of Results**

Land insecurity affects people's livelihoods and increases physical and psychological insecurity. Poor families, less educated people, and widows are more likely to feel insecure about land. The largest cause of insecurity is poverty, followed by land grabbing, lack of good governance, lack of food, lack of land for the next generation, and inadequate access to healthcare. Forced and distress-based land sales are also a central cause of land insecurity.

Food insecurity is linked to low agricultural productivity, debt, poor health and lack of access to food adversely affected livelihood. Most people lack access to potable water; they have to boil everything before consuming them in the villages.

The main sources of security of tenure over land are: possession of a land title, schooling opportunities, affordable healthcare, strong community network and supportive local authorities, non-governmental organizations that provide long-term support; and different forms of land management (including communal management).

A land title is an important source of security for many people in the study, but it does not provide full security. Most people with a land title are still worried their land would be taken as they said they did not have trust in the judiciary nor in long-term government policy. Sometimes a title increases insecurity if those with more power are able to grab more land during titling, or land values rise and predatory land purchases increase. People whose land was left untitled during the nationwide land titling campaign or those who were waiting for titles were pressured into selling their land for low prices. In some areas, people are very satisfied with the land titling process and reported very little corruption. Factors contributing to security during the land titling process included: land claimants and authorities having a high level of knowledge about land rights and titling processes; people kept well informed during the process by authorities; strong community networks; and community representatives accompanying group discussions.

Knowledge and use of dispute resolution mechanisms are limited. Respondents most often sought help from local authorities when they had a land dispute or were fearful that someone would take their land; most people were not aware

of other mechanisms for resolution. Despite this key role of dispute resolution, many commune officials were not clear about what their role should be in solving land disputes or marital property issues. Some local officials said they wanted to help but lacked resources, information, and lines of communication with province or national-level authorities. Furthermore, some officials were involved in land disputes themselves and were not in a position to assist villagers. Rural people consistently said they wanted more communication with their local officials, including regular meetings with local and provincial-level authorities, and access to information.

Community Forestry agreements require a long process for official recognition. There is the tendency to implement the CF establishment and formalization process mechanically and due diligence (following the CF formalization steps) due to limited resources (e.g. funds, staff, time and other logistics) and targets set by projects without ensuring that the expected outcome in each of the CF steps are adequately met. The tendency is to move quickly to reach the signing of CF agreements without following up on important activities in earlier CF steps that would ensure greater local understanding and ownership.

Knowledge of the legal framework and the documentation formalization process is limited. Both community forestry in Beoung Smok and Ochi Chey Moho did not understand the legal framework to support their communities to have their land tenure recognized. Now their CF are under dispute despite it having reached step 11 as per the MAFF guideline.

## **Assessment and Recommendations**

Cambodian farmers should have security of tenure over land, water for irrigation, capital for investment, technical inputs for improving the agricultural productivities and market governance structure for commercialization of their production.

Raising the awareness on Community Forestry legal framework among the local community people is very important to support CF development including CF legalization and community forestry management plan and particularly their forest land will have land tenure recognized. A government official from Forestry Administration (FA) cantonment-Pursat said that it is critical that the Royal Government of Cambodia provide funding to support the community and for

local government staff in the FA to participate fully in providing the technical support and to help to revise community forestry documents for approval of tenure rights and management plans for the community people.

Land tenure security in a farmland in a forest area is generally good, while land security in upland area or forest area has been largely improved since the implementation of the government's Order 01. However, land tenure security for community people in formerly forested areas is still an issue. Farmers have the right to use the land and transfer lands by buying and selling it, but so far their lands are not officially recognized as private property yet.

Since the second mandate of the government, most investments have been for irrigation, mostly medium and large-scale irrigation schemes. However, irrigation facilities are mainly equipped for rice farming or for non-rice farming in the rice farming ecosystem. Due to the changing context, farmers have adopted crops other than rice and livestock farming. The demands for water access in non-rice farming ecosystem have noticeably increased. In order to develop a sustainable food production system at the household level and to achieve food security in the rural area, micro-scale irrigation schemes are needed. Therefore, the study recommends to the Royal Government of Cambodia to consider investing in micro-scale irrigation in the drought-prone areas.

During the last three mandates of the government, financing systems have largely improved and their reach expanded across the country. Many rural families have acknowledged having access to loans from MFIs or banks. Therefore, the study recommends that the Royal Government of Cambodia consider providing financial support or subsidy to the established district savings associations so that they could speed up community development.

There are technical innovations being made at the national level and provincial level. Through the development projects implemented by government institutions and NGOs, farmers at the local level have been able to adopt these new technical practices as well as new varieties of crops. Aside from the technical services provided by these projects, private enterprises have played a role in delivering technical knowledge. However, it is often still the case that farmers fail to harvest due to the technical errors, or in some cases the yield is just too low. It is also important to note that now farmers are aware of the importance of adopting new techniques or varieties in order to take advantage

of market demand, but may lack some of the necessary tools. The Department of Agriculture will be equipped with two technical staff to service farmers. Speeding up this initiative would only aid their desired outcomes. In addition, the government should invest more in technical agricultural research targeted at benefiting the agricultural productivity of small landholder farmers.

Land insecurity affects people's livelihoods and increased physical and psychological insecurity. Poor families, less educated people, and widows are more likely to feel insecure about land. The largest cause of insecurity was poverty, followed by land grabbing, lack of good governance, lack of food, lack of land for the next generation, and inadequate access to healthcare. Forced and distress-based land sales are also a central cause of land insecurity. ■

## Acronyms

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
CARDI	Cambodian Agricultural Research and Development Institute
CDRI	Cambodia Development Research Institute
CF	community forestry
CFMC	Community Forestry Management Committee
CPP	Cambodia People's Party
CSO	civil society organization
ELC	economic land concession
FA	Forestry Administration
FAO	Food and Agriculture Organization
FDG	focus group discussion
GDP	gross domestic product
GLTN	Global Land Tool Network
IFAD	International Fund for Agriculture Development
KHR	Cambodian Riel (currency)
MAFF	Ministry of Agriculture Forestry and Fishery
MFI	micro-finance institution
MLMUPC	Ministry of Land Management, Urban Planning and Constructio
NGO	non-government organization
NTFP	non-timber forest product
RGC	Royal Government of Cambodia
SLC	social land concession
SNC	Supreme National Council
UDEC	use, development and exploitation concession

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# Tenure and Food Security of Smallholder Farmers in Selected Communities in Nepal

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Land is fundamental to the lives of poor rural people. Secure access to land reduces vulnerability and hunger. But for many of the world's rural poor people in developing countries, access is becoming more tenuous than ever (IFAD, 2015).

What is produced and who consumes it depends greatly on tenure security and control. Clear and secure property rights for owners and users reduce the potential for conflict and the threat of eviction. These also provide incentives to conserve and improve these assets, encourage land-related investments, and if coupled with cost-effective systems of land administration, reduce the cost of credit by leveraging these assets as collateral (World Bank, 2008 quoted in Roth and Fletschner, 2013).

However, a large portion of the poor lack access and have limited rights to quality land. Studies demonstrate the fact that securing land resource rights has a positive impact on food and broader development outcomes such as household investment, agricultural productivity, women's empowerment, nutrition, and more robust rental markets for farmlands (USAID, 2016).

## Objectives

This study undertaken by the Community Self-Reliance Centre (CSRC) is part of a regional initiative of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) to produce evidence-based documentation on access to land as a key intervention in addressing food insecurity.

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This is an abridged version of the paper on "Study on Continuum of Land and Property Rights in Nepal."

This paper aims to describe the link between land tenure and food security in Nepal. Specifically, this exploratory research aims to: (i) contextualize the Global Land Tool Network (GLTN)'s "Continuum of Land Rights" and, (ii) describe the link between access to land and food security as experienced by smallholder farmers in selected communities in Nepal.

## **Focus of the Study**

This study focused on eight categories of smallholder farmers within Nepal's land and tenure rights continuum: public land tillers, contract farmers, sharecroppers, *Guthi* land tillers, tenants (in private lands), farmers tilling land on mortgage, *Birta* land tillers, and smallholders.<sup>1</sup>

## **Methodology**

This study used secondary data from desk reviews and primary data gathered through participatory rapid appraisals, respondent interviews, ocular inspections, and key informant interviews. FGDs served as the primary method of collecting data from 20 communities of public land tillers, contract farmers, sharecroppers, *Guthi* land (trust land) tillers, tenants, farmers tilling on mortgage, *Birta* tillers, smallholders from three geophysical regions (*Tarai*, Hill and High Hill regions).

This study focuses on the existing legal framework, land tenure practices and property rights, and the relationship between land tenure, food security, and housing rights in rural Nepal. The research covers only *land-poor farmers* – those owning none or less than half a hectare of land. It attempts to identify major categories of tillers along the land rights continuum, with particular focus on their corresponding bundle of tenure rights (Stanfield, et. al., 2017).

## **Country Overview of Land Tenure, Hunger and Poverty**

### ***Policies and Provisions on Land***

According to the 2011 Agriculture Census, 70.6 percent of the 5 million households in Nepal were peasant and farmer families. Moreover, 65.6 percent of the total population (26 million) were dependent on agriculture for their subsistence and livelihoods.

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<sup>1</sup> Farmers belonging to this category own less than half a hectare of land.



In terms of land policies, the 2015 Constitution outlines the following policies on agriculture and land reform under Part 4: Directive Principles, Policies and Obligations of the State:

- (1) *to make scientific land reforms having regard to the interests of the farmers, while ending the dual ownership existing in the lands;*
- (2) *to enhance product and productivity by carrying out land pooling, while discouraging inactive land ownership;*
- (3) *to make land management and commercialization, industrialization, diversification and modernization of agriculture, by pursuing land-use policies to enhance agriculture product and productivity, while protecting and promoting the rights and interests of the farmers;*
- (4) *to make proper use of lands, while regulating and managing lands on the basis of, inter alia, productivity, nature of lands and ecological balance; and,*
- (5) *to provide for the farmers' access to agricultural inputs, agro products at fair price and market.*

In 2015, the Government of Nepal endorsed the first amendment to the Land Use Policy, which allocated public lands for the resettlement of communities affected by natural disasters. In the same year, the parliament also adopted the sixth amendment to the 1964 Land Reform Act, which extended the period for granting tenancy rights.

The Financial Bill 2015 was also introduced in pursuit of the promotion of women's equal rights and access to land. Under the Bill, the government would promote joint registration of land rights in the names of husband and wife. This co-ownership (joint) certificate can be obtained with a minimum registration fee of NPR 100 (less than USD 1). An individual ownership which was previously registered either in the name of wife or husband can also be transferred to joint ownership registration for a minimum fee. Additionally, depending on the geographic region, women may avail of 25-50 percent tax exemption in land registration.

The Government of Nepal has approved other crucial land-related policies such as the Agriculture Development Strategy (ADS) in 2015 and the Reconstruction Action Procedure in 2016. The Supreme Court of Nepal also directed the Ministry

of Land Reform and Management (MoLRM) to implement the Public Land Lease Procedure, which was formulated in 2014.

### ***Land Tenure Systems***

In practice, three main tenure systems prevail in Nepal: formal, customary (*Kipat*), and informal. Land under formal tenure types are legally documented and recognized. On the other hand, ownership of land under customary tenure was made possible through cultural, ritual and social processes. Despite the absence of legal documents and the legal abolition of *Kipat*, lands under this system are socially recognized. Finally, informal tenure types have social basis, but are neither formally registered nor legally recognized.

In this study, three types of land under the formal tenure system were considered: privatized *Raikar* lands, *Guthi*, and *Birta* lands.

Agricultural lands under the *Raikar* tenure was traditionally cultivated by private individuals and charitable institutions through a freehold system that is limited to “use rights<sup>2</sup>” (Regmi, 1977, 1999: p.16). At present, *Raikar* lands are individual-owned private lands which may be leased or mortgaged (FAO).

*Guthi* or trust lands, refer to lands allocated for the purpose of covering certain religious, charitable, cultural, or social functions.

*Birta* lands are tax-free lands awarded by the State to religious leaders, soldiers, and members of the noble and royal families. Hence, these lands serve as a symbol of high economic and social status. Although this system was abolished in 1959, recipients of these grants continue to exercise control over the land.

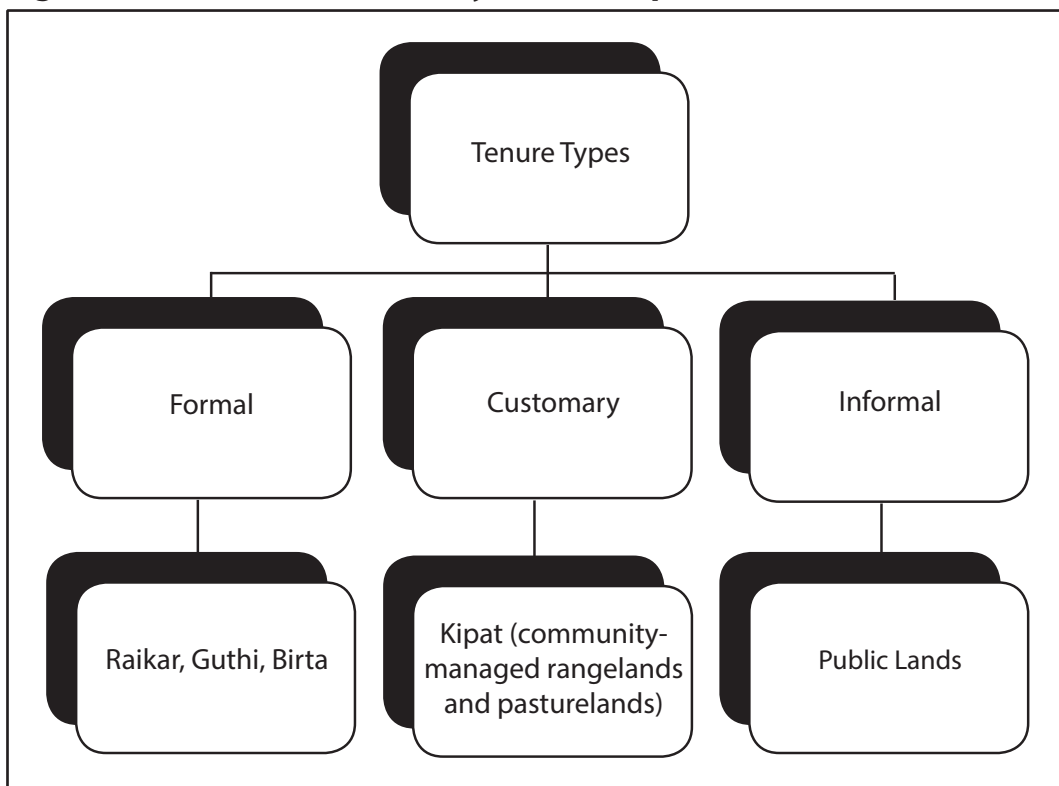
Under customary laws are *Kipat* lands. In a country where 37 percent of the population are from the indigenous ethnic groups, customary laws and practices also matter significantly in the context of the analysis of land tenure. *Kipat* tenure was a communal form of land ownership, under which, the communal authority superseded that of the State. Rights among the owners emerged as members of particular ethnic community because of their customary occupation of lands. As was legislated in 1968, *Kipat* lands have been abolished, but rights to the land are still socially recognized. The owners of *Kipat* land have only usufruct rights.

<sup>2</sup> “Use rights” refer to rights to access resources (Meinzen-Dick, et. al., 2004). The concept of “use rights” will be further discussed throughout the paper.

Although customary practices of land resource management have been eroded by statutory land laws, customary laws still prevail in some High Hill areas of the country. Indigenous communities mainly from the Hills and the High Hills still manage the rangeland or pastureland as per their traditions based on norms for equitable utilization and sustainable exploitation of natural resources.

Finally, informal tenure arrangements have also emerged due to the settlement of landless individuals and families on public lands. Public lands belong to the State and are under the control of the Ministry of Land Reform and Management (MoLRM). However, communities may exercise certain rights over these lands as permitted by the government.

**Figure 1. Overview of Tenure System in Nepal**



*Source: Land Typology discussion, GLTN and CSRC in Kathmandu, Nepal*

**Poverty and Food Security in Relation to Land Tenure**

In 2011, 25.2 percent of the population in Nepal were poor (15.3 percent in urban areas and 27.4 percent in rural areas). Geographically, the High Hill region has

the highest poverty rate at 42.3 percent, compared to 24.3 percent in the Hill and 23.4 percent in the *Tarai* regions (CBS, 2011).

Landlessness and limited access to land are major triggers of poverty in Nepal. In 2011, 21 percent of the population were landless, while 44 percent owned only 0.2-1 hectare of land (CBS, 2011). Poverty is positively correlated to the size of landholding.

Access to land is also a gendered issue. Only 19.7 percent of women in Nepal own real property (CBS, 2011). Despite the Constitution's promotion of property rights equality, women continue to have limited exercise of rights to own and control land (Landesa, 2015). Women's access to land has always been dependent on their relation as daughter, wife or mother of a male landowner. Moreover, women are mostly subjected to unpaid family labor (DFID and the WB, 2006). There is also a need to amend certain laws still reflective of inequality among men and women.

Other key poverty issues in Nepal include: low labor productivity, weakness of the industrial sector, inadequate inputs for the modernization of agriculture, limited employment opportunities outside the agriculture sector in rural areas, emigration of productive youth to India or the Gulf countries (approximately 4.5 million Nepali men and women are abroad in 2016), and traditional caste-based discrimination, among others.

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***“Despite the Constitution’s promotion of property rights equality, women continue to have limited exercise of rights to own and control land. Women’s access to land has always been dependent on their relation as daughter, wife or mother of a male landowner.”***

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With a Global Hunger Index (GHI) score of 21.9<sup>3</sup> in 2016, people in Nepal have also been found to experience serious hunger. Nepal is 72<sup>nd</sup> out of 118 countries ranked from having the least to the most hunger (IFPRI, 2016).

Studies on land rights and tenure security in Nepal are a critical but often overlooked factor in household food security. A study published in March 2012 demonstrated that a mother's land ownership can halve the likelihood of a child to be severely undernourished.

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<sup>3</sup> Nepal's GHI scores are based on four indicators: proportion of undernourished in the population (7.8 percent); prevalence of wasting in children under five years (11.3 percent); prevalence of stunting in children under five years (37.4 percent); and under five mortality rate (3.6 percent).

The route to better child nutrition is through the greater income and resources produced by women's rights to land (Landesa, 2012).

A CSRC national study<sup>4</sup> conducted in 2009 also showed that farmers who received their tenancy rights as a result of advocacy campaigns of CSRC/NLRF reported food sufficiency or food security from 29.1 percent to 42.6 percent. Similarly, households who have experienced food surplus have increased from nearly three percent to more than eight percent after claiming their tenancy rights. This can be explained vis-a-vis the crop production pattern before and after tenancy rights (Pathak, et. al., 2009).

An attempt had also been made to compare crop production before and after the formal recognition of tenancy rights. It was found that the average quantity of production of paddy, maize, vegetables, oil crops, wheat and pulses increased by seven percent to 95 percent after the formal recognition of tenancy rights. The proportion of production change in vegetables was found to be the highest followed by oil crops since the cultivation of these commodities allow for better cash earning opportunities in the local markets. As a whole, one reason for having the positive trend in the production of these crops was that they began to farm their plots of land more intensively than before. The freedom to grow crops after the formal recognition of tenancy rights had also led to the diversification of crops to earn higher income from their farms (Pathak, et. al., 2009).

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***“An attempt had also been made to compare crop production before and after the formal recognition of tenancy rights. It was found that the average quantity of production of paddy, maize, vegetables, oil crops, wheat and pulses increased from 7 percent to 95 percent after the formal recognition of tenancy rights. ”***

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## **Continuum of Land and Tenure Rights**

The security of the housing and homelot has been found to be positively correlated with the tenancy certificates, and other provisional documentary evidences of settlement and cultivation. Housing and homelot were also found

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<sup>4</sup> *Empowering the Disempowered Tenant Farmers: A Study of the Impact of People-Centred Advocacy for Land Tenancy People in Nepal* (2009).

to be secure in areas where community organization under the Village Land Rights Forums (VLRFs) and District Land Rights Forums (DLRFs) are strong.<sup>5</sup>

Similarly, enjoyment of all use and decision-making rights is positively correlated with more formal tenurial instruments or better documentary evidences of occupation and stronger organization of communities.

However, present tenure systems are complex and the acquisition of formal tenure instruments involves cumbersome bureaucratic procedures. In effect, various tenurial arrangements have emerged among smallholder farmers in Nepal, each associated with a bundle of rights to utilize, control, and/or transfer land. These arrangements are plotted along a continuum in Figure 2.

The bundle of rights associated with each category of smallholder farmers are presented in Table 1. Although the categories are visually organized along a linear continuum, the rights exercised by farmers over the land depend on actual situations on the ground and complex relations between various stakeholders. Farmers may also belong to more than one of the categories identified, if they till more than one plot of land. Thus, although this continuum attempts to describe the experiences of smallholder farmers, it does not claim to be definitive nor comprehensive.

**Figure 2. Land Rights Continuum of Smallholder Farmers in Nepal**



### Public Land Tillers

Official data shows that 44.7 percent of the total land of Nepal are public forestlands. Under these lands are community forestlands governed by the MoFSC, to which certain communities have use rights. In practice, around 75 percent of community forestlands are under the control of user-communities, while 25 percent are under the control of the MoFSC.

<sup>5</sup> Particularly in areas where these people's organizations are facilitated by the CSRC and NRLF

**Table 1. Land Rights Continuum and Bundle of Rights of Smallholder Farmers in Nepal**

Type of Smallholder Farmer	Tenure Arrangement	Bundle of Rights						Control Over Physical Access
		Use Rights			Control or Decision-making Rights		Transfer Rights	
		Access	Withdrawal/harvesting	Exploitation	Management	Exclusion		
Public land tillers	Self-titling	✓	✓ if member of CFUGs*	✓	✗	✗	✗	Community/State
Contract farmers	Contract	✓	✓	✓	✗	✗	✗	Landowner
Share-croppers	50/50 sharing	✓	✓	✓	✗	✗	✗	Landowner
Tenants in private lands	Tenancy	✓	✓	✓	✓	✗	✗	Both owner and tenant
Farmers tilling land on mortgage	Contract	✓	✓	✓	✓	✗	✗	Landowner
<i>Guthi</i> land tillers	Tenancy/Contract	✓	✓	✓	✓	✓ if registered tenant	✗	<i>Guthi</i> Corp./State
<i>Birta</i> land tillers	Tenancy	✓	✓	✓	✓	✓	✗	Landowner and tiller
Smallholders	Owner-cultivating	✓	✓	✓	✓	✓	✓	Owner-cultivator

\* Local people under the community forest program in Nepal are organized into Community Forest User Groups (CFUGs), and have certain use and control rights over the forestland (FAO).

People have been able to utilize community forest resources despite frequent eviction threats from the government. Access to and withdrawal of resources from the forest are also legally allowed for members of community forest user groups (CFUGs). Communities may not always have control rights over the forestland. Community-users may define and implement the use, management, and distribution of resources in the forestland under a community constitution and by-laws, but only upon the approval of the District Forest Office (DFO).

Settlers in public lands that have been awarded with certificates of settlements and certificates of landlessness<sup>6</sup> may eventually claim ownership of their land, while those with none may not.

<sup>6</sup> Issued by the Landless Problem Solving Commissions

Other classifications of forestlands are identified in Table 2.

**Table 2. Summary Table of Forestlands**

Types of Forestlands	Ownership and Control	Remarks
Community forestlands	75 percent are under the control of communities; 25 percent controlled by the MoFSC	Though community forestlands may be handed over to communities, they are still monitored and regulated by the MoFSC
Government forestlands	Under the sole control of the Department of Forests of the MoFSC	
National parks	Under the sole control of the Department of Wildlife and Conservation of the MoFSC	
Religious forestland	Religious institutions and Forest Offices	50 percent controlled by religious institutions; and 50 percent control by the MoFSC

### Contract Farmers

State private lands under the traditional *Raikar* tenure may come in the form of private agricultural lands or private industrial lands; this paper considers farmers tilling the former. Owners of private agricultural lands have use, ownership, control, and transfer rights over the land.

Farmers may enter into tilling contracts with owners of private agricultural lands. Tillers may access, withdraw/harvest, and exploit resources (use rights) from the land during the period specified in the contract.

The rental rate of these contracts is usually very high. As per the conditions of some contracts, landlords are to be provided with three-fourths of the total principal crop production per unit of land. Moreover, many of these arrangements have been known to rely on oral/unwritten contracts with flexible conditions. Landlords generally begin asking for only half of the production, later demanding higher fixed rents on a “competitive basis.” Landlords also refuse to provide documentary evidences of the farmers’ payment of agricultural rent, thus preventing the farmers from claiming tenancy rights. Contract farming, or *Honda*, exists in the *Rahauat* district of the *Tarai* region.

### Sharecroppers

Farmers may also enter into *sharecropping arrangements* with owners of private agricultural lands. Under this arrangement, 50 percent of all crops grown (including the by-products in certain cases) are shared between the sharecropper and the landlord. Sharecroppers have only use rights over the land.



They may plant and harvest the crops as per their agreement with the landlords. Landowners also have the right to evict sharecroppers from their land.

Sharecroppers are also not provided with any tenurial instruments, and hence may not claim tenancy rights.

## **Tenants**

Tenants of private agricultural lands may be registered or unregistered. Registered tenants have use and control rights to over 50 percent of the landlord's agricultural property, and may eventually own their share of land. Although devoid of transfer rights, registered tenants may sell back their share to the landlords. Eviction from the land is the direct result of non-registration.

Unregistered tenants may have tilled lands for generations, but may not be provided with a share of the landlord's property. In exceptional cases, kind landlords share not more than 25 percent of their property with unregistered tenants.

## **Farmers Tilling Land on Mortgage**

Farmers may also pay to have certain rights over a landlord's property until the owner is able to return the farmer's initial payment.

Tillers under this tenurial arrangement pay a principal amount of money to the landlord in exchange for full use and some control rights (i.e. management) over a specified period of time. However, they are denied exclusion and alienation rights over the land. During the period agreed upon, the landlord may utilize the farmer's payment to invest or engage in non-agricultural businesses. Lands are to be cultivated and controlled by the mortgagee farmers until the landlords recompense their principal payment.

## ***Guthi* Land Tillers**

*Guthi* lands are of two types: (1) lands fully owned and managed by the *Guthi* corporation; and (2) lands controlled by either the *Guthi* corporation or by religious institutions (refer to Table 3).

Registered *Guthi* land tillers have use rights and some decision-making rights (i.e., management and exclusion of other potential resource appropriators), but they may not transfer/alienate land under their tillage. As per the *Guthi* Act, some *Guthi* land tillers are recognized as tenants. They pay annual rent, but have prerogative over the crops they wish to plant. Their tenancy rights may not be transferred, but may be inherited by their kin.

Most *Guthi* land tillers are provided by the corporation or institution with tenurial instruments such as use rights certificates.

**Table 3. Summary Table of *Guthi* Lands**

	Ownership and Control	Tilling Arrangements
<b><i>Guthi</i> lands</b>	<i>Guthi</i> corporation	Land may be cultivated under the tenancy arrangement.
	<i>Guthi</i> corporation, religious, or philanthropic institution	Both tenancy and lease-out arrangements exist for the cultivation of this type of <i>Guthi</i> land.

### ***Birta* Land Tillers**

Although the *Birta* system was officially abolished in 1969, awardees of *Birta* lands continue to exercise control over them. *Birta* landlords are often absentee owners who have left the cultivation and control of their land to the tillers. Tillers may exercise all use and control, but not transfer rights over the land. They also have prerogative over which crops to plant. They continue to pay agricultural rent to the landowner, but these payments have not been forwarded to the State for the last 20 years. At present, *Birta* tillers struggle to have formal ownership of lands under their cultivation.

### **Smallholders**

Smallholders are owner-cultivators of agricultural lands not exceeding 0.5 of a hectare. Thus, they may exercise all use, control/decision-making, as well as transfer rights over the land they till.

**Table 4. Summary Table of Private Agricultural Lands**

<b>Types of Private Agricultural Lands</b>	<b>Ownership and Control</b>	<b>Remarks</b>
Lands cultivated by tillers under <i>lease/contracts</i> with landowners	Landowners	Landlords often evade written contracts, relying only on oral agreements. They also refuse to provide receipts/documentary evidences for the farmers' payment of agricultural rent as per the contracts.
Lands under the <i>sharecropping</i> arrangement	Landowners	50 percent of all crops are shared by the tillers to the landlords.  Landowners pay yearly revenue to the State, reserve the right to sell the land, and to evict the tillers from the property.
Lands under <i>tenancy</i>	Landowners	Registered tenants are eligible for 50 percent of tilled land. Tenants have the right to sell their 50 percent share of the land to the landlords, provided they are registered. Eviction is the direct result of the non-registration.
Lands under the <i>mortgage system</i>	Landowners	Farmers who have paid a certain amount of cash to landowners per unit of land may till it for a specific period of time without interest. Rights to use and control the land are transferred back to the landowner upon recompensing the farmer's principal payment.
<i>Birta</i> lands	<i>Birta</i> landowners	<i>Birta</i> awardees (or their kin) maintain control over the land, despite the <i>Birta</i> system's abolition in 1969. These lands are presently being cultivated by tillers who exercise use and control (but not transfer) rights, since these are often owned by absentee-landlords.
Lands maintained by owner-cultivators	Owners	Owner-cultivators have all use, control, and transfer rights over their land.
Fallow agricultural lands	Owners	The government has recently placed higher taxes on fallow agricultural land to discourage owners from keeping unproductive/uncultivated lands.
Lands allocated for residential properties	Real estate companies	Agricultural land may be used for residential purposes, but not without the approval of the government.
Lands tilled exclusively by <i>Haurwas/Haliyas</i> (semi-bonded laborers) exclusively	Landowners as the <i>Masters</i> – controlling both land and the semi-bonded laborers	Despite the governmental initiative for the abolition of bonded labor, it is still existent in some parts of the <i>Tarai</i> and Western Hills.

## Summary of Findings of the FGDs

### Community Profile

A total of 190 individuals from various caste/ethnic groups participated in the 20 FGDs from the five sample districts. Each participant represented a household

in the community chosen as sample group. A little over half (51 percent) of the participants were *Pahadi Janajaatis* (Hill and High Hill indigenous groups), one-fourth were *Dalits* (untouchables), and 15 percent were *Pahadi Brahmins/Chhetris* from the Hill region. The proportions of other social or ethnic groups such as *Brahmins/Chhetris* and Muslims from the *Tarai* is insignificant. The overall average household size is seven.

FGD participants were from various socio-economic and tenurial statuses. FGDs included participants that were squatters, agricultural laborers, non-agricultural laborers, landless contract farmers (called *Honda* in the *Tarai* and *Tekkha* in the Hills and High Hills), tenants, and small landowners. In general, the participants engaged in more than one economic activity to sustain the household. Some farm laborers were engaged in both agricultural and non-agricultural work, and some small landowners were also tenants. The tenurial and livelihood profiles of the 190 FGD participants are summarized in Table 5.

**Table 5. Profile of FGD Participants**

Profile of Participants (N=190)	Percentage
With informal tenure ( <i>squatting</i> )	17
Agricultural wage laborers	13
Non-agricultural wage laborers	2
Both agricultural and non-agricultural wage laborers	11
Landless contract-farmers	16
Tenants	9
Small landowners	18
Both small landowners and tenants	14
<b>Total</b>	<b>100</b>

Women were found to possess one in every four land ownership certificates (53 percent had single ownership, 47 percent had joint ownership certificates). However, women’s ownership was reported in the Hills and High Hills only, which may be attributable to the effectiveness of the CSRC/NLRF-led campaigns for joint land titles after 2011, and the relatively egalitarian social structure of the indigenous *Tamangs/Sherpas* from the Hill and High Hill regions. Culturally speaking, women’s degree of discrimination is deeply rooted in the *Tarai* social structure because of the preponderance of a caste-based patriarchal system which safeguards and perpetuates the *Purdah*.<sup>7</sup>

<sup>7</sup> A practice of keeping women guarded from the sight of men and strangers through physical seclusion and/or through clothing almost the entire body

## ***Housing and Homelot***

In all the regions, indigenous peoples have been staying in their place of residence for more than 30 years. Many migrants have also been found to have settled in public land in the *Tarai* region, because of poverty, natural disasters, and lack of economic opportunities in their communities of origin, among others.

The average size of the homelots is 346 square meters. Most dwellings are temporary to semi-temporary structures made of light materials and wood.

It was found that farmers dwelling on their owned plots or on public lands officially recognized as settlement areas, and farmers with certificates of tenancy or certificates of landlessness feel that they have security of tenure over their homelots. Conversely, those with no documentary evidences of settlement, tenancy, or landlessness did not report feeling security of tenure over their homelots.

## ***Sources of Income and Livelihood***

The primary occupation of the FGD participants is farming. A significant proportion is found to be involved in contract farming, some of which are also involved in other agricultural arrangements such as short-term sharecropping. One in every three of the participants is an unregistered tenant and nearly one-fifth are sharecroppers. Twelve percent of the participants reported to be *Guthi* tillers. Tillers' average size of operational farmland is 0.432 of a hectare only.

The participants' secondary sources of income are agricultural and non-agricultural wage labor. In many of the sample areas, male agricultural laborers are being paid higher wages compared to females.

## ***Migration***

Out-migration is pronounced in all of the sample sites. Participants of the FGDs revealed that remittances constitute an important part of the household economy.

Migrants are mostly young males aged 20-40 with high educational attainments (up to MA level). Young women have also begun migrating overseas for

employment, more so among the indigenous ethnic groups of the Hills and the High Hills, where there is greater gender equality.

The pervasiveness of poverty triggered by limited operational landholdings and lack of local employment opportunities are the “push factors” of migration. It has been learnt that the Nepali young men and women migrate to Malaysia, and Gulf countries (Saudi, Qatar, Kuwait, etc.).

### ***Credit/Loan and Sources***

Around 80 percent of the households had taken loans or credit in the past year. Of those who took out loans, the majority (56 percent) reported borrowing from banks, while the rest were still dependent on informal credit. In particular, landless farmers and marginalized *Tarai* indigenous groups are still heavily reliant on informal moneylenders. Indigenous communities in the Hill region have also been borrowing credit from their family members, relatives, or friends. Informal lenders charge the highest interest rates in the range of 36 to 60 percent per annum, while banks charge around from 14 percent to 18 percent per annum.

Participants’ other sources of credit include savings and credit groups, cooperatives, and the Movement Fund of the VLRFs.

***“The pervasiveness of poverty triggered by limited operational landholdings and lack of local employment opportunities are the ‘push factors’ of migration.”***

Generally, loans are used for medical expenses, purchasing agricultural inputs (such as seeds, fertilizers, and pesticides), household construction, mortuary rites, and marriage ceremonies, etc. Credits taken from the banks/cooperatives have been reported to be used for the initiation of income generating activities to augment the household income.

### ***Tenurial and Food Security***

Owner-cultivators and farmers with certificates of tenancy or other (provisional) documentary evidences of tenancy at the Land Reform and Land Revenue Offices feel a great sense of security of tenure. Tillers who do not possess formal tenurial instruments but are organized under strong VLRFs and DLRFs also feel security over their farmland.

The participatory rapid assessment in the sample sites showed that most of these land-poor farmers have food insecurity.

Participants in 14 of the 20 FGD sites shared that 100 percent of the production of their primary crops went to household consumption. Farmers of six other sites shared that their primary produce went to both household consumption and sales through the local markets. The percentage of production that was sold was very marginal, except for potatoes in the *Ramche* of *Rasuwa* district in the High Hill region, where the figure went up to as high as 75 percent.

For owner-cultivators and public land tillers who have access to more than one hectare of land in the *Tarai*, income from sales of potato and corn are used to buy rice from other areas of Nepal and India.

An estimated 90 percent of farmers in the villages who rely solely on their agricultural and non-agricultural household income experience food deficiency for nearly five months in a year. Hence, they resort to overseas migration and take out loans to provide food for their family.

Food sufficiency exists only among a handful of smallholders and a few public land tillers in the *Tarai*. Smallholders belonging to smaller households are food-sufficient because product yield is high in their areas due to irrigation. In the *Tarai*, smallholders have food security in the *Sagarnat's* forest area in *Sarlahi* district, where the average reported size of the operational land is 0.67 of a hectare – the highest in the 12 sample sites of the *Tarai*. Public land tillers from the *Bhotetole* of *Rautahat* district of the *Tarai* also reported food sufficiency because of the availability of perennial government irrigation facility, which increased the yield of paddy, wheat, and seasonal vegetables.

In the case of households where a member is employed elsewhere, remittance has played an important role in ensuring food security.

Most FGD participant informants explained that land tenure is important for food security. Food security was attained in the communities assisted by various CSOs and government offices through the VLRFs, by securing tenure and providing support and social services to farmers. Particularly, this was accomplished through:

- a. ensuring the security of the tenure of the land through legal tenurial instruments;
- b. providing agricultural land for landless farmers;
- c. establishing perennial State irrigation facilities for increasing agricultural productivity; and,
- d. creating local employment opportunities in agro-based and cottage industries

Once there is security of tenure, there is incentive for intensive land cultivation and greater investments in agricultural inputs, which lead to higher farm yields. The availability of irrigation also helps increase the quantity of crops grown. Moreover, farmers are willing to invest in irrigation inputs if their land tenure is legally ensured.

## **Analysis of Results**

Perceived tenure security of housing, homelot, and farmlands, is positively correlated with documentary evidences of settlement/cultivation, and the organizational strength of the VLRFs and DLRFs. Advocacy campaigns by these peasants' grassroots organizations are also positively correlated with the initiation of the local culture of paying equal wages to laborers of both sexes.

Economically productive youth and adults find work abroad due to grinding poverty (triggered by landlessness, limited landholdings, indebtedness, lack of local employment opportunities, etc.) exacerbated by political instability. The role of remittance has been paramount in ensuring food security among these land-poor and small farmer households.

The economic vulnerability of the land-poor has to do with their reliance on the exploitative practice of moneylenders. Local moneylenders (local landlords) are the most accessible persons during times of need since they do not demand a panoply of formalities like banks do, but they are notorious for charging usurious interest rates. The initiation of the savings and credit groups and cooperatives at the community level is the contributory factor for the reduction of land-poor and small farmers' dependence on traditional moneylenders. This has also led to income-generating activities which have begun to contribute to food security and overall household economic improvement. The role of "movement fund" (set



by VLRFs/DLRFs) has also played an emancipatory role in the regime of credit for the poor.

The stronger and more adequate the quality of the tenurial instruments (including all the documentary evidences) is, the higher the chance of the enjoyment of all use and control or decision-making rights by the tenants/tillers/settlers in the continuum of land rights. However, obtaining tenurial instruments from the administrative apparatus is not that easy given the fact that it is largely represented by the educated offspring of the landed aristocracy imbued with patriarchal ideology. The higher the chance of the enjoyment of all use and control or decision-making rights by the tenants/tillers in the continuum of land rights, the higher the feeling of security of tenure is over their farmlands.

Although security over land tenure is the key factor for ensuring food security in rural Nepal, food security as evidenced from the sample sites is the function of other factors such as the availability of both agricultural and non-agricultural employment opportunities, the presence of irrigation facilities and other agricultural inputs for augmenting crop yield, payment of reasonable prices for agricultural products, the need to control the crop depredation by the wild animals, the initiation of income generating activities at the household level, flow of remittances, etc.

Although the role of government agencies has been considered critical in addressing key community problems ranging from land tenure security to overall community development for ensuring food security, the crucial role of CSOs and land-poor organizations from grassroots to the national level in influencing the formulation of appropriate policies or laws and their effective implementation at the grassroots level cannot be underestimated.

The key challenges for ensuring land tenure and food security are: (i) bureaucratic red tape within the agencies of MoLRM and their sluggishness in addressing grievances of land-poor farmers; (ii) relative political instability in the country; (iii) pervasiveness of *afnomanche* in Nepali society (bureaucrats, politicians and local leaders listen to the grievances of their people only and hence, groups who have no connections whatsoever are generally ignored); and, (iv) need for massive financial and organizational resources for CSOs in strengthening the poor peasants' existing organizations created by CSRC both institutionally and ideologically for transformation of inequitable agrarian relations.

## Assessment and Recommendations

Ensuring sustainable food security among the land-poor and small farmers is contingent upon a multi-pronged strategy to address the multitude of economic issues associated with the production of food grains and other farm commodities.

The formulation of a national policy that validates whether public land tillers and settlers are truly homeless is needed. The policy should clearly articulate how public land which has been tilled or used as settlement by the poor for decades, can be handed over to them. Supporting landless producers with access to productive resources can help achieve the “zero hunger” objectives of the government. This would also provide public land tillers with a sense of security of tenure over their homelots and farmlands and ensure their food security in the long run.

The national government, while addressing the land tenurial issues, must also craft a national policy to create employment opportunities in collaboration with the CSOs and private sector to employ the rural youth joining the job market every year, and to stem the tide of Nepalese seeking overseas jobs. These occupations must espouse dignity of labor and the provision of reasonable wages. Equally important in this policy advocacy is the promotion of gender equity.

The issues associated with land tenure and food security can be addressed within the existing political economic framework. But this is also contingent on the active participation of primary stakeholders through the civil society organizations (CSOs) in influencing policymakers to craft appropriate policies.

Incessant pressure created through the CSOs’ effective mobilization of tenants/smallholders is critical to obtaining a solution to the pending filed cases at the Land Revenue and Land Reform Offices.

CSOs play a facilitative role in the process of obtaining tenurial instruments for the land-poor and small farmers from land-related administrative apparatuses, local government units, and the Landless Problem Solving Commission. The leadership of the CSOs such as that of the CSRC and peasant organizations such as the NLRF must intensify efforts at the national, district and local levels to mobilize land-poor farmers to pressurize government officials concerned and landlords into expediting the process of issuing the *Nissas*. In addition, civil society

also needs to make optimal efforts in the *Tarai* region to influence the district agencies of the MoLRM to lower the agricultural fixed rent of the main crop to 50 percent from the current 75 percent, and to help them in regularly monitoring the field situation. Interventions are also needed to organize the marginalized communities in the hinterlands of the *Tarai* to help them emancipate themselves from the predominance of informal credit.

CSOs and peasant organizations must also strive at the national, district and local levels to influence government line agencies concerned to develop irrigation facilities in agricultural areas, and make potable water and electricity available for public land settlers/tillers.

Finally, the leadership of the CSOs and peasant organizations in collaboration with government agencies concerned have to facilitate the establishment of marketing mechanisms through farmers' cooperatives for them to earn reasonable incomes from the sale of their agricultural produce. Guaranteeing reasonable prices of such primary agricultural commodities would definitely contribute to food security of small farmers especially in the High Hill region. ■

## Acronyms

CBS	Central Bureau of Statistics
CSO	civil society organization
CSRC	Community Self-Reliance Centre
DFID	Department for International Development
DLRF	District Land Rights Forum
FGD	focus group discussion
FAO	Food and Agriculture Organization of the United Nations
GLTN	Global Land Tool Network
GHI	Global Hunger Index
IFAD	International Fund for Agriculture Development
KII	key informant interview
MoAD	Ministry of Agricultural Development
MoLRM	Ministry of Land Reform and Management
MoFSC	Ministry of Forests and Soil Conservation
NLRF	National Land Rights Forum
OPHI	Oxford Poverty and Human Development Initiative

USAID US Agency for International Development  
VLRV Village Land Rights Forum

## Definition of Terms

<i>Afmanche</i>	Patronage politics/close relatives
<i>Brahmins</i>	Higher caste in Hindu caste hierarchy
<i>Birta</i>	Land grants awarded by the State to individuals of high socio-economic status
<i>Chhetris</i>	Middle caste in Hindu caste hierarchy
<i>Dalit</i>	A discriminated caste group referred to as <i>impure</i> or <i>untouchables</i>
<i>Guthi</i>	Trust lands, or lands allocated for religious, philanthropic, or cultural purposes
<i>Haruwa/ Haliya</i>	Tiller under a kind of bonded system practiced mostly in the <i>Tarai</i> region
<i>Honda</i>	Contract-farming in the <i>Tarai</i> region
<i>Kipat</i>	Customary form of communal land ownership headed by a village chief; practiced in some areas in the Hill and High Hill regions
<i>Nissas</i>	Documentary evidences of settlement or cultivation
<i>Pahadi Brahmins</i>	Higher caste from the Hill region
<i>Pahadi Chhetris</i>	Middle caste from the Hill region

<i>Pahadi Janajaatis</i>	Indigenous groups from the Hill and High Hill regions
<i>Purdah</i>	A practice of keeping women away from the sight of men and strangers through physical seclusion and/or through clothing almost the entire body; prevalent in some Hindu and Muslim societies
<i>Raikar</i>	Lands belonging to private individuals; traditionally State-owned
<i>Sherpas</i>	Indigenous peoples from the High Hill region
<i>Tamangs</i>	Indigenous peoples from the Hill region
<i>Tarai</i>	Plain land in the southern part of Nepal
<i>Tekkha</i>	Contract-farming in the Hill and High Hill regions

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# Connecting Land Rights to Food Security:

## Case Study of Farming Communities in Selected Provinces in the Philippines

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Land tenure is identified as the major constraint in overcoming rural poverty in the Philippines. It affects the majority of the country's poor, which comprise 22 percent of the population that surpassed the 100 million mark in 2015 (UNDP, 2016). Land tenure is also linked to the other challenges faced by agricultural households such as hunger, limited access to basic services, low productivity and underemployment. There is little understanding, however, on the interactions of these challenges.

This paper explores linkages between land tenure and food security towards addressing hunger and poverty.

This initiative is supported by the Global Land Tool Network (GLTN) through the CSO Rural Cluster work plan for 2016-2017. It builds on the elaboration of the "Continuum of Land Rights" and developing tools to generate data towards correlating tenure with food security.

For Asia, GLTN is partnering with the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), which has been in the forefront in advocating land rights in Asia since the 1980s. In 2000, it launched the *200-Village Project* to ensure food security of rural households among its members, with land as a major component.

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This is an abridged version of the Philippine paper of the same title.

## Objectives

The overall objective is to explore the link of land access and food security towards addressing hunger in the Philippines. This report investigates this link at the community level through case studies in specific alienable and disposable (A&D) lands<sup>1</sup> in the Philippines.

While focused on sugarcane and rice farming communities in the Philippines, this study specifically aims to contextualize GLTN's land tool on the "Continuum of Land Rights" in the selected areas; identify food security related factors linked to land access along the continuum of land and property rights; and describe a framework in linking land tenure and food security.

## Focus of the Study

The study focuses on 22 small farmer communities in the provinces of Iloilo (for rice-growing communities), and Negros Occidental (for sugarcane). A rice farming community in Leyte have been initially targeted in the data gathering phase but eventually excluded to meet the timeframe of the study.

The identification of study sites was based on the land tenure status of the respondents using the continuum of land rights tool of the GLTN to have a comprehensive picture of the relationship of land tenure to social and food security. The sites were selected based on the crops planted to determine whether the produce has a direct correlation to the food security of the community.

The sites were also selected from the provinces where the government recorded the largest farm areas awaiting redistribution under its agrarian reform program. This is based on the government's so-called land acquisition and distribution (LAD) balance. Negros and Iloilo are among the DAR's top 10 provinces with high LAD balance, based on January 2017 figures.

The contexts and the agrarian situation in each of the selected provinces is discussed in this paper's Section, '*A Closer Look at Land Tenure and Food Security in the Study Areas.*'

<sup>1</sup> A&D lands are the only lands that can be privately owned. This includes agricultural lands (and reclassified lands) and privately owned lands (based on State grants or laws). These lands are subject to: (a) purchase which vests ownership; or (b) lease which vest only the right to occupy and use for the period agreed upon. In 2003, 64.8 percent of lands classified as alienable and disposable were privately owned (Eleazar, et. al., 2013).

## **Methodology**

An overview of land governance in the Philippines with a focus on alienable and disposable lands utilizing secondary data is incorporated to provide the national context. A review of literature was conducted in assessing hunger and poverty especially those of the agricultural households. The study then puts into context the “Continuum of Land Rights” of the GLTN.

Using the land continuum categories adapted for selected provinces in the Philippines, focus group discussions (FGDs) were conducted. Participants were identified through purposive sampling with groupings based on their land classifications – sugarcane farmers are one of the poorest while rice growers constitute the highest number as a sector. These were undertaken by ANGOC CSO partners, CARRD and Kaisahan from April to May 2017. CARRD conducted FGDs in rice growing communities in Passi City and San Enrique in the province of Iloilo. Kaisahan’s respondents were from Hinigaran and Binalbagan City in Negros Occidental.

A food security framework with its linkages to land tenure was then formulated as the basis in identifying possible tenure influences.

## **Country Overview of Land Tenure, Hunger and Poverty**

### ***Land Tenure***

In the Philippines, lands are either public domain (State-owned) or alienable and disposable (A&D). Publicly owned lands include classified forestlands, mineral lands, and national parks. They are subject only to usufruct and resource utilization rights under certain conditions. Only A&D lands (which include agricultural lands) and those bestowed by the State through grants or legislations can be privately owned.

Though customary ownership rights over ancestral lands are recognized in the Constitution, it was only with the enactment of Republic Act (RA) 8371 or the Indigenous Peoples’ Rights Act (IPRA) of 1997 that government had a clear basis in recognizing, protecting and promoting the rights of indigenous cultural communities/indigenous peoples. These include, among others, right of ownership, right to develop lands and natural resources, right to stay in the

territories, right in case of displacement, right to regulate entry of migrants and right to resolve conflicts (IPRA, 1997).

The Philippines' total land area of about 30 million hectares is legally classified into: (i) forestlands, and national parks; and (ii) alienable and disposable lands. Most ancestral domains are located within forestlands.

As of 2011, classified forestlands and established national parks covered 15.05 million hectares or 50 percent; unclassified forestland of 0.755 million hectares or 3 percent and A&D lands spanning 14.19 million hectares or 47 percent. Of the 15.05 million hectares of the public domain, about 4.1 million hectares are not covered by any tenure agreement or instrument, which leaves them essentially under open access conditions (Eleazar, et. al., 2013).

The country's 14.19 million-hectare A&D lands are given to private ownership; and subject to a system of titling, purchases, leases, registration and recording. This includes the agricultural lands subject to redistribution under the Comprehensive Agrarian Reform Program (CARP).

Land rights should be documented, mapped, recorded, or registered to protect the owner from the claims of third parties. It is necessary, however, that before any right is recognized, it should be free from adverse claims and conflicts.

### ***Poverty, Food Security and Agriculture***

A study conducted by the Philippine Institute for Development Studies showed that poverty in the country remains highly agricultural in nature. In 2009, poverty incidence among agricultural households<sup>2</sup> (57 percent) is thrice that of the non-agricultural (17 percent). Three in four poor individuals live in rural areas. Moreover, data show that as a family relies more on agriculture, the greater is the poverty incidence (PIDS, 2012).

Ironically, many of the farmers are also food poor, otherwise called subsistence poor (PIDS, 2012). In the recent report of International Food Policy Research Institute (IFPRI), the Philippines' hunger index ranks 68<sup>th</sup> (of 118 countries). Among the types of crops, the subsectors with high poverty rates are corn growing (64 percent), coconut growing (56 percent), sugarcane growing (53

<sup>2</sup> NSO defines an agricultural household in the FIES as one whose income derived from agricultural sources is equal to or higher than that derived from non-agricultural sources.

percent), and growing of coffee, cacao (54 percent). In terms of total number of poor, the share of *palay* (rice) growers is the largest at 30 percent (PIDS, 2012).

### ***Challenges in Overcoming Rural Poverty and Hunger***

Lack of access to land has been a major constraint among farmers for the past decades. Other than the small size of landholding, farmers are challenged by their low productivity, limited access to financing and linkages to market. Moreover, natural disasters and internal displacements due to recent conflicts have contributed substantially to increasing hunger and poverty in the country.

#### ***Land Size and Tenure***

The average farm size is 1.2 hectares. The decreasing land size vis-à-vis the increasing rural population amplifies the problem. Moreover, families that rely heavily on agricultural income also have more members and young children (PIDS, 2012).

Under the government's Comprehensive Agrarian Reform Program (CARP), some 7.8 million hectares of agricultural lands have been targeted for distribution. In 2013, around 6.9 million hectares have been distributed to some 5 million smallholders. Those who benefited from the program are now facing new challenges such as market linkages and financing. Those who have gone into various long-term contracts (such as long-term lease, joint venture, marketing contracts) between large agribusiness companies and cooperatives (of agrarian reform beneficiaries or ARBs) have problematic contractual arrangements that do not favor smallholder ARBs (FAO, 2016).

Among indigenous peoples (IPs), the delay in the issuance of certificates of ancestral domain titles (CADTs) of an estimated 2 million hectares has been a major challenge. It is reported that no CADT was issued from since 2012 to date (2017).

#### ***Basic Services***

Thirty percent of those in the agriculture sector do not have access to electricity (compared to 14 percent of the total population), 26 percent do not have sanitary toilet facility in their dwelling units and 15 percent are deprived of

access to potable water (compared to 9 percent for the whole country) (PIDS, 2012).

By agriculture subsector, those engaged in forestry activities have the highest incidence of poverty at 68 percent (PIDS, 2012). The majority of these upland dwellers are IPs. This can be partly explained by the lack of basic services, limited livelihood opportunities and restricted access.

### ***Underemployment and Migration***

One clear issue that binds poverty with agriculture is underemployment. Almost seven out of 10 poor workers (68 percent) in 2009-2010 who were underemployed were primarily engaged in agriculture, forestry or fishery (PIDS, 2012).

Many of them have sought work elsewhere. Some of them are overseas Filipino workers (OFWs). In 2014, OFWs were estimated to total 5 million.

This trend seems to suggest that working abroad could indeed be among the effective anti-poverty strategies of poor families especially those in the rural provinces. Recent studies<sup>3</sup> find that migration offers development potential such as providing livelihood and remittances that may be used for local investments. In times of disaster, these remittances also increase.

### ***Disasters and Internal Displacements***

Natural disasters and internal displacement have significantly pushed up poverty incidence. Overall, in 1995-2014, climate risk of the Philippines, considered as long-term risk, was ranked fourth in the world. In 2013, the Philippines climate risk index ranked first in the world due to the impact of super typhoon Haiyan (Kreft, S. et. al., 2014). This has been the worst disaster recorded in Philippine history.

Between 2000 and 2012, the combined damage in agriculture amounted to Php 108.6 billion (NDRRMC, 2013). Typhoon Haiyan's total damage to agriculture in 2013 amounted to Php 3.3 billion (NDRRMC, 2013). The Department of Agriculture (DA) in July 2016 reported that the combined damage of El Niño and

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<sup>3</sup> Studies include *Interrelations Between Public Policies, Migration and Development (IPPMD)* of OECD Development Center and *Remittances and Disaster: a Review* published by the International Journal of Disaster Risk Reduction.

La Niña weather patterns during the period had amounted to US\$325 million (FAO, 2017).

The number of people displaced due to conflict is also very high, particularly in Mindanao. In 2015, a total of 407,397 persons were displaced in 16 provinces of Mindanao (UNHCR, 2015).

## **A Closer Look at Land Tenure and Food Security in the Study Areas**

In establishing the linkages between land tenure and food security, a detailed assessment of various classifications of land tenure in agricultural land was conducted in the provinces of Iloilo and Negros Occidental. With the adapted land tenure continuum, FGDs were conducted with representatives from each classification.

Iloilo: As of 2015, the province has a population of 1.9 million, with 26.20 percent living below poverty threshold (Iloilo Provincial Planning and Development Office, 2015). The province has a total land area of 466,342 hectares, with 75 percent considered as A&D lands while the rest are timberlands. Of the A&D lands, 73.93 percent are agricultural. With most of the lands devoted to agriculture, the province ranks fifth in both rice and sugarcane production in the entire Philippines (Iloilo Provincial Planning and Development Office, 2015). The subsistence incidence<sup>4</sup> in Iloilo increased to 17.3 percent in 2012 (NSCB, 2013).

Negros Occidental: It is the fourth largest island in the Philippines with 792,607 hectares (DENR VI, 2017). With a population of 2.49 million in 2015, it is the most populous province in Western Visayas and eighth in the country. Based on the 2009 Official Poverty Statistics of the National Statistical Coordination Board (NSCB), the province has the second biggest share in the total number of poor families. In 2012, the number of families living below the poverty threshold was 164,827 (NSCB, 2013).

Implementing CARP in Negros is extremely challenging because of strong landowner resistance, low capacity of farmworkers and the diverse support services required. Negros is home to landowners who employ various means in resisting the agrarian reform program. As of January 2016, there are 112,564

<sup>4</sup> Subsistence Incidence refers to the proportion of families (or population) with per capita income less than the per capita Food Threshold to the number of families (population).

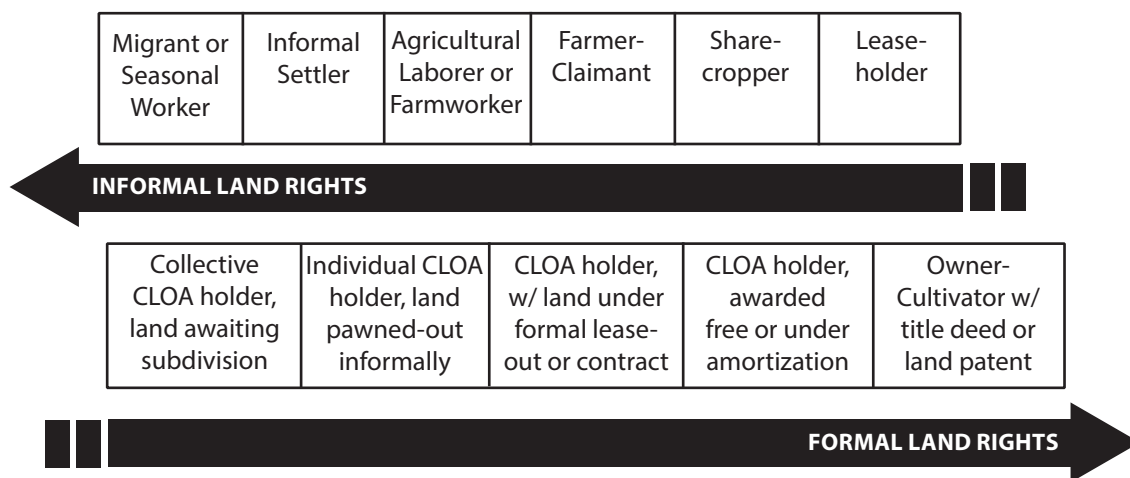
hectares of agricultural lands from 9,001 landholdings that had yet to be distributed (DAR Negros, 2016).

## Land Rights Continuum in Agricultural Lands in the Two Selected Provinces

In the agricultural lands in the two provinces, 11 tenure classifications were identified. Below are short descriptions for each classification (based on the FGD findings of CARRD and Kaisahan) focusing on land rights, access and tenurial instrument used.

The diagram below illustrates best the land rights continuum in these two provinces with the 11 identified tenure classifications arranged from informal to formal land rights.

**Fig. 5. Land Rights Continuum for Farmers in A&D Lands, Philippines**



\*Note: CLOA refers to the “Certificate of Land Ownership Award” given to beneficiaries under the Comprehensive Agrarian Reform Program.

**Table 1. Descriptions of tenure classifications of A&D lands, Philippines.**

Tenure Classification	Physical Access	Tenurial Instrument
<b>Migrant or Seasonal Worker</b> Hired labor for a certain period within the cropping cycle.		None



<p><b>Informal Settler</b></p> <p>Family resides and cultivates the land for free but without permission from the landholder.</p>	<p>Family cultivates land for free without permission</p>	<p>None</p>
<p><b>Agricultural Worker</b></p> <p>Works for the landowner, receives salary and should enjoy other rights and benefits as a laborer under the labor laws.</p>	<p>In-situ worker paid on a daily basis</p>	<p>Employment contract but often not in writing</p>
<p><b>Farmer Claimant with Tax Declaration</b></p> <p>Farmer pays the real property tax and enjoys the right to possess and use the land.</p>	<p>Family cultivates the land; pays taxes</p>	<p>Tax declaration</p>
<p><b>Sharecropper</b></p> <p>Tenant farmer cultivates the land belonging to or possessed by another, with the latter's consent for purposes of agricultural production, and requires to give at least 50 percent of the farm income as share to the landholder. Share cropping is no longer allowed by law.</p>	<p>Individual cultivates the land but management belongs to the landholder and tenants</p>	<p>Often none, based on verbal agreement</p>
<p><b>Leaseholder</b></p> <p>Tenant farmer cultivates and manage the land belonging to or possessed by another, with the latter's consent for purposes of agricultural production with a fixed rental of 25 percent of the farm income from the primary crops, and 20 percent for the auxiliary crops to the landholder, in cash or in kind.</p>	<p>Tenant farmer cultivates and manage the land. Family members can help in the cultivation but cannot hire farm help or accept sub-lessee</p>	<p>Leasehold contract (verbal or written)</p>
<p><b>Collective CLOA Holder Awaiting Subdivision of Land</b></p> <p>Farmer beneficiaries with or without physical possession of the land awaiting the subdivision of assigned plot to the beneficiaries.</p>	<p>Family or individual cultivates an assigned plot of land</p>	<p>Collective CLOA</p>
<p><b>Individual CLOA Holder with Land Informally Pawned</b></p> <p>Farmer beneficiary loses control and possession of the land until loan is fully paid. A ground for disqualification as beneficiary if done within the 10-year prohibitory period.</p>	<p>Loses physical access to the land until loan is paid</p>	<p>EP, Individual CLOA with land pawned informally</p>
<p><b>Individual or Collective CLOA Holder with Land Formally Leased Out</b></p> <p>Farmer beneficiary receives rental fees but loses control and possession of the land. He/she maybe hired as farmworker depending on the terms of the agreement.</p>	<p>Receives rental fee and may be hired as a farm worker based on the contract agreement</p>	<p>EP, CLOA (collective or individual) but with annotation of the lease agreement</p>

<p><b>Individual or Collective CLOA (Certificate of Land Ownership Award) Holder</b></p> <p>Individually or collectively in possession and cultivating the land. Farmer beneficiary is still paying the land amortization and cannot transfer or convey the property to other person within the 10-year prohibitory period unless through hereditary succession or to the government.</p>	<p>Individually or collectively installs and tills the land and enjoys the full harvest</p>	<p>Individual CLOA or Collective CLOA (as the preferred mode of the farmers)</p>
<p><b>Owner Cultivator with Title or Full Patent</b></p> <p>Enjoys all the rights as owner and has fully paid his/her land amortization</p>	<p>Individually cultivates the land and enjoys the full harvest</p>	<p>EP, CLOA, Certificate of Title (original or transfer)</p>

Given that agricultural lands are covered by the government’s agrarian reform program and its implementation is closely monitored by multi-interest parties, the continuum follows a more legal and documented recognition of land rights. It affirms GLTN’s pronouncements that:

*“Rights to land can be viewed as lying on a continuum. At one end are formal land rights, where the owner is an individual, who holds a set of registered rights to a parcel of land that are enshrined in law. At the informal end of the continuum are informal rights; a group of individuals (such as a clan) who may have traditional rights to use a piece of land.”*

## Summary of Findings of the FGDs

In conducting the FGDs, a common guide questionnaire was used covering seven key topics, namely: housing and home lots; sources of income and livelihood; migration; credit and loan resources; tenurial status of the farm lands; perception of food security; and perception of community problems.

### **Housing and Homelots**

Those holding formal tenure instruments such as CLOA and EP have semi-permanent to permanent types of housing occupying bigger home lots (more than 300 square meters) and with no threats of being evicted. Farmers at the other end of the continuum have semi-temporary to semi-permanent houses with lots of less than 300 square meters. They are very vulnerable to decisions of the landowner.

### ***Income and Livelihood***

Land is a major source of livelihood for farmers. CLOA and EP holders, having full control on the utilization of the land, can plan according to their needs, availability of labor, seasonality of production and market opportunities. More importantly, they can plan on sustaining their food needs to ensure household food security. These decisions are not open to land claimants and leaseholders. They also need to have secondary income once the peak season of planting and harvesting is done.

### ***Employment and Migration***

As in many other provinces in the Philippines, the lack of financial capital and employment opportunities in the rural areas are forcing farm households to send family members to urban centers and abroad for employment. Unfortunately, this opportunity is not affordable to land claimants, farm laborers, leaseholders, and CLT holders.

Only those who have collective CLOA and EP have at least one member, mostly women who finished at least high school, who migrated either abroad or to Manila. Migrant workers regularly send remittances to their families. These remittances come in handy during “hunger” months and in times of calamity.

### ***Credit***

Regardless of tenurial arrangement, most of the respondents regularly avail loans either from formal or informal lenders. Those with more formal legal rights are able to borrow from formal lenders who have relatively low interest rates. Loans are primarily used to buy farm inputs.

### ***Farm Size and Food Needs***

Interestingly, those who have more formal land tenure have bigger farm sizes. In Iloilo, CLT, collective CLOA, and EP holders cultivate one hectare on average, and 2.5 hectares at most. Land claimants and leaseholders, on the other hand, cultivate only 0.5 of a hectare of land on the average.

Given the amount of harvests and the needs of the family, those with 0.5 of a hectare of rice land allot all their harvests for household consumption. Those who have, on the average, one hectare of land sell at least 60 percent of their harvest in the form of *palay* or unhusked rice.

### ***Perception of Food Security***

In the FGDs in Iloilo, CARRD correctly assumes that “regardless of tenurial status, all of the respondents consider farming as their primary source of food. Rice cultivation is primarily for the satisfaction of the household food requirement. Except for farm laborers, all maintain backyard gardens to raise vegetables and farm animals to augment household food requirements.”

A major factor to consider is farm size. Those who have 0.5 of a hectare or less are not able to supply their food needs while those with an average of one hectare of land think that they have enough supply of food for the household. This also allows them to diversify their crops including poultry and livestock to satisfy their nutritional needs.

Given the above FGD results, it can be concluded that farmers having more formal rights are more food secure than those at the other end of the continuum. They also enjoy better housing, services, livelihood and employment opportunities for other members of the family.

Between crops, rice farmers said that they had sufficient food supply, whereas sugarcane farmers said that they experience seasonal hunger each year.

## **Analysis of results**

### ***Linking Land Rights to Food Security***

Land is taken primarily as a factor of production especially among farmers. As such, land right is essential. Land right, however, has other dimensions that are important in ensuring land productivity. In studying the link between land tenure and food security, these dimensions have to be articulated. In the FGDs, four dimensions of land may be identified: as a factor of production, as a property, as a production unit, and as a landscape domain.

- *As a factor of production:* Land is an important factor of food production. As such, land size is a very important consideration. It is not surprising therefore that those farmers cultivating less than a hectare experience food inadequacy while those cultivating more than a hectare will have enough surplus to sell in the market.

On the other hand, land quality such as soil fertility, moisture retention capacity and ease of cultivation is an equally important consideration in enhancing productivity. With this dimension, technology is an important consideration. Sustainable agricultural technologies can go a long way in enhancing food security.

- *As a property:* Land as a property has an important function in accessing resources and services to make the land productive. Farmers usually do not have the necessary resources to procure needed agricultural inputs, irrigation services or transport facilities. They borrow from money lenders who siphon the farm income, leaving the farmers with a negative bottom line.

Formal lending institutions have relatively low and reasonable interest rates but would require collaterals in the form of land titles. Thus, formal land rights have an advantage. These documents are also required in securing basic services such as electricity and potable water.

- *As a production unit:* As a production unit, land has to be managed well to maximize productivity. Farm management, however, requires skills in technical innovations, in accessing resources as inputs for production and in establishing market linkages to dispose their products. Having secure land rights enable the farmer to negotiate contracts, enter into a partnership and in investing for long-term engagements.

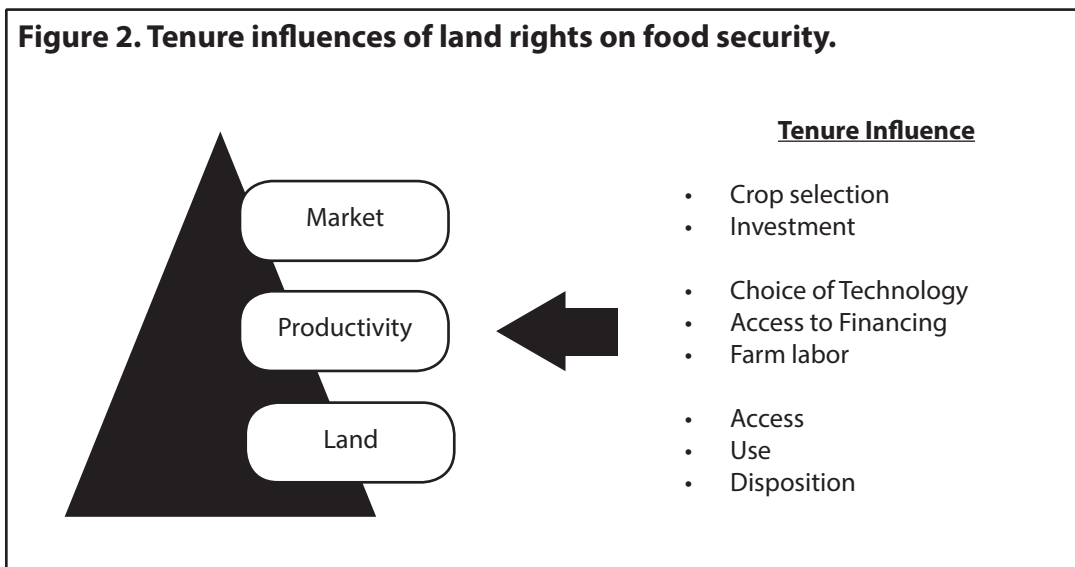
This is not easy for agrarian reform beneficiaries. In Negros Island region as reported by Kaisahan, “the beneficiaries (being farm workers for generations) are weak as they are highly dependent on the landowners... They rely on the landowners for their food, children’s education and other basic needs. They are used to doing specialized and segmented work (cane cutting, weeding, etc.) and have no experience in managing a farm. On top of it all, they fear the landowners.” Nevertheless, it is an important dimension of land tenure for ensuring food security.

- *As a landscape domain:* As a component of the ecosystem, land use and management can stabilize or disrupt environmental cycles and processes. With the increasing risks in agriculture brought about by climate change and conflicts, recognition of land rights and instituting good land governance can have a significant impact in reducing disasters and internal displacements that are closely linked to hunger. This is significant for the Philippines especially some of the islands in the eastern coasts.

Moreover, land rights recognition can also contribute to climate change adaptation. Nearly 90 percent of the remaining forest cover are within the ancestral domains of the indigenous peoples but a huge hectarage still awaits issuance of CADTs.

### **Tenure Influence of Land Rights on Food Security**

Among farming households, ensuring food security requires land, capacity in making it productive and fair disposal of its produce. Having rights to the land does not only allow access and use but provides the leverage in making the land productive. Moreover, the influence to engage the market allows the family to save in times of abundance and subsist in times of difficulty.



## Assessment and recommendations

In a country where majority of the rural households dependent on agriculture continue to languish in hunger and poverty, the recognition of land rights within the framework of good land governance becomes a critical government program intervention. This comes with urgency as disasters and internal displacements intensify with the changing climate and political instability.

Some specific suggestions forwarded in the local consultations to improve land governance include the provision of support services, establishment of crop insurance, expansion of existing socialized credit windows, establishment of market links for farmers' produce and mandatory social preparation for potential agrarian reform beneficiaries.

This program intervention is also in line with the UN call for a more inclusive development along the UN-SDGs, particularly SDG 1 and 2. Thus, further studies on this inherent connection can provide insights in addressing global hunger and poverty. ■

## Acronyms

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ARBs	agrarian reform beneficiaries
A&D Lands	alienable and disposal lands
CARRD	Center for Agrarian Reform and Rural Development
CARP	Comprehensive Agrarian Reform Program
CADT	Certificate of Ancestral Domain Title
CLOA	Certificate of Land Ownership Award
CLT	Certificate of Land Transfer
CSO	civil society organization
DA	Department of Agriculture
DAR	Department of Agrarian Reform
EP	Emancipation Patent
FGD	focus group discussion
GLTN	Global Land Tool Network
IPs	indigenous peoples

Kaisahan	Kaisahan tungo Sa Kaunlaran Ng Kanayunan at Repormang Pansakahan Inc.
OFWs	overseas Filipino workers
LAD	Land Acquisition and Development
PhP	Philippine Peso (currency)
PIDS	Philippine Institute for Development Studies
SDG	Sustainable Development Goal
UNDP	United Nations Development Programme

## Definition of Terms

*Subsistence incidence* refers to the proportion of families (or population) with per capita income less than the per capita Food Threshold to the number of families (population).

*Food threshold* is the minimum income required to meet basic food needs and satisfy the nutritional requirements set by the Food and Nutrition Research Institute to ensure that one remains economically and socially productive.

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- Farmers from Pedro Fernandez Estate, Brgy. Dumiles, San Enrique, Iloilo
- Farmers from Palmares and Company Estate, Brgy. Nueva Union, Passi City, Iloilo
- Farmers from Efraim Santibanez Estate, Brgy. Nueva Union, Passi City, Iloilo
- Farmers from Policarpio Padlan Estate, Brgy. Mapili, San Enriques, Iloilo
- Farmers from Ramon Ledesma Estate, Jaguimitan, Passi City, Iloilo
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- Farmers from Catalina Jamadre Estate, Brgy. Salingan, Passi City, Iloilo
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## **Annex 1. Summary of findings of the FGDs with sugarcane farmers in Negros Occidental facilitated by Kaisahan**

### **On Housing and Homelot**

Almost all of the respondents lived in their respective residents for more than 30 years with semi-permanent houses made of bamboo, concrete and lumber with nipa and galvanized iron for roofing. The smallest size of the homelot is 35 square meters, and the biggest is 600 square meters. Despite difficulties, most of the respondents stayed in their communities for more than 30 years.

ARBs whose houses are located in the homelot within their CLOAs have better security of tenure in their homelots than the farmworkers, and ARBs whose houses are located outside of the land awarded to them. Under the CARL, ARBs are entitled to a maximum of 1,000 square meters for their homelot.

All respondents have access to pump and artesian wells for their water, and only buy mineral or distilled water if a family member is sick or if there is an outbreak of diarrhea in the community.

### **On Source of Income**

All respondents said that farming is their primary source of income and most respondents have secondary source/s of income but the combined income from farming and other sources are not enough to provide for the family's basic needs especially healthy and nutritious food.

All respondents are vulnerable to inflation because their main source of food is the market and not their farms, hence might be more expensive to achieve food security in the future.

### **On Migration**

Most respondents have family members who have migrated due to lack of better and stable farm income to provide for their family. This, according to them, is because of the lack of support services to small farmers. This is also the reason they are investing in their children's education for them to have better opportunities to find more stable sources of income than farming.

## **On Credit/Loan Sources**

All respondents have outstanding credit or had previously accessed credit either from microfinance institutions, foundations and or from individual lenders. All lenders charge interests but with different rates and with different terms of payment. Main reasons they avail of loans are for farm productivity, food and education.

## **On Tenurial Status and Food Security**

All respondents, regardless of the status of their land tenure, are food insecure due to lack of income in sugarcane farming, but those with secured land tenure just need support services interventions to develop their asset, the awarded land, to improve their socio-economic standing, compared to farmworkers and to potential farmer beneficiaries whose future of owning the land they are tilling remains uncertain.

Small owner cultivators exclusively planting sugarcane would still experience lack of food during the lean months because of the lack of support services and other sources of income. They have little chance to secure their household's food security because of the long cropping cycle, the lack of market aside from the sugar mills which are controlled by the landowners. The cropping cycle for sugarcane is nine to 10 months and lean months would be three to four months.

Mono-cropping, especially if sugarcane, is a threat in sustaining the land tenure security of small farmers. Sugarcane farming can only be lucrative if a farmer owns at least 50 hectares of land. If small farmers will not shift to other crops or diversify, former landowners and arrendadores are expected to continue their pursuit to reclaim the lands awarded to agrarian reform beneficiaries to expand their vast sugarcane plantation.

Securing the land tenure of farmers will give them the freedom to diversify and break the mono-cropping system. Crop diversification will help provide their household free and nutritious source of food. This practice can also be a good opportunity for ARBs to have a more steady and additional source of income if they sell a portion of their harvest since the cropping cycle of the vegetables is shorter and more frequent.

The lack of access to socialized credit for small farmers exposes them to informal lenders charging unreasonable interest rates. This is one of the reasons the net income of most of the respondents is not enough to sustainably provide nutritious food for their families because they need to pay the loan and the exorbitant interest. Small owner cultivators might lose their land for non-payment of loans if they use it as collateral. But even if the support and livelihood opportunities are lacking, they still think that holding on to their land is important to achieve economic empowerment and food security for their families.

### **Possible Indicators of Land Rights and Food Security**

- If farmers are peacefully tilling the land and received quality and need based support services
- If farmers have the freedom to diversify and shift to a sustainable farming system
- If a significant percentage of food on the table are from their own harvest
- Lessen dependency of farmers to credit to support farm production and the family's basic needs

### **Recommendations**

#### ***For the Government***

- Government (DAR) should do mandatory social preparation for potential agrarian reform beneficiaries while waiting for the completion of the land acquisition processes. Social preparation should include the formation of people's organization, organizational and farm planning, and values formation.
- The government should put a specific timeframe in the land acquisition and distribution processes and strictly implement it to avoid uncertainty in the tenurial security of potential agrarian reform beneficiaries.
- The government should prohibit agricultural venture arrangements that are unfair and will limit the rights of agrarian reform beneficiaries to personally cultivate, possess and manage their farmlands. Implementation of the initial capitalization of new agrarian reform beneficiaries and expansion of existing socialized credit windows for agrarian reform beneficiaries to lessen exposure of farmers to excessive interest rates charged by the individual lenders. These support services are mandated by RA 9700 (CARPER) but initial capitalization was not implemented and socialized credit window is limited.

The Agrarian Production Credit Program (APCP) can only be accessed by people's organizations but would require DAR endorsement and facilitation. A collateral-free credit window for individual ARBs should also be explored.

- The DA should adopt a need-based policy in providing support services and will prioritize agrarian reform beneficiaries in the provision of support services. Need-based means that the government should provide comprehensive and necessary support based on the farm plan of the community.
- Given the unpredictable weather pattern because of climate change, automatic crop insurance for agrarian reform beneficiaries is necessary for farmers to avoid indebtedness. Introduction of farming technology and crops that can adapt to changing climate should also be provided to farmers.
- The government should encourage agrarian reform beneficiaries to adopt a diversified farming system by making the support for crop diversification more accessible to farmers.
- Establishment of market links for farmers' produce and provision of support that will help put additional value to their produce. All respondents think that income boost is needed to have sufficient and nutritional food for their household.
- The government must have a food security program that will assist small farmers during off season. Emergency employment (food for work, cash for work), provision of support services for secondary farm-based livelihood like (e.g. livestock, poultry) non-farm (e.g. sari-sari store), and or inclusion of their families to the conditional cash transfer program of the government.
- College scholarships to farmers' children on agri-related courses to ensure second and third generation of farmers with knowledge and skills to make their farm sustainable and productive.

### ***For the Farmers***

- Form or strengthen their organizations to sustain their fight to secure land tenure and to access necessary support from the public and the private sectors.
- Proactively engage the government to fast-track the resolution of their land tenure issues.
- Solidify community support and expand the network of like-minded groups supportive of their land rights claims.
- Enhance their knowledge on land and human rights and develop skills in making claims and network-building.

- Shift to diversified farming system and maximize the use of the land awarded to them. Introduce food crops for the family's food consumption and nutritional needs.
- Invest in secondary source of income, preferably other farm-based livelihood like livestock and poultry.
- Access production loans offered by the government for friendly terms and lower interest rates.
- Encourage their children to take up agriculture courses and use their acquired knowledge, skills and technology in making their farm more sustainable and productive.
- Develop organizational and farm development plans as part of community social preparation in becoming owner cultivator.

## **Annex 2. Summary of findings of the FGDs with rice farmers in Iloilo facilitated by CARRD**

### **Profile of the Respondents**

Almost all respondents, who also happen to be household heads, are mature in age, with most groups having an average age of 60. This indicates a still active involvement and contribution of the respondents to the livelihood and food security of their households despite their advancing age.

Both genders were well represented in all clusters, despite having slightly more male than female respondents.

The average size of a Philippine household as of 2010 is five persons. Less than half of the groups in this study are below average, while a majority is slightly bigger in terms of household size. Those with bigger households are mostly groups with younger household heads.

Almost all groups have respondents who are affiliated with people's organizations. The two groups without memberships in these organizations are those with both the youngest (43 years old) and oldest (69 years old) average age of respondents. It appears that the respondents who are between these average ages find value in being members of people's organizations.

### **On Housing and Homelots**

Tenurial status influences the type of housing and size of homelots. Farmers who do not have full ownership of the land, such as land claimants, farm workers, leaseholders, and CLT holders have semi-temporary to semi-permanent housing with homelot sizes at less than 300 square meters. While farmers who have full ownership of land, such as EP and CLOA holders, regardless if still amortizing or fully paid with the Land Bank of the Philippines, have better types of housing – from semi-permanent to permanent -- and have bigger home lots, with sizes of more than 300 square meters.

Tenurial status affects the security of farmers over their homelots. Farmers who do not have full ownership of the land, such as land claimants, farm workers,



leaseholders, and CLT holders feel insecure as regards the stability of their rights over their homelots. Since these kinds of arrangements are normally entered into verbally between the farmers and the landowners (even if there are written agreements, most farmers do not have copies of these agreements), the farmers are extremely vulnerable to the decisions of the landowners with respect to the utilization of the land.

Tenurial status does not appear to have a direct relationship to the household's source of drinking water. Regardless of tenurial status, most of the households have individual pump wells at home.

### **On Sources of Income and Livelihood**

Despite the differences in tenurial arrangements, respondents consider farming as their primary source of income and as a family-operated business where both male and female household heads, as well as those members of the household capable of enduring farm activities, help in cultivating, maintaining, and managing the farm.

Tenurial status affects the respondents' perception of the stability of their income. Farmers who do not have full ownership of the land, such as land claimants, farm workers, and leaseholders consider income from farming as only temporary because they are still dependent on the decision of their landowners with regard to land use. This is the complete opposite of the perception of the respondents who are CLOA and EP holders. CLT holders, though still burdened to pay annual rental to their land owners, perceive that their livelihood is secured as they have certificates to show that they are the legally identified tenants.

Tenurial status appears to have a connection to the secondary source of household income. Most of the respondents who do not have full ownership of their land resort to taking on other on-farm jobs such as being paid farm laborers to augment their household income. While those with full ownership of the land allot a portion of their area for growing sugarcane and pineapple, aside from rice, to augment household income. Full control over the land allows them to easily diversify their respective farms.

## **On Migration**

Tenurial status seems to have a relation to the household members' migration to Manila or abroad. Household members of landowners have better chances of seeking employment outside their hometown.

Respondents who are collective CLOA and EP holders, being owners of homelots or the land they till, have better access to funds that allow them to send their children to school and improve the latter's chances of seeking employment in Manila or abroad. By augmenting the household income through remittances, the household's opportunities for higher land productivity and the children's higher educational attainment are also improved.

On the other hand, respondents who are land claimants, farm laborers, leaseholders, and CLT holders have limited finances to send their children to school. A good educational background, or at least a high school diploma, is most often a requirement for seeking employment in Manila or abroad. Children from these households may have been prevented from migrating because of low educational attainment.

## **On Credit and Loan Sources**

Availment of credits and loans, in general, is not influenced by tenurial arrangement, as most respondents, regardless of tenurial status, regularly borrow from lenders primarily to purchase farm inputs.

Access to the type of credit and loan sources, however, may be determined by tenurial arrangement. Formal lenders, which are presumably stricter in terms of documentary requirements, may limit their clientele to those who have proof of sources of income, such as ownership of real property. CLT, EP, and CLOA holders are the usual borrowers of cooperatives KASAPPI, PARECO, and JARCO. These cooperatives require their borrowers to submit certifications from the local Department of Agrarian Reform that state that the borrowers are in the masterlist of actual or potential agrarian reform beneficiaries.

Non-holders of proof of ownership or of local DAR certification, for lack of other options, would resort to informal lenders who charge significantly higher

interest lending rates (eight to 10 percent per month) compared to their formal counterparts (three to five percent per month).

### **On Tenurial Status of Farm lands**

Security of ownership of farm lands is naturally related to tenurial status. Collective CLOA and EP holders feel secure about their land ownership. Their title to farm lands gives them the corresponding right to control the utilization of these lands.

On the other hand, land claimants, farm laborers, leaseholders, and CLT holders do not feel secure about their land ownership as landowners still have influence over land use.

The size of farm lands dictates the type of crops and the allocation of the harvest of the respondents. The bigger the farm land, the more varied are the crops that are grown. While rice remains the primary crop regardless of tenurial arrangement, the respondents with bigger land size, particularly the CLT, collective CLOA, and EP holders, are able to plant sugarcane and pineapple. Harvest yield from farm land that is 0.5 of a hectare is only able to sustain the household consumption requirement, while 60 percent of the harvest from land that measures around 1 hectare can be disposed of by the household and be converted to income.

### **On Perception of Food Security**

Perception of food security is directly connected to tenurial status. Respondents who are secure about their land ownership claim that they are also secure about the sufficiency and diversity of their food supply.

But tenurial status is not the sole factor that influences one's perception of food security. Land size, labor productivity, and natural disasters also contribute to this perception.

The bigger their farm land, the better are the harvest yield and the variation in the crops that are cultivated by the respondents. The threshold appears to be one hectare. If their land measures less than one hectare, food security and diversity are not fulfilled.

Labor productivity is also important. It is a factor that respondents are able to control. Without labor, the respondents might hasten the risk of losing control over their real property because their recourse would be to lease their land.

However, despite one's industry, if natural disasters strike, a factor over which one has little or no control, respondents would anticipate less food supply and diversity.

### **On Perception of Community Problems**

The community problems raised by the respondents go beyond their tenurial status. Problems with potable water, farm-to-market roads, understanding agrarian reform laws, and availability of laborers are common to the respondents and are basic to their form of livelihood.

Most respondents believe in collective effort, which explains their membership to people's organizations. They think that barangay-based cooperatives or groups could help advocate on their behalf and initiate the changes they need in their respective communities. But they only see the cooperatives and other barangay-based groups as initiators because to them, the local government has the responsibility of resolving these community problems.

### **Conclusions**

The series of focus group discussions conducted show a direct relationship between tenurial arrangements, household productivity, access to market and household food security. The FGDs conducted were able to simulate various external factors that affect household decision-making. These factors include migration, community problems, food and income sources, credit and loan sources, and food and nutrition security. Findings from the FGD demonstrate that all of these factors are tied or are affected by tenurial instruments of farming households.

Access and ownership of land appear to be a major determinant for agricultural productivity, access to economic resources, and food and nutrition security. Access to and ownership of land provide families with leverage against some of the factors adversely affecting productivity and market access. These adverse factors include limited capacity for decision-making in terms of crop

diversification; limited access to credit and loan sources, which would have supported better input sourcing; and limited access to organizations offering technical and financial support. Based on the FGD, these factors provide landowners with a reasonable edge against non-landowners, and thus put them in better social and economic positions in their communities.

Findings in the FGD also showed that improved tenurial status provides households with a better sense of security. With this sense of security comes the independence to make “informed” decisions about their livelihoods. Results from the FGD actually demonstrated that making informed decisions come with finding value to memberships in community organizations and cooperatives – a predisposition, usually found more prevalent among landowners than farm workers and farm tenants. Armed with information, farming households with access to and ownership of their land are able to more efficiently allocate their resources to improve their levels of productivity. For instance, landowners are able to plant sugarcane and pineapple (apart from their prime commodity, which is rice) to increase their income levels. These decisions, however, cannot be made by farm workers and farm tenants, since they have to consider their landowners in the decision-making process.

Because landowners find more value in organization membership, most of them are affiliated in at least one community organization or cooperative. This affiliation not only allows them access to credit, it also provides them access to capacity-building and marketing support. Their increase in productivity is thus supported with a marketing function, which then transforms their produce into more tangible forms of income.

Overall, findings in the FGD were able to demonstrate direct links among land ownership, productivity, and market. Food and nutrition security comes in with increased income levels, as households find themselves in a better position to buy more food for the family, and even grow nutritious crops on their land (aside from their main crop).

## **Recommendations**

Grassroots information drive on agrarian reform law should be implemented. Most of the respondents, even full-fledged agrarian reform beneficiaries, do not have a full grasp of the provisions of the CARPER Law, particularly on how it is

implemented and what their legal rights and responsibilities are. Equipping them with basic and updated information on agrarian reform law will teach them to act accordingly whenever there are issues that might threaten their rights over the land.

Organizing the farmers into cooperatives or associations is essential to achieving collective voice and actions to resolve not only agrarian-related issues but also basic issues that affect the community as a whole. Hence, there is a need to strengthen capacities of barangay-based farmers' organizations.

Changing weather conditions that affect productivity of the farm is beyond the control of the farmers. Hence, there is a need to enhance farmer's adaptive capacity and resilience to climate change and variability. At the farm level, this can be done by climate-proofing agricultural practices such as farm diversification and adapting efficient irrigation system etc.

Most of the farmers are doing their best to send their children to school in the hope that they will find better employment and opportunities outside of the community. They do not see a bright future in agriculture. This is evident by the age of the respondents who are mostly nearing retirement. The challenge is how to make agriculture 'cool' to the younger generation. This can be done by enhancing or reviving support for both formal and informal agriculture education system, such as family farm school, farmer field school, farm business school, and farm learning sites, among others, that are specifically designed for the youth.

# Focus Group Discussion (FGD) Guide Questions

## FGD IDENTIFICATION (to be filled-up by Facilitators)

1. FGD #	
2. Facilitators ( <i>name and signature</i> )	
3. CSO	
4. Date of FGD	
Time started	
Time finished	
5. Name of village	
6. Location (Town, Province)	
7. Participants (men, women)	

### 1.0 Housing and homelot

1.1. For most of the participants in this FGD, how many years have you been staying in this community?

*Possible responses:*

- *Zero to 10 years*
- *11 to 20 years*
- *20 to 30 years*
- *More than 30 years*

1.2. For most of the participants in this FGD, from where have you migrated? (if response to question 1.1 is Zero to 10 years)

1.3. For most of the participants in this FGD, what is the structure of your house/dwelling?

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This guide was discussed, approved and used by the partners in the conduct of selected community studies in Cambodia, Nepal and the Philippines. Given the different country contexts, the partners agreed to modify the questions appropriate to their respective situations.

*Possible responses:*

- *Temporary: made up mostly of light materials, eg, nipa and bamboo, sometimes or possibly no floor (ground only)*
- *semi-temporary: made up of light materials mixed with wood (lumber)*
- *semi-permanent: made up of combined lumber and concrete with nipa or galvanized roofing*
- *permanent: made up of concrete and well-finished structure with galvanized roofing*
- For most of the participants in this FGD, what is the ownership status of your homelot?

*Possible responses:*

- *Owned*
- *Rented*
- *Tenanted*
- *Guthi (Nepal)*
- *used for free*
- *public land/informal settler*

1.4. For most of the participants in this FGD, what is the source of your drinking water?

*Possible responses:*

- *piped in water*
- *artesian well/pump well*
- *open well*
- *spring water*
- *rain water*

1.5. For most of the participants in this FGD, what is the estimated size of your homelot? (Note: Provide size ranges. For ex: "less than 300sqm" "300sqm and up")

1.6. For most of the participants in this FGD, do you presently feel that you have security of tenure over your homelot? Why (or why not?)



## **2.0. Sources of income and livelihood**

2.1. For most of the participants in this FGD, what is the primary source of income in your household? (On-farm, Off-farm, Non-farm) Who is involved in the generation of the primary source of income? (Men, women or both. Discuss)

2.1.1 If your primary source of income is on-farm or off-farm, what is the status of employment of your primary source of income?

*Possible responses:*

- *Permanent*
- *Temporary*
- *casual*
- *contractual*
- *seasonal/occasional*
- *self-employed*

2.1.2 How frequent do you receive your income? (possible responses: daily, monthly, every harvest, etc)

2.2 For most of the participants in this FGD, what is the secondary source of income in your household (if any)? (On-farm, Off-farm, Non-farm)

## **3.0. Migration**

3.1 For among your families, are there household members who have migrated to other places in the past 5 years?

3.2 Who are those who have migrated? (Women or men? Young or old? Educated or not)

3.3 Why did they out-migrate?

3.4 Where did they go?

3.5 Do they send money to the family? How often? For what purpose?

#### 4.0. Credit/loan and sources

4.1. What is the main source of your credit (if any)? (*Possible responses bank, family members, relatives, friends, moneylender, cooperatives, others*)

4.2. What is the purpose and actual use of credit?

4.3. What are the credit arrangements (interest, payment schedule, etc.)?

#### 5.0. Tenurial status of farm lands

5.1. In this community, what is the average size of your total farmland/area being farmed?

5.2. What is your tenure status? (Note: Provide choices that follow the same pattern used for the categories identified in the country's land tenure continuum.)

5.3. What tenurial instrument do you have? (Note: Nepal and Cambodia,

Cambodia	Nepal	Philippines
<input type="checkbox"/> For Community Forestry	<input type="checkbox"/> Public land tiller	<input type="checkbox"/> Migrant or Seasonal worker
<input type="checkbox"/> Informal settlers	<input type="checkbox"/> Contract farmer	<input type="checkbox"/> Informal Settler
<input type="checkbox"/> Settlers with delineated forestry area	<input type="checkbox"/> Sharecropper	<input type="checkbox"/> Agricultural labourer or Farm-worker
<input type="checkbox"/> Community forestry permit under processing	<input type="checkbox"/> Tenants (in private lands)	<input type="checkbox"/> Farmer-Claimant
<input type="checkbox"/> Community Forestry Agreement issued	<input type="checkbox"/> Farmers tilling land on mortgage	<input type="checkbox"/> Sharecropper
<input type="checkbox"/> For Agricultural Lands	<input type="checkbox"/> Guthi land tiller	<input type="checkbox"/> Leaseholder
<input type="checkbox"/> Land under claim	<input type="checkbox"/> Birta land tiller	<input type="checkbox"/> Owner-Cultivator w/ title deed or land patent
<input type="checkbox"/> Land actually being farmed	<input type="checkbox"/> Smallholder	<input type="checkbox"/> CLOA holder, awarded free or under amortization
<input type="checkbox"/> Land claim recognized by the village		<input type="checkbox"/> CLOA holder, w/ land under formal lease-out or contract
<input type="checkbox"/> Land under possession right document given by the commune and village chief		<input type="checkbox"/> Individual CLOA holder, land pawned-out informally
<input type="checkbox"/> Titled land		<input type="checkbox"/> Collective CLOA holder, land awaiting subdivision Owner non-cultivator

the choices that will be provided will have to reflect whether the instrument is formal or informal.)

*Possible responses:*

- *Land title*
- *Deed of mortgage/sale*
- *Certificate of Land Ownership Award*
- *Leasehold contract*
- *Tenancy certificates*
- *Local government recommendation letter*
- *Share tenancy contract*
- *Stewardship award/contract*
- *Legal proof of local government*
- *None*

5.4. What is your main crop?

5.5. What is your secondary crop (if any)?

5.6. How much of your main crop is used for HH consumption, for selling, both?

5.7. Do you presently feel that you have security of tenure over your farmland? Why or why not?

## **6.0. Perception on food security**

6.1. What is the main source of food for your households? (*Possible answers: Farming, Income from work, Both farming and income from work. Explain*)

6.2. In your view, does your household have sufficient food? Why do you say so? Explain.

6.3. In your view, does your household have diversity of food to satisfy your nutritional needs? Why do you say so? Explain.

6.4. In your experience, when can we say that a family or community has "food security"? Identify the factors needed for food security. Why do you say so? Explain.

6.5. Has your family/community experienced the lack of food anytime during the past year (2016)?

6.6. If so, during what months and what are the contributing factors?

*Note: The facilitator can use the calendar below to generate the answers for 6.5 and 6.6.*

6.7. In your view, will your household/community will have enough supply of staple food for the next year? Explain.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Lack of Food												
Reasons												

6.8. In your view, what are the factors that would best ensure food security in your household/community? Explain.

6.9. How important is land tenure to your food security? Explain.

## **7.0. Perception of community problems**

7.1. What do you consider as the three major problems affecting your community at present? Explain.

7.2. Do you have any suggestions to solve these problems? Please state clearly.

## Partners involved in this project:

### Cambodia



**STAR Kampuchea** is a Cambodian non-profit and non-partisan organization established in 1997 dedicated to building democracy through strengthening of civil societies. SK also provides direct support to communities suffering from resource conflicts like land-grabbing and land rights abuses through capacity building and legal services.

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### Nepal



Community Self Reliance Centre (CSRC) has been at the forefront of land and agrarian rights campaign in Nepal. CSRC educates, organizes, and empowers people deprived of their basic rights to land to lead free, secure, and dignified lives. The organization's programs focus on strengthening community organizations, developing human rights defenders, improving livelihoods, and promoting land and agrarian reform among land-poor farmers. Since its establishment, CSRC has constantly worked to transform discriminatory and unjust social relations by organizing landless, land poor and marginalized communities to claim and exercise their rights.

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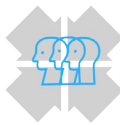
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Xavier Science Foundation, Inc. (XSF) is a non-political, non-stock, non-profit organization established and designed to encourage, support, assist, and finance projects and programs dedicated to the pursuit of social and educational development of the people in Mindanao. It is a legal and financial mechanism generating and managing resources to support such socially-concerned and development-oriented projects and programs.

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Center for Agrarian Reform and Rural Development (CARRD) is a non-profit organization supporting agrarian reform beneficiary cooperatives in the Philippines' poorest provinces promoting farmers' access to productive resources and enable them to make informed decisions about their livelihoods in a manner that is environment-friendly, non-discriminatory and sustainable.

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Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan (Solidarity Towards Agrarian Reform and Rural Development) is a social development organization promoting a sustainable and humane society through the empowerment of marginalized groups in rural areas, especially among farmers and farmworkers, to undertake their own development, participate fully in democratic processes and demand their rightful share in the stewardship of the land and the fruits of their labor.

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Philippine Association for Intercultural Development (PAFID) is a social development organization assisting Philippine indigenous communities secure or recover traditional lands and waters since 1967. It forms institutional partnerships with indigenous communities to secure legal ownership over ancestral domains and to shape government policy over indigenous peoples' issues.

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Global Land Tool Network (GLTN) is an alliance of global, regional, and national partners contributing to poverty alleviation through land reform, improved land management, and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools.

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This publication, "From the Farmland to the Table: Exploring the Links Between Tenure and Food Security," is the culmination of the project: "Piloting and consolidation of the Food Security Framework," launched in September 2016. With the support of the Global Land Tool Network (GLTN) through its rural CSO cluster, the main goal of the project is to conduct an exploratory study on establishing the link of land tenure to food security.

This publication contains a regional overview of the community studies, the edited version of the community study conducted in Cambodia, the abridged versions of the community studies conducted in Nepal and Philippines, and the guide questions used in the focus group discussions. The studies were presented during the Regional Forum on Continuum of Land Rights and Food Security held at Quezon City, Philippines last 16 October 2017. The authors met on the following day to finalize the papers based on the inputs from the regional forum.

This work forms part of ANGOC's contribution to the discourse on access to land as a key intervention in addressing food insecurity in rural Asia.