

## **BRIDGING ISSUES ON ACCESS TO LAND THROUGH LAND PARTNERSHIPS IN THE PHILIPPINES**

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### **EXECUTIVE SUMMARY**

"Land partnerships" is a general term coined by the International Land Coalition (ILC) to refer to a wide range of forms of collaboration between state, civil society, and bilateral and international stakeholders to address issues of "access to land." Such partnerships may take on different forms, such as alliances, forums, joint commissions, or joint field programs.

Land partnerships are multi-stakeholder mechanisms established for the purpose of debating, negotiating and/or implementing a range of policy, program and service delivery systems to create the enabling conditions to improve access to land by the rural poor. This paper examines the feasibility, challenges, and potentials for establishing land partnerships in the Philippines.

The first part discusses the broad, enabling policy environment in which GO-CSO cooperation and partnership have taken place on issues of access to land. It provides a sweeping view of the land-related policy reforms that have been instituted since February 1986, starting with the the Philippine Constitution of 1987, and subsequently implemented through a series of legislations and programs. The study points out how the numerous legislations have often brought about policy conflicts, questions about land use classification, overlapping functions of government agencies, and competing interests among the various sectors affected.

The second part reviews the various forums and institutional mechanisms of engagement that have been instituted between government and CSOs on land-related issues over the past 16 years. It particularly examines those land issues affecting three basic sectors: the farmers/agrarian sector, the urban poor, and indigenous peoples. A total of 24 such joint mechanisms are discussed, and trends/ observations are then presented based on key informant interviews and secondary sources.

In Part 3, the authors examine the various options for establishing and/or strengthening multi-stakeholder partnerships on land issues. This section highlights some of the emerging issues and challenges on land-related reform policies and programs, and categorizes these into five (5) broad thematic areas that will require multi-stakeholder consultation, consensus-building and joint action. The paper suggests that any of these themes/sub-themes could well constitute the focus of a potential land partnership. These are:

- Regular mechanisms that monitor and ensure the inclusion of access to land, especially Agrarian Reform, in the national development agenda;
- The implementation of existing land redistribution/reform programs (CARL, IPRA, UOHA) by addressing program requirements, resolving policy bottlenecks, and improving complementation between government and CSOs;
- The convening of inter-sectoral and multi-stakeholder discussions and negotiations to resolve policy conflicts and overlapping mandates related to land reform and land administration policies;
- Undertaking consensus-building and pro-active advocacy for new legislation on a comprehensive land use policy; and
- Convening policy forums on pending bills and programs that threaten to reverse the gains made under land-related reforms (e.g., Farmland as Collateral bill, Mining Act and Charter Change).

This section also raises several questions as to what would be the most appropriate mechanism(s) for pursuing GO-NGO dialogue, negotiation and cooperation on land issues, based on the selected theme(s). The intention of this section is, to provide a discussion guide to Workshop participants for assessing the potentials of a possible "land partnership."

Finally, Part 4 relates the outcome of a project that resulted from this study on finding common ground to address concrete land conflicts between Indigenous Peoples and Farmers. Two areas in the provinces of Bukidnon and Oriental Mindoro were looked into, each having an unresolved case in which farmers and an IP group laid claim to the same landholding. The IPs based their ancestral domain claim on the IPRA while the farmers claimed ownership of the land as beneficiaries of CARP.

At present, there is no active mechanism ironing out the issues of these two poor sectors as to their legal rights over the land. The project attempted to revive the dialogue process among major stakeholders, namely the IPs, farmers, NGOs and concerned government agencies such as the Department of Agrarian Reform, the National Council for Indigenous Peoples, and the National Anti-Poverty Commission. A major breakthrough was achieved at the end of the project with President Gloria Macapagal-Arroyo ordering the reactivation of the defunct Task Force 63 that addressed issues of IPs on their ancestral domain claims and expanding it to include IP-farmer land conflicts.