

Redistributive land reform in ‘public’ (forest) lands? Lessons from the Philippines and their implications for land reform theory and practice

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Abstract: The conventional view in the land reform literature does not consider distribution of ‘public’ lands to landless and near-landless peasants as redistributive land reform. Questioning the (formal) private property bias in land reform theory and practice, this paper rethinks some fundamental concepts and re-examines actual distribution in public lands in the Philippines. It concludes that redistributive reform can, in fact, occur in this type of land and the political process through which this outcome can be achieved could be highly contentious.

Keywords: Asia, forest, land reform, Philippines, property rights.

I Introduction

According to the conventional definition, redistributive land reform is a public policy that transfers property rights over large private landholdings to small farmers and landless farm workers (see, eg, Griffin *et al.*, 2002: 279–80). The universally accepted definition, implicitly and explicitly, excludes non-private lands (ie, ‘public’, ‘state’ or ‘communal’ lands). The underlying assumption in the dominant land reform literature is that lands that are officially classified as ‘public/state’ properties, especially those used to open up resettlement areas, are lands that are generally not cultivated and inhabited, and are without pre-existing private control. In such conditions, it is logical to conclude that land policies that concern these lands do not recast any land-based production

and distribution relationships. The literature on land reform is strong on this point, and rightly so. Yet, it becomes problematic when the use of the same lens is stretched as far as to examine ‘public’ lands that are, in fact, under varying degrees of cultivation, imbued with private interests and marked by production and distribution relationships between the landed and the landless and land-poor, between the elite and non-elite, often not captured by official census. The failure to recognize the potentially and actually contested nature of much of ‘public lands’ risks removing them from the reach of redistributive reform, and so risks the continuation of many of the economic, social and political problems associated with an agrarian structure that is dominated by the landed classes as well.

This paper argues that much of the lands in many developing countries today that are defined as 'public' in public policy practice do not actually fit the basic criteria used in theory to define public land. In the conventional land reform literature, 'public' lands are defined as unproductive and uninhabited lands without existing land-based production and distribution relationships. In fact, in many agrarian settings, public and private lands are differentiated from each other only by their formal property rights categories; both land types in reality have developed comparable pre-existing land-based production and distribution relationships and even farm-productivity levels over time historically. The formal categories that initially informed official state policies have, over time and in many instances, been rendered obsolete or meaningless by human activity, much of it (though not all) passing unnoticed by central state authorities in distant national capitals. And because redistributive land reforms are aimed precisely at adjusting pre-existing social and production relationships by transferring the effective control over land-based wealth and power from the landed to the landless and near-landless classes, then they should be applied, in theory and practice where appropriate, regardless of whether the land in question is officially classified as private or public. As will be shown in this paper, when it has occurred, the land reform process in public lands, like that in private lands, has frequently proven to be highly contentious politically. Indeed, successful redistribution here appears to require the same complementation of mobilization by autonomous peasant groups 'from below' and initiatives by reformist state actors 'from above' that is required in land officially recognized as under private ownership.

The rest of this paper is organized as follows: section II explores the relevant theoretical issues in this study. Section III provides a national background on Philippine land reform and examines three local cases involving public lands in that country. This section

provides the empirical evidence for this study. Section IV offers a short conclusion.

II Conceptual background

Most scholars understand land reform to apply only to land officially classified as private. Private lands are those where the entire bundle of property rights, from the 'right to use' to the 'right to alienate', is under the formal ownership and control of a private entity that commands respect from non-owners and is legally sanctioned by the state (see, eg, Tsing, 2002: 97). Here, 'public' land is taken in its broadest sense, to mean lands where full private property rights have not been applied and sanctioned by the state. The 'public land' category takes a variety of forms from one setting to another, but for the purposes of this paper, it loosely includes state-owned (forest), indigenous or communal lands and lands operated under customary arrangements. In some cases, the social relationships in these types of lands are also referred to as 'informal tenure' (World Bank, 2003: xxv).

When a land reform policy is directed to and implemented in 'public lands', it is called a 'public settlement programme' or 'colonization'. Because few bother to interrogate the official story about such areas, and compare with ground-level reality, many scholars, activists and policymakers alike simply assume that such a policy does not alter pre-existing distributions of wealth and power in society, hence does not constitute and promote redistributive reform, and therefore is politically non-contentious. On the basis of the official classification data alone, rather than carry out empirical investigation, even some of the most important land reform scholars have made explicit their rejection of the idea that public lands can play a significantly positive role in the pursuit of land reform objectives. Hence, Feder (1970) once called the policy of land reform in public lands 'counter-reform'. Thiesenhusen (1971: 210) explained, '[L]and reform usually connotes a drastic change in ownership patterns

in the established private sector. On the other hand directed colonization patterns on state lands or on a small number of formerly private farms frequently has little to do with making overall resource or income distribution more egalitarian: only a few settlers benefit'. Tai (1974: 234) explained that 'public land settlement (or colonization) is an attractive idea. To settle people on new land and to develop it for agricultural use does not involve any basic alteration of the property rights of existing landowners; hence a public-land settlement programme will generate no opposition from the landed class'. Lipton (1974: 272) argued that, 'the two Great [sic.] evasions of land policy [are] settlement schemes and reform of tenure conditions. Both are often included in a too-weak definition . . . Such programmes fail to achieve their stated goals because they do not attack the rural power structure, which is rooted in an extremely unequal distribution of owned land'. Finally, de Janvry *et al.* (2001: 279) have said that 'countries with open frontiers have engaged in settlement programs, but we do not include this form of access to land as part of land reform'.

In recent years, conceptual and policy interest in landed property rights in general, and 'public' (forest) lands in particular, has seen an unprecedented increase for several reasons, including the growing concern for poverty eradication. In the 1990s, mainstream development thinking came to accept the lack of access to productive assets such as land as one of the key reasons why the rural poor remain poor (World Bank, 2003; Borras *et al.*, 2005b). It is now widely believed that the establishment of formal legal land rights (ie, private, legalized, state-sanctioned claims over property) can make the rural economy 'secure' for investments; and that these investments would in turn lead to economic growth, and (because of the expected trickle-down effect) to poverty eradication (World Bank, 2003: xix). Thus, international development institutions have launched systematic campaigns for land privatization via formal

land titling ('from above') using modern satellite survey and digital data banking technologies.

Reinforced by this more recent neoliberal thrust regarding 'asset reform', the dominant discourse in land reform scholarship today remains firmly private property rights biased. It is this deeply entrenched bias that has set the benchmark for assessing what is and what is not redistributive land reform. But it is a benchmark that, wittingly or unwittingly, rests on flawed official data. To better understand what redistributive land reform is and is not, we must return the discussion to two key underlying issues. The first involves actual and effective control over the land resource – meaning, the power to control the nature, pace, extent and direction of surplus production and extraction from the land and the disposition of such surplus. The second issue is the transfer of power to control land resources that has to occur, from landed elite to the landless and land-poor peasants. In other words, the direction of change must categorically traverse social classes but favour the poor, and not remain within a social class, or within elite classes, or be from the landless and land-poor to the landowning classes. Redistributive reform is achieved only when there is actual net transfer of (power for) effective control over the land resource to landless and land-poor peasants, regardless of whether it is in private or public lands, or whether it involves a formal change in the right to alienate or not, ie, full ownership or 'stewardship'/lease, or whether it is through individual or collective/community formal rights (Borras, 2004, 2005). The present discussion about the meaning of land reform builds on Anna Tsing's notion of the essential character of property rights. A close observer of the dynamics of property rights in Indonesia, Tsing (2002: 95–97) explains that property rights are essentially social relationships, that 'property is a social relationship between nonowners and owners, in which nonowners are expected to respect the rights of owners to their claimed objects'.

Those relationships are sanctioned and enforced – whether separately or jointly – by both state *and* non-state institutions. Since competing authorities may sanction or enforce such relationships, contending understandings of resource rights may well emerge, and so involve social conflict. Property rights involve dynamic power relations between contending groups of people that are not reflected in national official statistics. In this context, Tsing (2002: 95) underscores the ‘instability’ of property and property rights, and explains that, ‘a history of property is always a history of shifting contests over meaning and power in which the textualization and enforcement of particular property concepts are only tentatively confirmed’. Likewise, emphasizing the decisive role of ‘claim-making’ actors involved in effecting the actually existing land-based relationships observed by Tsing, Ronald Herring (2002: 288) concludes that, ‘real property rights are inevitably local; right means what the claimant can make it mean, with or without state’s help’. It is these effective socio-political relationships – these that actually obtain on the ground – that ought to be restructured by land reform in order to effect a more egalitarian distribution of control over, or ownership of, land. But since the relationship between owners and non-owners remains the defining feature of formal property rights, the significance of state regulatory institutions such as land and property laws retains crucial importance.

1 Problems with the dominant views

The issues of effective landed property rights in public (forest) lands and poverty eradication are interlinked in many rural settings today. A significant number of the rural poor are located in lands marked by ambiguous property rights, as in the cases of several countries in southern Africa, Latin America and Asia (Christodoulou, 1990: 20). For example, 70% of Indonesia’s land is officially categorized as ‘state forest land’ despite ‘unofficial’ private appropriation and use of

these lands; in reality, many of these lands are productive farmlands (Peluso, 1992; Tsing, 2002). In sub-Saharan Africa, ‘the vast majority of the land area is operated under customary tenure arrangements that, until very recently, were not even recognized by the state and therefore remained outside the realm of law’ (World Bank, 2003: xviii).¹ In Bolivia, despite the sweeping land reform that was implemented decades ago and recent attempts at ‘regularization’ of landed property rights through land titling, the majority of lands have remained mottled by ambiguous property rights (ie, contested ‘public’ lands), fueling escalating class- and ethnic-based conflict linked to competing land claims and socio-cultural and political animosities (Kay and Urioste, 2005).

Despite growing evidence to the contrary, the conventional land reform literature continues to imply that the public lands being ‘colonized’ for resettlement projects, as a substitute for or as part of land reform programmes, are mainly uninhabited, unproductive and uncultivated forest and free from private elite control or interest. Employing a deductive method of reasoning, it is logical that the concept of *redistribution* would not apply here. But this conclusion is correct only if the assumption about the actually existing land-based production and distribution relationships holds true, which may not always, or even often, be the case. In fact, as has been suggested, the social realities obtaining in much of the land formally categorized as public are much more complex than the conventional land reform literature admits and thus require a different analytic approach. The ‘reality’ that is captured in the official statistics, however flawed, is the ‘reality’ that is most often accepted by or integrated into the dominant discourse. As Herring (1983: 269) has explained, flawed nationally aggregated data are too often uncritically reproduced and used by scholars, policymakers and activists, and in the process, the number of problematic state policies are multiplied. The over-reliance on nationally

aggregated official data alone does not result in studies that fully and accurately reflect the complexity and dynamism of property relations in agrarian societies, but rather produces 'findings' that remain blind to them. To be sure, the social relationships that animate local agrarian societies are not static, but are endlessly negotiated and renegotiated between actors over time (see Li, 1996; Tsing, 2002: 95). One landlord may have control over the land at one point, only to be replaced by another later; or the terms of a sharing arrangement between landlord and tenants may change over time. Neither is the agronomic condition of land permanent: it could have been forest in the past, then deforested, then planted to various crops or converted into pasture, or reforested. All of these changes can occur while official categories and documents remain unchanged, opening up gaps in the historical record and eventually leading to state interventions that simply do not make sense and can do much harm. Herring (2002: 286) goes so far as to contend that 'states claim more than they know, and the mass publics know it'.

Looking from the 'bottom up', in terms of demographic and agro-economic conditions, there are two broad types of public lands, namely, uninhabited and idle land on the one side, and populated and cultivated land on the other side. The former (uninhabited and idle land) is what most land reform scholars refer to simply as 'public land'. In this case and context, their argument that land policies here do not constitute *redistributive* reform (or could even be a 'counter-reform') may be accepted as valid and unproblematic.² For the other type (populated and cultivated), the conventional assumptions in the land reform literature emerge as so problematic as to require rethinking. Many of these lands have pre-existing inhabitants and productive activities. Despite official classification as 'public', these lands have been the object of complex overlapping and conflicting land claims that have subsequently emerged that are not easy to untangle or resolve.³

The implementation of state resettlement programmes, for example, has impacted on the pre-existing communities in these lands. As James Scott (1998: 191) has explained, 'the concentration of population in planned settlements may not create what state planners had in mind, but it has almost always disrupted or destroyed prior communities whose cohesion derived mostly from non-state sources'.⁴

These variable 'public' land types more accurately reflect ground-level realities, including the reality of agriculturally productive landholdings that are controlled by private entities in many parts of the agrarian world that have escaped the lens of land reform scholars. Even decades back, in Latin America and Asia, many so-called public lands had already witnessed varying degrees of settlement and cultivation and the creeping grip of private interests, though not always through formal institutional property rights instruments such as private land titles or formal stewardship rights. In Asia, the significant share of public lands that were highly productive even before redistribution in the Taiwanese and South Korean land reforms attests to this. The land reform beneficiaries were even made to pay for the plots carved out of blocks of public land in Taiwan (King, 1977: 211). In Latin America, the evidence shows similar conditions. As Felstehausen (1971: 168–69; see also Hobsbawm, 1974: 125–26) revealed,

An estimated 3 million hectares of well-drained, level savannahs are potentially suitable for agriculture, but many of these lands are already claimed and used by private ranchers. Technical observers report that since 'land has long been available for the taking, ranches are expensive. Ranch size varies from 500 to 50,000 hectares or more' ... This statement suggests the problem associated with figures used to show the theoretical availability of land in Colombia. Much of the land listed as available is already in farms and ranches but is not included in statistical reports because it is not titled or recorded. Such lands are often held under informal possession and use arrangements. Occupation rights, in turn, are bought, sold and exchanged outside the recorded land transfer system.

This observation appears not to have been picked up by either Felstehausen's contemporaries or succeeding scholars, despite its important implications for land reform studies. Meanwhile, a process similar to that observed by Felstehausen in Colombia in the 1960s, ie, a kind of informal privatization of public land over time and outside the purview of state authorities – has also transpired in some Asian countries such as Indonesia (see, eg, Peluso, 1992; White, 1997: 124–25) and the Philippines (see Wurfel, 1958 cited in Tai, 1974: 261).

The growing literature on community-based natural resource management,⁵ legal pluralism and related fields of research,⁶ and more recently environmental studies, have been generating powerful new analytic tools that help deepen our understanding of the complex nature of landed property rights in public (forest) lands.⁷ Yet, so far, the findings about existing complex resource uses, management and control of these so-called public lands have not been systematically integrated into the land reform literature. The recent surge of interest in public lands, mainly in an effort to transform them into commercial commodities via formal, private land titling procedures (see, eg, de Soto, 2000; World Bank, 2003) partly contradicts the earlier (flawed) assumptions about these lands.⁸ More specifically, using cases from Thailand, Sato (2000: 156) showed some important aspects of what these 'forests' might look like on the ground. He explained,

[A] more effective analysis begins with the study of a specific people residing in a specific location, who are likely to be caught between various interests and power relations representing forces beyond the locale. The analysis of 'ambiguous lands' and the people who inhabit them is particularly revealing for understanding environmental deterioration in Thailand. 'Ambiguous lands' are those which are legally owned by the state but are used and cultivated by local people. They do not fit neatly into the private property regime based on fictions of exclusive rights and alienability, and consist of residual lands of state simplification processes on land tenure.

Thus, as in Colombia, many of Thailand's so-called forest lands that official government documents claim are 'public' lands, are in reality under the effective control of private entities, elite or otherwise.⁹

The historical empirical evidence uncovered by different scholars coming from diverse social science disciplines as described above informs us about the great diversity of socio-economic and political conditions of so-called public lands. But in terms of land-based production and distribution relationships existing in these lands, it is possible and useful to construct a typology, and three broad types are in fact observable. Type 1 involves land where landed elite (to include here: landlords, and companies engaged in logging, mining, livestock and agribusiness) have effective control over lands officially classified as public, and have imposed varying land-based production and distribution relationships with peasants and rural workers. Examples of these include many corporate-controlled plantations in Indonesia. Type 2 concerns land where private individuals who are neither poor nor as rich or 'big' as other landed and corporate elite, have effective control over land officially categorized as public as well as over the terms of farm production and distribution arrangements with peasants and workers. Type 3 involves land where poor peasants have actual control over parcels of so-called public lands that they directly till. The reality, of course, is far more diverse and dynamic than the typology presented here, but the latter is useful in terms of providing concrete picture of the reality underneath the architecture of state law.

In short, as these examples show, existing land-based production and distribution relationships in many public (forest) lands are diverse, complex and dynamic, and thus by implication, when carried out on certain land types, a land (reform) policy can result in multi-directional outcomes, as shown in Table 1.

2 Political struggles for land resource control

The dynamic nature of property rights amidst competing interpretations and claims

Table 1 Possible outcomes of land (reform) policies in public lands

Existing condition	Property rights <i>prior</i> to land (reform) policy implementation		Property rights <i>after</i> land (reform) policy implementation	
	Formal	Effective	Formal	Effective
Landed elite (eg, landlord/logging/livestock/agribusiness/mining company) control over land, imposing tenurial relations with peasants	State/Public	Private landed elite	Private landed elite	Private landed elite
Non-poor (but also not major landed elite) control over land, imposing tenurial relations with peasants	State/Public	Private non-poor	Private non-poor	Private non-poor
Poor peasants control over, and working on, land	State/Public	Private poor peasants	Private landed elite or non-poor	Private landed elite or non-poor
Poor peasants control over, and working on, land	State/Public	Private poor peasants	Private poor peasants	Private poor peasants
Landed elite (eg, landlord/agribusiness/logging/livestock company)+other non-poor control over land, imposing tenurial relations with peasants	State/Public	Landed elite (eg, landlord/logging/agribusiness/livestock company)+ other non-poor control over land, imposing tenurial relations with peasants	Private poor peasants	Private poor peasants

by different land claim-makers makes state land laws relevant as institutional contexts and objects of these land resource conflicts. But these land laws are, as Houtzager and Franco (2003) explained, not 'self-interpreting and self-implementing'. It is the political contestation between pro- and anti-reform forces within the state and in society that actually interpret and implement state laws, that makes landed property rights real. This is certainly the case of land reform in the

Philippines (Franco, 2005). In this context, an 'interactive approach' in the study of state-society relations developed by Jonathan Fox (1993) is useful in examining how struggles over the interpretation and implementation of property rights claims are won (or not) by landless and land-poor peasants. As shown in the Philippine land reform implementation process, the most promising situation is when the two streams of pro-reform state and societal forces interact positively in pursuit

of the common goal of implementing land reform, despite differences in agendas and motivations between them. This positive interaction does not necessarily entail explicit coalitions between state and societal actors. Parallel initiatives of these two sets of actors (who may even consider themselves adversaries) toward a common aim also form 'objective alliances' (Borras, 2001).

If this pro-reform state–society alliance is most relevant in land reform implementation in lands with clear private property rights, it is even more relevant in the pro-poor restructuring of agrarian relationships involving contested property rights in public lands precisely because the anti-reform groups rely on the ambiguity of the legal status of property rights on the one hand, and the relative lack of knowledge of the landless rural poor about the real status of these lands, on the other hand, to perpetuate control over land resources. Thus by combining the reformist initiatives 'from above' and social mobilizations 'from below', the anti-reform schemes could be countered and defeated, as will be demonstrated in the case study on the Aquino estate in section III.

Finally, the land reform initiatives to restructure existing complex social relationships in public lands can result in different outcomes in terms of who benefits depending on the existing state laws and policies. Land (reform) policies in public lands can also result in different types and organization of property rights: privatized/individualized property rights, or in community/collective property rights, or a mixture of both, ie, community property rights with individualized/privatized land use rights therein. The form and organization of property rights, it is argued here, is secondary. The principal issue is that such policies should be able to reform unjust and exploitative social and production relationships. This fundamentally differentiates 'land reform in public lands' from the current pro-market advocacy for land privatization through formal land titling. Land privatization through land titling programmes

are developmental and political campaigns initiated by central states (neoliberal or otherwise) not always intended to reform actually existing land-based social relationships but, in the words of James Scott (1998), to 'simplify' and render 'legible' these realities that characterize 'non-state spaces' in order to impose the governance claim of the central state. On most occasions historically, redistributive land reform included land-titling programmes; but often the latter were framed and implemented outside the context of the former.

Land (reform) policies in public lands, if implemented, can result in at least five broad outcomes in terms of who benefits: (i) continued and formalized control by landed and corporate elite, (ii) formalized control by non-poor households, (iii) poor peasants losing control over lands; landed and corporate elite and other non-poor households gaining control, (iv) formalized control by poor peasants, (v) landed and corporate elite and other non-poor households losing control over these lands; landless and near-landless poor households gaining control (see Table 1). Of the five possible paths, only the last two possibilities are desirable from poverty eradication and social justice perspectives. In the context of mainstream land policies, the first three paths are most likely to dominate, while the only chance that the last two types of outcomes can occur on a significant scale is when land policies in public lands are approached from explicitly 'redistributive land reform framework'.

III A view from the Philippines

The Philippines is good country case study because of: (a) the co-existence of formal private landed property rights and public/state (forest) lands, (b) a land reform programme that officially covers both private and public lands, (c) the existence of other relevant land policies, especially a land titling programme, (d) a long period of implementation of these land (reform) policies. These are conditions that can offer rich empirical materials relevant to the purposes of this paper.

1 National perspective

Approximately one-third of the Philippine land area of 30 million hectares is agricultural land (at least based on official land use classification), and ownership and/or control over such lands has been largely monopolized by landed classes, although only about one-third of these farmlands is reported in official census as privately owned as of 1988 (see Putzel, 1992; Borrás, 2003b), the year the Comprehensive Agrarian Reform Program (CARP) began. The Gini coefficient for (private) land ownership distribution was 0.64 in 1988 (Putzel, 1992: 30). The lack of control over land resources has been one of the most important causes of persistent poverty in the country. By 2004, two out of every five Filipinos were poor. Two-thirds of the poor are rural poor, most of whom are located in (upland) communities, precisely where landed property rights are ambiguous (Asian Development Bank (ADB), 2005).

The exploitative agrarian structure in the Philippines has been the cause and effect of the lop-sided distribution of political power in society and the state (see Anderson, 1988; Kerkvliet, 1990; Putzel, 1992). The same situation has also provoked periodic peasant upheavals that have won only intermittent concessions from the state (Kerkvliet, 1977; Putzel, 1995; Rutten, 2000). A combination of repression, resettlement and limited reform has been the traditional way through which the elites and the state responded to peasant upheavals (Wurfel, 1988; Riedinger, 1995; Abinales, 2000), and so peasant unrest remained an important part of rural politics throughout the twentieth century. And, as Franco (2001) explains, the transition from an authoritarian regime to a 'national clientelist electoral regime' in 1986 did not lead to complete democratization of the countryside; even now, entrenched political elites continue to dominate the rural polity (see also Putzel, 1999), although recent years have seen some erosion of these rural 'local authoritarian enclaves'¹⁰ in a political process that can be traced back mainly to two factors: the series

of highly constrained elections held during and immediately after the period of authoritarian rule, and sustained social mobilization 'from below' (Franco, 2001). However, the transition period (1986–88) opened new political opportunities for partial democratization which led to a heated policy debate on agrarian reform. After initially dragging its feet on the issue, the administration of Corazón Aquino was forced to act after the military opened fire at a 20 000-strong peasant march near the Presidential Palace, killing 13 peasants. The subsequent policymaking process for land reform in 1986–88, marked by intense pro- and anti-reform forces within the state and in society, eventually led to the legislation of a land reform law: CARP.¹¹

Based on the CARP law, all farmlands, private and public, regardless of tenurial and productivity conditions, will be subject to agrarian reform. There are three broad types of reform: (i) land redistribution of private and public lands, (ii) 'lease', including leasehold on lands legally retained by landlords and 'stewardship contracts' for some public lands, and (iii) on a small scale and limited to the first few years of CARP implementation, a stock distribution option for some corporate farms. It is most likely that the original intention by some state actors in the inclusion of public lands in land reform is based on conservative agendas, but once the implementation started, unexpected and unintended outcomes have begun to occur (Borrás, 2001).

Based on its mandate, CARP is supposed to carry out the reform in 10 million hectares of the country's farmland via land redistribution, the estimated number of beneficiaries could reach some 4 million landless and land-poor peasant households, comprising close to 80% of the agricultural population.¹² The Department of Agrarian Reform (DAR) is responsible for redistributing all private lands and some government-owned lands. Many of these government-owned lands have been leased to big landlords and multinational companies at nominal fees (David *et al.*, 1983;

Tadem *et al.*, 1984; Hawes, 1987; Putzel, 1992; de la Rosa, 2005; Borrás and Franco, 2005).¹³ Moreover, there were also vast tracts of public land that were previously allotted for (re)settlement programmes and which have been integrated into the land reform programme. Many of these lands have, since decades ago, been populated and cultivated, where social and production relationships have emerged and persisted. Restructuring these relationships in favour of the landless and near-landless peasants via land reform can therefore be truly redistributive and pro-poor.

Meanwhile, the bulk of public lands are to be redistributed by the Department of Environment and Natural Resources (DENR), which implements CARP's two basic components in this land type: Alienable and Disposable (A&D) land and Community-Based Forest Management (CBFM) programme.¹⁴ Many of the lands under these programmes are actually cultivated farmlands. Moreover, a few millions of hectares of land in the Philippines have been, and are, classified as 'timberlands' in formal documents, officially excluding them from CARP's coverage. Timber lease agreements were issued to individuals and companies for logging activities decades ago. However, by the 1970s, many, if not most, of these timberlands had already ceased to operate as such. The conversion to crop cultivation has been widespread since then. Thus, today, many lands formally classified as timberlands are actually crop-cultivated lands, whereon unreported and undetected share tenancy arrangements between landed elite and peasants have emerged, proliferated and persisted.¹⁵

By 2004, official reports estimated that 5.5 million hectares of private and public lands, accounting for about half of the country's farmland, were redistributed to landless and land-poor peasants (see Table 2). These lands came into the hands of 3 million rural poor households, representing some two-fifths of the Philippine agricultural population.¹⁶

If these data are taken at face value, the level of land distribution that has been achieved is comparable with that accomplished in historically important land reforms elsewhere. But interpretations of the actual amount of redistribution vary from uncritical agreement with the official figures to outright rejection. One of the most common reasons offered by activists and scholars who claim that CARP's land redistribution achievement is significantly less than the official claims is that majority of the redistributed lands were public. These data are of course correct, since only 1.7 million out of the 5.5 million hectares redistributed to peasants were private lands – or one-third of the total CARP's land redistribution achievement (see Table 2; the land categories 'KKK', 'LE' and 'Settlement' under DAR are government-owned lands).

Riedinger *et al.* (2001: 376, emphasis original), for example, argued for the exclusion of public lands from any accounting of land redistribution accomplishment. They declared:

This figure reflects the area distributed by the Department of Agrarian Reform (2 562 089 *h*) in the period 1972–1997 net of lands distributed as settlements (662 727 hectares), and *Kilusang Kabuhayan at Kaunlaran* (606 347 hectares) . . . The former two elements of the distribution program are netted out because they do not involve *re*-distribution of *private* agricultural lands.

Thus, using the conventional analytic tool in land reform scholarship, one would exclude *a priori* from any land reform accounting all public lands that have been distributed to poor peasants. This is, of course, problematic. But without unity about what types of lands qualify for land reform, there will be no systematic and full understanding of the extent of land reform accomplishment in that country (and elsewhere). Explaining how and under what conditions land distribution in public lands constitutes real redistributive reform is an important step towards proper assessment of land reforms, in theory and practice.¹⁷

Table 2 CARP's land redistribution accomplishment, in hectares (1972–2003)

Total output by administration, under the Department of Agrarian Reform (DAR)

LAD type	Output (in ha)	Marcos 1972–1986	Aquino 1987–Jun 92	Ramos Jul 92–Jun 98	Estrada Jul 98–Dec 2000	Arroyo Jan 01–Dec 03
OLT	521 326	15 061	340 045	141 620	18 708	14 889
CA	197 553		13 482	120 828	47 767	41 964
VOS	416 283		54 011	255 341	76 896	91 063
VLT	443 110		20 737	328 654	73 345	67 097
GFI	143 394		22 938	105 498	11 906	9 296
KKK	775 328		142 321	543 738	68 520	51 651
LE	79 168	11 041	25 781	41 201	971	784
Settlmnt	633 475	41 022	193 207	352 497	35 276	39 997
Total	3 209 637	67 124	812 522	1 889 377	333 389	316 741

Total output under the department of Environment and Natural Resources (DENR) July 1987 – Dec 2003

LAD type	Total output (in ha)	Aquino 1987–91	Ramos 1992–97	Estrada 1998–2000	Arrovo 2001–2003
A&D	1 295 559	533 273	360 699	131 301	270 286
CBFM	1 042 088	566 468	496 585	221 035	–
Total	2 337 647				

LAD, Land Acquisition and Distribution; OLT, Operation Land Transfer; CA, compulsory acquisition; VOS, voluntary offer-to-sell; VLT, voluntary land transfer; GFI, government financial institution; KKK, Kilusang Kabuhayan at Kaunlaran; LE, Landed Estate; Settlmnt, Settlement.

Source: Borras (2004); Borras *et al.* (2005a).

2 Local perspectives

Three different local cases will, in varying lengths, be discussed below. They all show that: (a) effective control by private elites exists in landholdings officially classified as public (forest) land, (b) actual land use often contradicts what is reported in official land use categories; (c) different actors use different official laws and policies in order to claim or maintain control over these lands, and that it is the actual balance of political power between these actors that ultimately determines whose 'right' becomes real and effective, and (d) implementing different state policies and laws in contested public lands can result in different outcomes, pro-poor or otherwise. The first case study presented is one that has resulted in real redistributed reform. The case has been reported by government as

fully accomplished land reform, but dismissed by scholars and activists as non-redistributive because it involves public land. The second case is one that has not resulted in redistributive reform (or not yet). It is an unfolding story about a persistent peasant struggle to acquire a piece of government-owned land. The third case is a critical overview of the current land titling programme that is funded and directed by the World Bank as well as an overview of CARP's resettlement programme. It shows how potentially redistributive policies can result in non-redistributive, or even anti-poor, outcomes.

3 The Aquino Coconut Farm, Quezon

The landholding in this dispute is a 201 ha farm with rolling hills, tilled by 76 tenants and planted to coconut and citrus trees, located

in Mulanay, Bondoc Peninsula, Quezon, an isolated town that is a 14-hour bus ride from Manila (mainly because of bad roads in the area).¹⁸ It is 'owned' by the politically and economically influential Aquino family, which is related to other equally powerful families in the *municipio*, and has been allied with the political elite of the peninsula. The town of Mulanay, like the rest of Bondoc, is a settler area: it was one of the land frontiers opened for settlement in the 1930–1960s, although elites from the outside were the ones able to secure contracts with government to make use of these vast tracts of land as timberlands or pastures. Slowly, some of these elites were able to secure private titles to these lands through fraudulent means, often in connivance with corrupt judges. Others opted not to secure private titles but nevertheless exercise effective control over the land. Meanwhile, since the 1970s, the general pattern of land use has been transformed from timberlands to crop cultivation, mainly coconut, and share tenancy emerged and persisted with the influx of settler-peasants coming from various parts of southern Luzon and the Visayas (Franco, 2005a, b).

The Aquino estate has this typical historical profile, although the Aquino family was able to secure a private title to this 'timberland'. Since the 1960s, the Aquino family has imposed tenancy arrangements with sharing percentages ranging from 70–30 to 80–20 in favour of the landlord, while the peasants shoulder the bulk of production expenses. The Aquino family administered the coconut farm and controlled the tenants through the overseer (*katiwala*). It was a hard life for the peasants.

In the early 1980s, the clandestine communist New People's Army (NPA) began to organize the peasants in and around the village where the estate is located. During that time, at least seven of the Aquino estate tenants joined the guerrillas in various capacities.¹⁹ In the open, the same tenants became leaders of the militant peasant association organized in the municipality and controlled

by the NPA. The NPA's indoctrination on 'genuine agrarian reform through agrarian revolution' became the most important campaign issue for organizing the landless peasants (see Kerkvliet, 1993; Putzel, 1995; Rutten, 2000). In fact the NPA became quite popular in the countryside in the 1970s and 1980s, partly because of its campaign for *tersyong baliktad* (the inverted sharing arrangement). This means that instead of the 70–30 sharing arrangement in favour of the landlord, the sharing scheme would be inverted to 30–70 in favour of the peasants. The Aquino estate tenants were hopeful that the NPA campaign would be implemented on their farm, as promised by the guerrillas.

In the mid-1980s, the NPA told the tenants that a meeting with the landlord had been arranged, and that the tenants must themselves put forward the demand for a *tersyong baliktad*. The guerrillas would be present at the meeting to intimidate the landlord into agreeing to the peasants' proposal. The meeting occurred, but the NPA did not show up. The peasants could not even open their mouths to speak out what they wanted. The landlord verbally abused them, and the peasants were made to apologize for taking up the landlord's time. The peasants later suspected that the NPA failed to show up because it was able to strike a deal with the landlord on a 'revolutionary tax'. This incident changed the peasants' attitude toward the NPA. It was a major setback to the peasants' effort to alleviate their difficult living conditions. Meanwhile, during 1986–89, the village was subjected to militarization as part of the government's 'total war' policy against the communist insurgents. Two tenant-farmers from the village were killed in the indiscriminate bombings by the military.

By the early 1990s, the NPA's presence was waning in the village. Yet the peasants still toiled under the onerous share tenancy arrangement. Around this time, the DAR information campaign about CARP reached the village. The peasants became interested. But it was only toward the mid-1990s

that they started to organize themselves around the issue of reforming the tenancy arrangement based on the CARP law that declares share tenancy illegal and requires a shift to leasehold. The peasants became excited; to them, CARP's leasehold was just like the NPA's *tersyong baliktad*, or even better as their share would be slightly higher and such a contract would be legally secure, unlike the NPA-brokered arrangement. Hence, the tenants preferred leasehold reform to land redistribution.

In 1995, they formed an association, SAMALA (*Samahan ng Malayang Magsasaka sa Lupaing Aquino*, Association of Free Peasants of the Aquino Estate). They then petitioned for leasehold reform. In the meeting at the municipal DAR office, the landlord came and shouted at and berated the tenants in public, insulting them as stupid, ignorant peasants who did not even know how to compute a leasehold arrangement of 25% and 75%. This outburst solidified the peasant ranks and the solidarity between them and the local DAR officials. Jointly, they elevated their demand to compulsory acquisition. The peasants were agitated.

Part of the expropriation process is to secure from the DENR the classification of the landholding to be acquired for land reform. When they got the certification from the DENR in 1995, they were faced with the biggest surprise in their lives: the DENR declared that the landholding in question in fact was 'timberland' based on a 1953 government classification; it thus could not possibly be titled legally to any private entity. The peasants had mixed feelings: elated by the fact that the Aquinos did not own the land, but wary that their hope to own the land would not be realized because timberlands are not within the CARP scope for redistribution. This was a major dilemma at this juncture, leading to a temporary inertia within the organization.

Momentum was regained in the following year when the Bondoc Development Program (BDP), funded and operated by German

overseas development assistance (GTZ) and its partner NGO the PEACE Foundation,²⁰ reached the village and began to assist the peasants with their case. Their desperate situation pushed them to quickly embrace the offer of the assisting NGO. In addition, the *barangay* and municipal councils had elected new sets of officials who were sympathetic to the peasants. They passed resolutions supporting the peasants' claim to the land. The emergence of the broader alliance proved strategic in their struggle.

Emboldened by the discovery of the illegal nature of the Aquino's claim over the land and by the emergence of a broad front of allies, the peasants decided to declare a boycott on land rent. The landlord filed criminal charges (*estafa* and theft) before the municipal court. Several waves of arrests and detention of the tenants and peasant leaders occurred between September 1995 and October 1998. During this period, the landlord filed a total of 108 *estafa* charges against the peasants. The peasants were jailed for a few days, then were able to bail themselves out, mainly drawing on the common fund they had collected when they decided to launch the rent boycott (they had set aside 25% of their harvest as their 'battle fund').

The NPA returned around this period. However, instead of supporting the boycott campaign of the peasants, the guerrillas tried to persuade the peasants to stop the boycott, promising that the NPA would mediate with the landlord to reform the share tenancy arrangement from the onerous 70–30 to the government's leasehold arrangement of 25–75. This amounted to a counter-flow in the momentum of the peasants' campaign at this juncture. The peasants rejected these offers.

Together with their allies, the peasants brought the case all the way to the top-level officials of the DENR and the Office of the Solicitor General (OSG) in Manila. Their demand was elevated to the cancellation of the private title of the landlord, arguing that it was illegal in the first place. They had a tactical purpose: the declaration of the

private title as illegal would quash all the criminal charges filed against the peasants. It was not, however, an easy campaign: the peasants participated in marches, demonstrations, pickets, pitching camp for several days and on many occasions at the DENR national headquarters, visiting the OSG in Manila six times. Realizing the need to forge a broader coalition with other peasant groups in order to strengthen their demands *vis-à-vis* the state, SAMALA peasants co-founded a Bondoc-wide peasant alliance, KMBP (*Kilusang Magbubukid ng Bondoc Peninsula*, Peasant Movement of Bondoc Peninsula). The KMBP would later coalesce with a national peasant movement, UNORKA,²¹ and would forge a solidarity relationship with international civil society networks, especially the FoodFirst Information and Action Network (FIAN) that is also actively advocating for land reform worldwide. Through these movement networks, the political reach of the local struggle of SAMALA peasants was extended to the very centre of state power. After persistent collective actions by the peasants, in 1998 a strategic victory was achieved: the OSG filed for the cancellation of the title of the Aquino family.

The DENR was slow in processing the case. But finally, in November 2001, the DENR awarded the estate to the peasants under the CBFM programme. It was a standard CBFM stewardship contract for 25 years, renewable for another 25 years; the peasants were not to pay for the land. The case was entered in the official CARP records as accomplishment in the CBFM programme (ie, public land category). It was a decisive victory for the peasants. The tenants who, since the land rent boycott in 1995, had begun to engage in intensive intercropping on the land, started to harvest farm products without having to pay any land rent. They planned to sustain their demand for the re-classification of their land from timberland to cropland so as to secure a full ownership title over the landholding. Meanwhile, the victory in the Aquino case was watched

carefully by other peasants in Bondoc Peninsula who were in a similar situation. Not surprisingly, several land claims by Bondoc peasants similar to SAMALA's struggle have already been filed before the DAR and DENR offices (see Franco, 2005a, b).

4 The DAPECOL banana plantation, Davao del Norte

The continuing 'battle' to expropriate a penal colony owned by the government illustrates another aspect of the contested boundaries of public-private domains. This is the case of the Davao Penal Colony (DAPECOL) in Davao del Norte.²² This penal colony was created in the early 1930s and was allocated about 33 000 ha of prime lands. Much of these lands had been, to varying extents, settled and cultivated by poor peasants even prior to its reclassification as a penal colony. The same site became the main area for the development of cavendish banana production when the abaca sector dipped in the 1950s as a result of competition from synthetic alternatives. Since the 1940s, however, DAPECOL has been privatized, chunk by chunk, in what might be fraudulent sales at ridiculously low prices.²³ In the late 1960s, cavendish banana production got into full swing. By the early 1970s, there were only 5200 ha left to DAPECOL.

The family of Don Antonio Floirendo, one of the most important cronies of former dictator Ferdinand Marcos, was among those who were able to 'buy' lands from DAPECOL and in nearby areas. They reportedly forcibly ejected pre-existing settlements of peasants.²⁴ Today, the Floirendos have some 3500 ha of privately owned banana plantation. On top of these, the Floirendos effectively control the remaining 5200 ha of DAPECOL through a long-term contract that started in 1969. Through his connection with Marcos, Antonio Floirendo was able to secure the long-term lease contract with the Department of Justice (DOJ), the agency that controls the penal colony (see Borrás and Franco, 2005).

The plantation started to operate fully under a purchase contract with the global giant Chiquita. Prisoners in the penal colony worked on the banana plantation for meagre wages, but only until the late 1970s. Japanese buyers, the biggest market for the Philippine bananas, reportedly protested against the use of prison labour to produce the bananas sold to them. Since then, prisoners have provided only marginal amounts of labour in banana production. Sixteen years after Marcos was overthrown, the Floirendos remain politically powerful. They survived the regime transition in 1986, and all the administration changes since then; they have controlled the district representation in Congress and the governorship of the province. At the time of writing, Floirendo was paying the government a meagre PhP 1000 per hectare per year lease rent, despite the fact that the prevailing market rate for land rental for banana plantations in adjacent areas was already around PhP 30 000 per hectare per year (see de la Rosa, 2005).

From the 1970s to the present, a series of collective actions by farm workers and the ejected original settlers, in Davao and Manila, have failed to yield a favourable government response in this case. The DAR repeatedly requested the DOJ to turn over the land to the DAR for redistribution, but were met with negative reply. In 2003, and totally disregarding the popular clamour for the redistribution of the DAPECOL land, the Macapagal-Arroyo administration renewed the lease contract for another 25 years, without any significant improvement in the terms of the contract. It is widely believed that the lease deal between the Floirendos and the DOJ is graft-ridden.

The DAPECOL is government-owned, 'penal colony' land, but in reality it is a modern banana plantation tied to one of the world's biggest multinational fruit companies. It is public land, yet the case demonstrates how difficult it is to have such lands redistributed. The private elite interest is quite entrenched. Arguably, and legally, it should

have been redistributed under CARP because the law exempts only penal colonies that are directly tilled by prisoners. Besides, the lease contract here is tantamount to a contract disadvantageous to the government, which is illegal. If, hypothetically, DAPECOL were to be redistributed, it would certainly constitute redistributive reform.

5 The Land Administration and Management Program (LAMP) and other related cases

The World Bank has recently funded and has been directing a 25-year land-titling programme, the Land Administration and Management Program (LAMP).²⁵ The aim is to generate individual private land titles in approximately 5 million hectares of land to more or less 2 million individual title holders. It has been pilot-tested in the province of Leyte in 2002–2004.²⁶ It has become a full-scale programme within the province of Leyte beginning in early 2005, and is envisioned to be implemented all over the country in the next few years.

Initial evidence shows, however, that the project is likely to result in outcomes that are against the interest of the landless and land-poor classes. This is because the programme is not placed within a land reform framework, and so the main basis for the land titles being generated is the existing formal claims by any persons – rich or poor, landed or landless, actually cultivating the land or not. In the pilot municipality visited for this study, official LAMP records show that *majority* of those that have put forward claims were: (i) middle and upper class families, (ii) not living in the villages where the claimed lands are located but in distant town and city centres, (iii) most of whom are not working the land, and (iv) many of whom have multiple land claims.²⁷ The programme implementers have not required the 'residency' of the land claimants because this would 'complicate and slow down' the implementation process.²⁸ Yet, the official claimants regularly paid the municipal land tax (*amelyár*) – which is one of the formal

bases for property rights claims, though in practice, seems to be the main basis. In the same pilot sites, tenant-farmers and farm-workers who have been cultivating the lands being claimed by others were not even part of the LAMP project in any way. Clearly, the programme is not concerned about reforming pre-existing exploitative production relationships in these lands. It is concerned solely about what quantity of lands it could survey, for which formal land titles could be generated. It is thus not surprising that, in fact, the LAMP land-titling programme, in the initial cases cited, has institutionalized the very mechanisms that cause and perpetuate exploitative relationships and poverty.

Meanwhile, the way the LAMP has been conceptualized and implemented has many things in common with the way CARP has been carried out in the land category 'Settlements' (see Table 2; and relevant discussion in section III). Instead of implementing CARP in settlement lands in such a way as to reform the actually pre-existing social and production relationships, in general the government has simply and conveniently parcelled settlement lands into private properties based on existing formal land claims – and many of these claimants were non-poor households (see Borrás, 2002; Feranil and Tapia, 2003, for cases in southern and central Mindanao). In this context, the main motivation for government officials has been to generate as many formal land reform award titles as possible, rather than to carry out real pro-poor reforms as mandated by CARP. In such cases, therefore, CARP's land settlement programme, like the World Bank's land titling programme, has formalized and institutionalized, not restructured, pre-existing exploitative social and production relationships.

Finally, the various types of outcome shown by the cases cited above that do not favour the landless poor have also occurred in the two CARP programmes for public lands being implemented by the DENR (A&D land and CBFM programme). The annual

internal programme audit carried out by the Presidential Agrarian Reform Council (PARC) has uncovered numerous cases of anomalous distribution of public lands where the landed elite and other non-poor households, including officials of government agencies and local government units, have been declared beneficiaries of the A&D and CBFM programmes (see PARC, 1994, 1995, 1996, 1997, 2001).

IV Concluding remarks

Contrary to the popular assumption in the literature that land reform in public lands does not constitute redistributive reform, the conceptual and empirical discussion here has shown that redistributive reform can be, and has been, achieved in 'public' (forest) lands. The problem with conventional land policies being implemented in contested public lands, such as land privatization through land titling, is that there is a great risk that they will only formalize the current land claims by the elite, or worse, transfer control from the poor (or the state) to the (private) elite. The case studies examined here have shown that the actual interpretation and implementation of land laws pertaining to ambiguous lands have occurred through the politically contentious interactions between state and societal actors. Specifically, it is the positive interaction between reformist initiative 'from above' by state actors and social mobilization 'from below' by autonomous rural social movement groups that have been responsible for 'pro-poor' interpretation and implementation of land laws, as shown in the case of the Aquino estate discussed in section III. However, the pro-reform state-society alliance does not automatically guarantee successful outcomes because the anti-reform forces also mobilize their own state-society coalition, as shown in the case of the DAPECOL plantation. Nevertheless, the general absence of sustained mobilizations by autonomous rural social movement organizations and initiatives by state reformists in CARP's programmes involving public lands have most likely

facilitated widespread anti-reform outcomes in land policy implementation, as the annual official internal programme audit reports have shown.

Clarification of the notion of redistributive land reform in the context of public lands can lead to a different but better understanding of land reform experiences, as in the cases of South Korea and Taiwan, where public lands were in fact an important component of land reform, and of less successful past attempts at land reform, such as in Colombia in the 1960s where elite-controlled public lands escaped the analytic lens of many land reform scholars. The reconceptualization put forward in this study can also facilitate a better understanding of the challenges facing land policies in many developing countries today, such as in Thailand, Indonesia and Bolivia, as well as in African countries where significant quantities of lands officially classified as public lands have in reality been appropriated privately.

Notes

1. The more precise data about the extent of 'informal' tenure are those for urban areas. According to the World Bank (2003: xxv), 'more than 50 percent of the peri-urban population in Africa and more than 40 percent in Asia live under informal tenure and therefore have highly insecure land rights'. The Bank report continues that, 'while no such figures are available for rural areas, many rural land users are reported to make considerable investments in land as a way to establish ownership and increase their perceived level of tenure security'.
2. But meaningful reforms can still occur in Type I settings despite not being redistributive reform. See Fox's (1993: 10) explanation about the distinction between redistributive and distributive policies; and Borrás (2004) for a specific application to land reform scholarship.
3. In the context of the Philippines, refer to Borrás *et al.* (2005a); Fianza (1999), Rodil (1994), Tri-People Consortium for Peace, Progress and Development (TRICOM) (1998), Gutierrez and Borrás (2004), Vidal (2004); Corpuz-Tauli and Cariño (2004);

Colchester (1994: 71–72); Resurrección (1999: 242–50); and Gaspar (2000). For the Mexican experience, refer to Harvey (1998) and Van der Haar (2000); for Guatemala see Handy (1994).

4. See, eg, Leonen (1993); Broad (1994); Christodoulou (1990: 20), Doornbos *et al.* (2000), Arnold (2001: 164).
5. See, eg, Ostrom (2001); Arnold (2001); Colchester (1994).
6. See, eg, von Benda-Beckmann (1993: 116, 2001); Roquas (2002).
7. See, eg, Leach *et al.* (1999); Johnson and Forsyth (2002); Sato (2000); Li (1996).
8. Moreover, Doornbos *et al.* (2000: 2–3) explained that: 'For most received economic theory, nature constitutes a pre-theory concept. In their original state, water, air, timber, fish, land and such like are "free" ... incorporating no prior human processing or expenditure of human labour. They are openly available to all without social or economic restriction ... As such, in economic accounting, they become costless, and are beyond the domain of economic theorizing ... This simple exclusion of nature from economics is suddenly overtaken by a later phase where it is simply postulated that these free goods have now become unfree, and have taken an economic incarnation as products. This transformation is not itself the subject of explanation in economic theory ... The key to entering this fertile, though unsettled, theoretical space lies in posing the question unasked by mainstream economic theorizing and the social sciences generally, viz. that enquiring into the conditions underlying the demise of nature as a free good and its reincarnation as an economic one. Implicitly, it juxtaposes on the initial state of plenty, a new scenario involving the emergence of scarcity, markets and prices. But it is precisely in the interim, the unrecognized space between these two postulated states or phases of nature that many vital concerns lie buried'.
9. For other similar settings elsewhere, see also Colchester (1994); Platteau (1996); Gauld (2000: 236); Carter and Salgado (2001: 263–65).
10. The term 'authoritarian clientelism' builds on the concept of clientelism, and refers to situations where 'imbalanced bargaining relations

- require the enduring political subordination of clients and are reinforced by the threat of coercion' (Fox, 1994: 153, see also Franco, 2001, 2004, in the context of the Philippines).
11. See Putzel (1992); Riedinger (1995); Lara and Morales (1990); Hayami *et al.* (1990).
 12. This was however revised/reduced in early 1996 to 8.064 million hectares (see Borrás, 2003b). Moreover, some 2 million hectares of farms smaller than 5 ha (retained farms by landlords) will be subject to share tenancy or leasehold reform which aims to benefit a million tenant households. The average farm size in the country is 2 ha, while the land reform award ceiling is fixed at 3 ha.
 13. As such, these multinational corporations are not the owners of the lands. By implication, the conventional thinking in this regard suggests that redistribution of these government-owned lands would be insignificant and non-redistributive (see further discussion below). It is thus difficult to explain the importance of taking back vast tracts of public lands controlled by multinationals and having them redistributed to poor peasants and farm workers. Some examples are the lands previously controlled by Dole in the southern Philippines and the experience in Mexico in the 1920s wherein numerous public lands illegally appropriated by private entities, including American companies, were taken back and redistributed among poor peasants (Tannenbaum, 1929: 315–34; see also Striffler, 2002, for the Ecuadorian experience and Griffin *et al.*, 2002, for the Taiwanese experience).
 14. It is important at this point to clarify some issues with regard to CBFM. In 1996, the DENR formally adopted the community-based approach to its forestry programme. The CBFM integrates existing related government programmes: Integrated Social Forestry Program (ISFP), Community Forestry Program (CFP), Forest Land Management Program (FLMP), Regional Resources Management Program (RRMP), Low Income Upland Development Program (LIUCP), Coastal Environment Program (CREP) and Ancestral Domains/Land Claims Program (ADMP) (La Viña, 1999: 18). Not all of these programmes are within the CARP scope, and the ISFP remains the major CARP component. In reality, however, there are several overlaps between these programmes, especially between CARP's CBFM and the ancestral domain claims, which is now handled by another government agency (NCIP) under another law (IPRA). The confusion remains, eg, it is not clear how much of the reported CBFM accomplishment data are in fact ancestral domain claims (and *vice versa*). The available DENR data are not disaggregated according to CBFM sub-programmes; see also Gauld (2000). For a useful background on the CBFM program, see Garilao *et al.* (1999), especially La Viña (1999), Bulatao (1999), and Cristobal (1999); see Hirtz (2003) for IPRA.
 15. See Borrás *et al.* (2005a); Franco (2005); Carranza (2000); Corpuz (2000).
 16. See Putzel (2002); Borrás (2004, 2003b); Borrás *et al.* (2005a).
 17. Another crucial category that needs critical clarification is the official 'land redistribution' data based on market-based mechanisms, which the author has discussed elsewhere (Borrás, 2005).
 18. The data and information for this case study are drawn primarily from a focus group discussion with more than a dozen peasants and peasant leaders on the estate, plus several one-on-one formal and informal discussions with them. Many requested anonymity in this study. Data and information from interviews with the PEACE Foundation community organizers and leaders of KMBP and UNORKA, as well as provincial-regional-national DAR officials are also insightful. Borrás (2004), Carranza (2000), Corpuz (2000) and Franco (2000, 2005a, b) are other important sources of information and insights.
 19. Based on a focus group discussion with a group of farmers who requested anonymity. 2001, Bondoc peninsula.
 20. Philippine Ecumenical Action for Community Empowerment – one of the oldest and largest NGO networks in the country advocating for agrarian reform.
 21. UNORKA is *Pambansang Ugnayan ng Nagsasariling Lokal na mga Samahang Mamamayan sa Kanayunan* or National Coordination of Autonomous Local Rural People's Organizations. See Franco and Borrás (2005) for a background on the national

- peasant movements' continuing struggles for land and democracy in the Philippines.
22. Data and information for this case study are drawn from numerous formal and informal discussions with various groups directly involved in the dispute: leaders and members of the three different groups of settlers who accused the Floirendos of having forcibly ejected them from the land in the 1960s and 1970s; leaders and members of various farm workers' groups in the Floirendo plantation, especially those under the umbrella of UFEARBAL-UNORKA, including Eric Cabanit and Ben Isidro, Governor Rodolfo del Rosario, the late Antonio Javellana, and provincial, regional and national DAR officials. The author also participated in numerous collective actions launched by the various groups of claim-makers in this case, both in Davao and Manila. Manapat (1991), de la Rosa (2005), and Franco (2005) are also useful sources of information. An earlier study (Borrás *et al.*, 1999) with comprehensive documentation is equally useful.
 23. Refer to Borrás *et al.* (1999) for historical details.
 24. Interview with several of those who were ejected from these villages (see also Borrás *et al.*, 1999).
 25. For a broader context regarding mainstream land policies, see Borrás (2003a).
 26. For details of the programme, see LAMP (2002a, b).
 27. Numerous internal LAMP documents were consulted. Focus group discussions with village officials, share tenants and farmworkers who were excluded from the LAMP project, LAMP beneficiaries, as well as NGOs involved in the project, were also sources of information.
 28. Based on information gathered during the field investigation in July–August 2004 in the province of Leyte that included an informal discussion with the LAMP director, the executive director (Lino Aparente) of the NGO partner (WESLEYDEV) of the pilot programme, several key programme staff, the regional DAR director for Region 8, as well as several project beneficiaries; plus focus group discussions with beneficiaries and non-beneficiaries in the pilot areas, and examination of programme documents. The author

also personally observed a two-day major programme evaluation workshop in July–August 2004 in Tacloban City. The comprehensive evaluation of the initial phase of the programme, an evaluation commissioned by the programme itself, has also come up with similar conclusions (see Lim-Mangada and Roquino, 2004). Interview with the Edna Tabadora, executive director of the CARP Secretariat at the DENR was also useful.

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References

- Abinales, P.** 2000: *Making Mindanao: Cotabato and Davao in the formation of the Philippine nation-state*. Ateneo de Manila University Press.
- Anderson, B.** 1988: Cacique democracy in the Philippines: origins and dreams. *New Left Review* 169, 3–29.
- Arnold, M.** 2001: Devolution of control of common pool resources to local communities: experiences in forestry. In de Janvry, A., Gordillo, G., Platteau, J.P. and Sadoulet, E., editors, *Access to land, rural poverty, and public action*. Oxford University Press, 163–95.
- Asian Development Bank** 2005: *Poverty in the Philippines: income, assets and access*. Asian Development Bank.
- Borrás, S., Jr** 2001: State–society relations in land reform implementation in the Philippines. *Development and Change* 32, 545–75.
- 2002: Problems and prospects of redistributive land reform in Mindanao, 1972–2002. *Mindanao Focus Journal* 2002, 1–45. Alternate Forum for Research in Mindanao (AFRIM).
- 2003a: Questioning market-led agrarian reform: experiences from Brazil, Colombia and South Africa. *Journal of Agrarian Change* 3, 367–94.

- 2003b: Inclusion-exclusion in public policies and policy analyses: the case of philippine land reform, 1972–2002. *Journal of International Development* 15, 1049–65.
- 2004: Rethinking redistributive land reform: struggles for land and power in the philippines. PhD Dissertation, Institute of Social Studies.
- 2005: Can redistributive reform be achieved via market-based voluntary land transfer schemes?: evidence and lessons from the Philippines. *Journal of Development Studies* 40, 90–134.
- Borras, S.** and **Franco, J.** 2005: Struggles for land and livelihood: redistributive reform in agribusiness plantations in the philippines. *Critical Asian Studies* 37, 331–61.
- Borras, S., Quiambao, M.** and **Gatche, D.** 1999: *The difficult challenge of agrarian reform, rural development and democratization in commercial plantations.* FAO/SARC-TSARRD Project; Project Development Institute.
- Borras, S., Jr, Reyes, R.** and **Carranza, D.** 2005a: *Land, poverty, and state-society interaction in the Philippines.* ISS/UNDP Land, Poverty, and Public Action Policy Paper No. 5. Institute of Social Studies (<http://www.iss.nl/land/> last accessed 22 November 2005).
- Borras, S., Kay, C.** and **Akram Lodhi, H.** 2005b: *Property rights reforms and state-society interaction for poverty eradication and development: historical overview and alternative perspectives.* ISS/UNDP Land, Poverty, and Public Action Policy Paper No. 1. Institute of Social Studies (<http://www.iss.nl/land/>, last accessed 22 November 2005).
- Broad, R.** 1994: The poor and the environment: friends or foe? *World Development* 22, 811–22.
- Bulatao, G.** 1999: Community-based forest management in Cotabato: more attention to socio-economic aspects, please. In Garilao, E., Soliman, H. and Cristobal, A., Jr, editors, *Saving the plains from the floods: strengthening national government-local government partnership in community-based forest management.* Asian Institute of Management, 57–72.
- Carranza, D.** 2000: Case study no. 1: Barangay Cambuga, Bondoc Peninsula. In Franco, J., editor, *Agrarian reform communities and rural democratization in Quezon.* UNDP/Institute for Popular Democracy.
- Carter, M.** and **Salgado, R.** 2001: Land market liberalization and the agrarian question in Latin America. In Janvry, D., Gordillo, G., Platteau, J.P. and Sadoulet, E., editors, *Access to land, rural poverty, and public action.* Oxford University Press, 246–78.
- Christodoulou, D.** 1990: *The unpromised land: agrarian reform and conflict worldwide.* Zed Books.
- Colchester, M.** 1994: Sustaining the forests: the community-based approach in South and South-East Asia. *Development and Change* 25, 69–100.
- Corpuz, S.** 2000: Case study no. 2: Barangays Bagong Silang and Villa Batabat, Buenavista, Bondoc Peninsula. In Franco, J., editor, *Agrarian reform communities and rural democratization in Quezon.* UNDP/Institute for Popular Democracy, 54–93.
- Corpuz-Tauli, V.** and **Cariño, J.** 2004: *Reclaiming balance: indigenous peoples, conflict resolution and sustainable development.* Tebtebba Foundation.
- Cristobal, A., Jr** 1999: Community-based forest management: a case study on the Municipality of Mauban, Province of Quezon. In Garilao, E., Soliman, H. and Cristobal, A., Jr, editors, *Saving the Plains from the floods: strengthening national government-local government partnership in community-based forest management.* Asian Institute of Management, 37–66.
- David, R., Rivera, T., Abinales, P.** and **Teves, O.** 1983: Transnational corporations and the philippine banana export industry. In David, R., Rivera, T., Abinales, P. and Teves, O., editors, *Political economy of Philippine commodities.* Third World Studies Center, University of the Philippines, 1–34.
- de Janvry, A., Sadoulet, E.** and **Wolford, W.** 2001: The changing role of the state in Latin American land reform. In de Janvry, A., Gordillo, G., Platteau, J.P. and Sadoulet, E., editors, *Access to land, rural poverty, and public action.* Oxford University Press, 279–303.
- de la Rosa,** 2005: Agrarian reform movement in commercial plantations Mindanao: the experience in the banana sector in Davao del Norte. In Franco, J. and Borras, S., editors, *On just grounds: struggling for agrarian justice and citizenship rights in the rural Philippines.* Transnational Institute/Institute for Popular Democracy.
- de Soto, H.** 2000: *The mystery of capital: why capitalism triumphs in the west and fails everywhere else.* Basic Books.
- Doornbos, M., Saith, A.** and **White, B.** 2000: Forest lives and struggles: an introduction. Doornbos, M., Saith, A. and White, B., editors, Special issue – ‘Forests: nature, people, power’. *Development and Change* 31, 1–10.
- Feder, E.** 1970: Counterreform. In Stavenhagen, R., editor, *Agrarian problems and peasant movements in Latin America.* Anchor Books, 173–224.
- Felstehausen, H.** 1971: Agrarian reform: Colombia. In Dorner, P., editor, *Land reform in Latin America.* Land Economics, University of Wisconsin-Madison, 165–84.
- Feranil, S.** and **Tapia, N.** 2003: Insights from the margins: exploring land reform implementation in settlement lands. *Bantaaw Economic and Social Indicators of Mindanao* 16, 1–11.
- Fianza, M.** 1999: Conflicting land use and ownership patterns and the ‘Moro Problem’ in Southern Philippines. In Ferrer, M.C., editor, *Sama-Sama: facets of ethnic relations in South East Asia.* Third World Studies Center, University of the Philippines, 21–70.

- Fox, J.** 1993: *The politics of food in Mexico: state power and social mobilization*. Cornell University Press.
- 1994: The difficult transition from clientelism to citizenship: lessons from Mexico. *World Politics* 46, 151–84.
- Franco, J.** 2000: *Agrarian reform communities and rural democratization in Quezon province*. Institute for Popular Democracy (IPD)/United Nations Development Programme (UNDP) – SARDIC Programme.
- 2001: *Elections and democratization in the Philippines*. Routledge; Institute for Popular Democracy.
- 2004: Philippines: fractious civil society, competing visions of democracy. In Alagappa, M., editor, *Civil society and political change in Asia*. Stanford University Press, 97–137.
- 2005a: *Making property rights accessible: movement innovation in the political-legal struggle to claim land rights in the Philippines*. IDS Working Paper Series, no. 244 (May, 2005). Institute of Development Studies (IDS) (for PDF version, see <http://www.ids.ac.uk>, last accessed 22 November 2005).
- Franco, J.** 2005b: On just grounds: the new struggle for land and democracy in Bondoc Peninsula. In Franco, J. and Borras, S., Jr, editors, *On just grounds: struggling for agrarian justice and citizenship rights in the rural Philippines*. Transnational Institute/Institute for Popular Democracy, 115–94.
- Franco, J.** and **Borras, S., Jr**, editors, 2005: *On just grounds: struggling for agrarian justice and citizenship rights in the rural Philippines*. Transnational Institute/Institute for Popular Democracy.
- Garilao, E., Soliman, H.** and **Cristobal, A., Jr**, editors, 1999: *Saving the plains from the floods: strengthening national government-local government partnership in community-based forest management*. Asian Institute of Management.
- Gaspar, K.** 2000: *The Lumad's struggle in the face of globalization*. Alternate Forum for Research in Mindanao (AFRIM).
- Gauld, R.** 2000: Maintaining centralized control in community-based forestry: policy construction in the Philippines. *Development and Change* 31, 229–54.
- Griffin, K., Khan, A.R.** and **Ickowitz, A.** 2002: Poverty and distribution of land. *Journal of Agrarian Change* 2, 279–330.
- Gutierrez, E.** and **Borras, S., Jr** 2004: *The Moro conflict: landlessness and misdirected state policies*. East-West Center Policy Studies, no. 8 (for PDF version, see <http://www.eastwestcenterwashington.org>, last accessed 22 November 2005).
- Handy, J.** 1994: *Revolution in the countryside: rural conflict and agrarian reform in Guatemala, 1944–1954*. University of North Carolina Press.
- Harvey, N.** 1998: *The Chiapas rebellion: the struggle for land and democracy*. Duke University Press.
- Hawes, G.** 1987: *The Philippine state and the Marcos regime: the politics of export*. Cornell University Press.
- Hayami, Y., Quisumbing, A.** and **Adriano, L.** 1990: *Toward an alternative land reform paradigm: a Philippine perspective*. Ateneo de Manila University Press.
- Herring, R.** 1983: *Land to the tiller*. Yale University Press.
- 2002: State property rights in nature (with special reference to India). In Richards, F., editor, *Land, property, and the environment*. Institute for Contemporary Studies, 263–97.
- Hirtz, F.** 2003: It takes modern means to be traditional: on recognizing indigenous cultural minorities in the Philippines. *Development and Change* 34, 887–917.
- Hobsbawm, E.** 1974: Peasant land occupations. *Past and Present* 62, 120–52.
- Houtzager, P.** and **Franco, J.** 2003: *When the poor make law: comparisons across Brazil and the Philippines*. Research Note. Law, Democracy, and Development Program, Institute of Development Studies.
- Johnson, C.** and **Forsyth, T.** 2002: In the eyes of the state: negotiating a rights-based approach to forest conservation in Thailand. *World Development* 30, 1591–605.
- Kay, C.** and **Urioste, M.** 2005: *Land reform policies, rural poverty and development strategies in Bolivia*. ISS/UNDP Land, Poverty, and Public Action Policy Papers No. 3, Institute of Social Studies (<http://www.iss.nl/land/>, last accessed 22 November 2005).
- Kerkvliet, B.** 1977: *The Huk rebellion: a study of peasant revolt in the Philippines*. University of California Press.
- 1993: Claiming the land: take-overs by villagers in the Philippines with comparisons to Indonesia, Peru, Portugal, and Russia. *Journal of Peasant Studies* 20, 459–93.
- 1990: *Everyday politics in the Philippines: class and status relations in a central Luzon village*. University of California Press.
- King, R.** 1977: *Land reform: a world survey*. B. Bell and Sons Ltd.
- La Viña, A.** 1999: The state of community-based forest management in the Philippines and the role of local governments. In Garilao, E., Soliman, H. and Cristobal, A., Jr, editors, *Saving the plains from the floods: strengthening national government-local government partnership in community-based forest management*. Asian Institute of Management, 11–36.
- Land Administration and Management Project** 2002a: *Land administration reform: winning the war against poverty*. Policy Studies Integration Report, Land Administration and Management Project (LAMP).
- 2002b: *Third progress report for the World Bank-AusAid joint supervision mission*. LAMP.
- Lara, F., Jr** and **Morales, H., Jr** 1990: The peasant movement and the challenge of democratisation in the Philippines. In Fox, J., editor, *The challenge of rural democratisation: perspectives from Latin America and the Philippines*. *Journal of Development Studies* 26, 143–62.

- Leach, M., Mearns, R. and Scoones, I.** 1999: Environmental entitlement: dynamics and institutions in community-based natural resource management. *World Development* 27, 225–47.
- Leonen, M.** 1993: The Philippines: dwindling frontiers and Agrarian Reform. In Colchester, M. and Lohnmann, L., editors, *The struggle for land and the fate of the forests*. Zed, 264–90.
- Li, T.M.** 1996: Images of community: discourse and strategy in property relations. *Development and Change* 27, 501–27.
- Lim-Mangada, L. and Roquino, E.** 2004: *Factors for participation of land claimants in the land titling activities of PIO-I*. University of the Philippines – Tacloban College (May 2004).
- Lipton, M.** 1974: Towards a theory on land reform. In Lehmann, D., editor, *Peasants, landlords and governments: agrarian reform in the third world*. Holmes and Meier Publishers, 269–315.
- Manapat, R.** 1991: *Some are smarter than others*. Alethia Publishing.
- Ostrom, E.** 2001: The puzzle of counterproductive property rights reforms: a conceptual analysis. In de Janvry, A., Gordillo, G., Platteau, J.P. and Sadoulet, E., editors, *Access to land, rural poverty, and public action*. Oxford University Press, 129–50.
- Peluso, N.** 1992: *Rich forests, poor people: resource control and resistance in Java*. University of California Press.
- Platteau, J.P.** 1996: The evolutionary theory of land rights as applied to Sub-Saharan Africa: a critical assessment. *Development and Change* 27, 29–86.
- Presidential Agrarian Reform Council** 1994: *CARP audit report covering the years 1992–1993*. Presidential Agrarian Reform Council – Audit Management and Investigation Committee (PARC-AMIC), photocopy version.
- 1995: *CARP audit report covering the year 1994*. Presidential Agrarian Reform Council Audit – Management and Investigation Committee (PARC-AMIC), photocopy version.
- 1996: *CARP audit report covering the year 1995*. Presidential Agrarian Reform Council Audit – Management and Investigation Committee (PARC-AMIC), photocopy version.
- 1997: *CARP audit report covering the years 1996–1997*. Presidential Agrarian Reform Council – Audit Management and Investigation Committee (PARC-AMIC), photocopy version.
- 2001: *CARP audit report covering the year 1998*. Presidential Agrarian Reform Council – Audit Management and Investigation Committee (PARC-AMIC), photocopy version.
- Putzel, J.** 1992: *A captive land: the politics of agrarian reform in the Philippines*. Monthly Review Press; Catholic Institute for International Relations (CIIR); Ateneo de Manila University Press.
- 1995: Managing the ‘main force’: the communist party and the peasantry in the Philippines. *Journal of Peasant Studies* 22, 645–71.
- 1999: The survival of an imperfect democracy in the Philippines. *Democratization* 6, 198–223.
- 2002: The politics of partial reform in the Philippines. In Ramachandran, V.K. and Swaminathan, M., editors, *Agrarian studies: essays on agrarian relations in less-developed countries*. Tulika (also by Zed in 2003).
- Resurrección, B.** 1999: Transforming nature, redefining selves: gender and ethnic relations, resource use, and environmental change in the Philippine uplands. PhD Dissertation, Institute of Social Studies; Shaker Publishing.
- Riedinger, J.** 1995: *Agrarian reform in the Philippines: democratic transitions and redistributive reform*. Stanford University Press.
- Riedinger, J., Yang, W.-Y. and Brook, K.** 2001: Market-based land reform: an imperfect solution. In Morales, H. and Putzel, J., editors, *Power in the village: agrarian reform, rural politics, institutional change and globalization*. University of the Philippines Press, 363–78.
- Rodil, B.R.** 1994: *The minoritization of the indigenous communities of Mindanao and the Sulu Archipelago*. Alternate Forum for Research in Mindanao.
- Roquas, E.** 2002: *Stacked law: land, property and conflict in Honduras*. Thela Latin America Series.
- Rutten, R.** 2000: High-cost activism and the worker household: interests, commitment, and the costs of revolutionary activism in a philippine plantation region. *Theory and Society* 29, 215–52.
- Sato, J.** 2000: People in between: conversion and conservation of forest lands in thailand. In Doornbos, M., Saith, A. and White, B., editors, Special issue – ‘Forests: nature, people, power’. *Development and Change* 31, 155–77.
- Scott, J.** 1998: *Seeing like a state: how certain schemes to improve the human condition have failed*. Yale University Press.
- Striffler, S.** 2002: *In the shadows of state and capital: the United Fruit Company, popular struggle, and agrarian reform restructuring in Ecuador, 1900–1995*. Duke University Press.
- Tadem, E., Reyes, J. and Magno, L.S.** 1984: *Showcases of underdevelopment in Mindanao: fishes, forests, and fruits*. Alternate Forum for Research in Mindanao.
- Tai, Hung-Chao** 1974: *Land reform and politics: a comparative analysis*. University of California Press.
- Tannenbaum, F.** 1929: *The Mexican agrarian revolution*. Archon Books (published again in 1968).
- Thiesenhusen, W.** 1971: Colonization: alternative or supplement to agrarian reform. In Dorner, P., editor,

- Land reform in Latin America*. Land Economics, University of Wisconsin-Madison, 209–26.
- Tri-People Consortium for Peace, Progress and Development in Mindanao** 1998: *Defending the Land: Lumad and Moro people's struggle for ancestral domain in Mindanao*. Tri-People Consortium for Peace, Progress and Development in Mindanao (with AFRIM, SNV and ICCO).
- Tsing, A.** 2002: Land as law: negotiating the meaning of property in Indonesia. In Richards, F., *Land, property, and the environment*. Institute for Contemporary Studies, 94–137.
- van der Haar, G.** 2000: The 'Indianization' of land reform: the Tojolabal Highlands of Chiapas, Mexico. In Zoomers, A. and v.d. Haar, G., editors, *Current land policy in Latin America: regulating land tenure under neo-liberalism*. Royal Tropical Institute (KIT), 147–60.
- Vidal, A.** 2004: *The politics and formation of indigenous people's right to land: the case of Mindanao with special reference to the Subanen*. AFRIM.
- von Benda-Beckmann, F.** 1993: Scapegoat and magic charm: law in development theory and practice. In Hobart, M., editor, *An anthropological critique of development: the growth of ignorance*. Routledge, 116–34.
- 2001: Legal pluralism and social justice in economic and political development. *IDS Bulletin* 32, 46–56.
- White, B.** 1997: Agroindustry and contract farmers in upland West Java. [*Journal of Peasant Studies*, 24, 100–36.](#)
- World Bank** 2003: *Land policies for growth and poverty alleviation*. World Bank; Oxford University Press (book prepared and written by Klaus Deininger).
- Wurfel, D.** 1988: *Filipino politics: development and decay*. Cornell University Press.