Bringing Filipino agrarian reform back to life?

Notes on the passage of the CARPER law

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CARPER or the Comprehensive Agrarian Reform Programme Extension with Reforms Law is the newest piece of legislation mandating the implementation of agrarian reform in the Philippines. Signed on 7 August 2009, the CARPER law (Republic Act No 9700) provides for new funding to support land distribution for five years, for continued provision of support services, and introduces other reform clauses such as improved support for women beneficiaries. This briefing paper concentrates on the campaign that helped to bring the new law into force. It presents the challenges of forging a coalition and the different methods by which pressure was brought on the legislature by the Reform CARP movement.
The fight for the passage of the CARPER law was not a short or an easy one. It can be said it was a struggle not only between the landed elite and the landless poor. The campaign also pitted agrarian reform advocates against each other, making the entire process more tedious and difficult. Some civil society groups who, from the start, rejected as the government’s original agrarian reform program or the Comprehensive Agrarian Reform Program (CARP) campaigned together with landowner groups, vigorously and continuously, against the proposed CARPER bill. Since different agrarian reform and rural development civil society organizations waged different campaigns, what is shared below is the experience of the campaign by those who were involved in drafting and pushing for the law that was eventually passed. These campaigners who belong to the group “Reform CARP Movement or RCM” worked for four years to have the proposed law drafted, adopted for consideration and finally passed by Parliament. The story below is their story.

**The Trigger**

In 2006, the Department of Agrarian Reform (DAR), the primary implementing agency of the government’s agrarian reform programme, working with the German Technical Cooperation (GTZ) launched a study that rocked the agrarian reform community and propelled debates on whether or not the CARP programme should be extended for the second time - beyond June 2008.

The DAR-GTZ study looked into the implementation of the CARP for the last twenty years, examining in detail the programme’s implementation, and came up with what it deemed “scenarios” that the government could adopt with regards to the CARP. It presented four scenarios interestingly referred to as (1) business as usual; (2) sprint to the line; (3) Hercules; and (4) the clean break. The first scenario, “business as usual”, implied that the DAR would continue working and operating the way it had over the last twenty years. The “sprint to the line” scenario implied an acceleration of the land acquisition and distribution process to achieve near 100 percent completion within 4-5 years. The “Hercules” scenario saw DAR continuing the work that they had been doing but without the complementary support (e.g. budget) needed, making their task almost impossible. The “clean break” scenario saw the Department junking its land acquisition and distribution function altogether and focusing instead on rural development through supporting service delivery. These scenarios were based on the premise that the DAR had already accomplished 85% of its land acquisition and distribution targets - a figure which is greatly contested by agrarian reform advocates.

The study stirred controversy. It was presented in a round of consultations at the national level (involving a limited number of Manila-based organizations working on agrarian reform, government agencies involved in CARP implementation, funding donors, individual advocates, etc.) and at the regional level. The findings of the study were presented along with the “scenarios” as proposals for adoption by government. Though these were couched as proposals, the DAR seemed involved heavily in peddling the “scenarios”, which worried agrarian reform advocates who attended the consultations. Presentations seemed to lean towards the “clean break” scenario whereby the DAR would abdicate its role to distribute lands and would only concentrate on supporting service provision in the future. Further, some DAR personnel who attended the consultations seemed keen to support the idea of leaving their land distribution duties. This fuelled speculation that the “scenario” being put forward was already an accepted fact inside the DAR.
The first hurdle was to mobilise the various CSOs into a coherent campaign movement. In the Philippines however, given the colourful history and dynamics of CSOs, it is no easy feat even to get these groups together in one room to discuss their common concern. More often than not, these CSOs tend to coalesce only with the other organizations with which they are comfortable or which at least share the same positions that they have on certain issues. Many NGOs and POs, even if they are broadly aligned, do not view CARP or approach its implementation in exactly the same way. Thus the sustained attendance of many of these POs and NGOs at the first and subsequent meetings / consultations which produced the initial draft of the CARPER bill was in itself a major accomplishment. However, given the different tactics and strategies that these organizations wanted to employ in pushing for CARP’s extension, it ultimately became impossible to form what could have been the broadest agrarian reform and rural development coalition since 1987-1988. The inability to form a broader coalition resulted in scattered and sometimes duplicated efforts to push for the CARPER law. In the end, however, effort to push for the law were centralized with the intercession of the Church which heavily supported the campaign (to the extent that Bishops joined a hunger strike for the passage of the CARPER law).

Policy Advocacy and Lobbying the Legislature

Since a law was necessary to provide the additional funding to extend CARP’s implementation, RCM worked on lobbying the legislative and the executive. Legislative lobbying included finding sponsors for the draft bill within both the Senate and the...
House of Representatives, finding other sponsors and supporters, working closely with the appropriate legislative committees, and monitoring closely whether the bill was moving fast enough. A pool of advocates within the ranks of the RCM led the legislative campaign, establishing working relations with both the Committee and the staff of the Committee Chairman at both Houses (House of Representatives and Senate), making it easier both to monitor the movement of the bill and to respond to issues being raised by other legislators about the bill.

Working with the Executive meant involving the Department of Agrarian Reform (DAR) in the campaigns and securing former President Gloria Macapagal-Arroyo’s support for the bill. Unfortunately, different officers within DAR were split on whether or not to support the CARPER bill. And most of time during the campaign while it was apparent that DAR wanted an extension, the DAR personnel were not sure whether they wanted the CARPER bill, especially since it would establish an enhanced implementation and monitoring mechanism through the Oversight Committee and it called for the rationalization/streamlining of the DAR. It is only in the last stages of the campaign that DAR truly mobilised and worked for the passage of the CARPER law. Even the background data needed by the champions of the legislation was provided by RCM advocates. Where data was provided by the Department, it became RCM’s job to distill the data to make it easier for the sponsors to use in defending the provisions of the CARPER bill.

Harnessing the Media and the Public

One of the best ways to popularize and gain support for an issue in the Philippines is to harness the mass media. The RCM held a lot of press briefings, press conferences, and mobilizations that were covered by the media for the CARPER campaign. One real challenge
for the coalition was coming up with new angles on which to anchor the calls for the urgent passage of the CARPER bill. It was good to establish regular communications and to pique the interest of media people so that they could follow the issue. Many mobilizations such as a trek from Mindanao to Manila (around 1,700 km) on foot led by farmers pushing for the passage of CARPER (and carrying their own agrarian reform case as well), and other provincial level marches, helped hold the media’s attention and brought the issue of CARPER to the public’s attention.

The sacrifice made by the farmers, walking long distances under the blistering sun and leaving their families and livelihoods behind, inspired students, civic organizations, religious orders and officials of the Catholic Church to take on the issue of pushing for CARPER. The Church proved to be one of RCM’s most powerful allies in pushing for the passage of CARPER.

In the CARPER campaign, aside from the mobilizations often associated with progressive forces like CSOs, many strategic brainstorming sessions were held to assess other tactics that could highlight the issue better. Ironically, the most effective of these were the spontaneous actions taken in response to the emerging developments in the halls of Congress. A good example of this was when farmers jumped inside the gallery of Congress and initiated a sit-down strike in front of House Speaker Prospero Nograles’ office after Congress failed to pass the proposed bill in June 2008. The action prompted Speaker Nograles to pass a Joint Resolution giving Congress and Senate a further six months to pass the CARPER bill.

Since farmer leaders were involved in drafting the bill from the start with, they became the best speakers and advocates for the CARPER campaign. Capability building efforts were carried out to arm the farmer advocates with information, and they were actively involved in lobbying the legislators.

Materials were prepared to also familiarize the members of farmer’s organizations involved in the campaign and strong efforts were also made to encourage local actions that attracted popular attention at the national level.

The campaign also maximized non-traditional methods. With the world using technology to impart information, CARPER campaigners made effective use of social networking sites such as Facebook, Multiply, etc., which provided regular updates about the campaign. Text messages were also used to send immediate updates, especially when threats emerged against the proposed bill.

Accomplished but not completed

The campaigners for CARPER experienced many highs and lows in the course of pushing for the passage of the CARPER. The lowest point was probably when Congress failed to meet its second deadline to pass the extension law in December 2008. At this time, insult was added to injury when a Joint Resolution was passed suspending the government’s powers of compulsory acquisition, which effectively stopped the implementation of agrarian reform from January to June 2009.

Still, the campaigners persisted, and in the end the bill was passed - not with all the reforms
that they had envisioned, but with enough substance to push for meaningful agrarian reform for another five years. The new law includes reform provisions to help resolve the host of problems that agrarian reform beneficiaries encountered over the last twenty years of implementation of CARP, and should equalize access to opportunities among men and women agrarian reform beneficiaries. However, the next five years will perhaps see the hardest fight for agrarian reform to date, as the DAR attempts to distribute the biggest landholdings that have remained in the hands of the major landowners. This will be doubly difficult for the DAR since it was ready to give up its land redistribution function under the “clean break” scenario that was promoted in 2006. Now the DAR is obliged to operate more efficiently under a “sprint-to-the-line” scenario for it to fulfil the mandate of CARPER and complete the land redistribution by June 2014.

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Endnotes:

1 The Comprehensive Agrarian Reform Program (CARP) is the main program on agrarian reform being implemented in the Philippines. It’s a mandated program under Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) passed on June 10, 1988. It was to be implemented for 10 years from 1988 to 1998. However, by 1998 only 65% of the land distribution target had been accomplished by the DAR and an even lower accomplishment for DENR. Another law, Republic Act No. 8532 was passed therefore in 1998 providing funding for CARP for another 10 years during which only an additional 20% of the target was reached according to official figures. In fact it is difficult to assess the actual accomplishment of DAR and DENR in land redistribution (i.e. there are problems of titles generated but not issued to beneficiaries, uninstalled agrarian reform beneficiaries or beneficiaries not in actual occupation of the lands awarded them, etc.). DAR started a survey process to ascertain how many lands still need to be redistributed or exempted under the CARPER law, and this scope was extended from 8.06 in 1996 to 9.1 million hectares in 2008.

2 The Reform CARP Movement is composed of peoples’ organizations, farmers organizations, non-government organizations and individual advocates: AMIKR, KABAPA, MAKABAYAN-PILIPINAS, PAKISAMA, PARAGOS-PILIPINAS, PPKK, Samahang Magbuklubuk ng mga Magsasaka ng Pilipinas, NGOs – AJFI, CARET, CSI, FOCUS, KABAHAN, MODE, PASCRES, PDI, PEACE FOUNDATION, PLCPD, PRRM, RWC-CSI, SALIGAN; Coalitions – AR-NOW!, KILOS SAHON, PASCRES, PDI, PEACE FOUNDATION, PLCPD, PRRMS, PESANtech, PPKK, Partylist-AKayan and AMIN; Individual: Prof. Palafox.

3 The Republic Act No. 8532, passed in 1998, provided additional funding to the CARP for only another 10 years or until June 2008. However, there were two conflicting interpretations about the June 2008 deadline set under RA 8532. One interpretation was that the whole programme would expire in June 2008. The second interpretation was that only the funding for CARP would expire by June 2008 since RA 8532 was explicitly passed to provide additional funding for CARP. As funding is a crucial element in any government programme, the failure to allocate funding for CARP after June 2008 would have spelled certain doom for the programme.

4 likening the difficulty of the challenge to DAR as similar to the immense challenges given to the ancient Greek superhero, Hercules.

5 The initial coalition in fact started informally during one of the final consultations for the DAR-GTZ study in October 2006. The following month, on November 10, 2006, agrarian reform advocates met to discuss the issue of the proposed extension of the Comprehensive Agrarian Reform Program. The participants aimed to reach a consensus and reconcile Scenarios 1 and 2 of the future of the Department of Agrarian Reform, as well as provide key recommendations on which reforms should be put in place under a CARP extension period.

6 The meetings and consultations for the drafting of the bill were to some extent battlegrounds where the different views and positions about issues surrounding the bill were surfaced and debated.

7 In 1987, after the Mendiola Massacre, peasant groups and NGOs, in a bid to push the Aquino administration to implement and enact an agrarian reform law, formed a coalition that would go down in Philippine history as the biggest and broadest civil society coalition of advocates for agrarian reform and rural development. It was composed of civil society organizations which came from different backgrounds and ideologies. Though this would later break up, the mobilizations and actions carried out by this group (Congress for People’s Agrarian Reform or CPAR) remain unparalleled in Philippine history. CPAR brought together NGOs and POs of differing ideologies in a common call for the implementation of genuine agrarian reform. Its mobilizations for agrarian reform were also unparalleled in numbers so far.