
Muriel Julia Gahl

“Our Struggle is not a Choice!”
Insecurities and Protection
Strategies of Women Land
Rights Defenders.
A Philippine Case Study on
Leyte and Sicogon Island

European Master's Programme
in Human Rights and Democratisation



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ABSTRACT

In the wake of increasing competition over natural resources, the killing of Human Rights Defenders promoting environmental justice or access to land has seen a dramatic increase. Women land right activists, protecting their livelihoods and families, are at the forefront of land struggles. However, despite growing recognition of a human right to land and Women Human Rights Defenders as a particularly vulnerable group, national and international human rights mechanisms fail to offer effective protection. Why? This thesis tries to find answers, exploring the opinions, perspectives and socio-cultural background of women land right activists in two Philippine peasant communities, claiming their right for land under the agrarian reform. Narratives of peasant women, put a human face on the gender specific risks and challenges they are facing. A focal point is to explore how women land right defenders understand security which indicates the limitations of a human rights approach to address protection needs of women land right defenders. In that respect, alternative safeguard strategies developed by peasant communities themselves are analyzed and contribute ideas on how effective safeguard strategies for women land right defenders could be conceptualized.

LIST OF SYMBOLS, ABBREVIATIONS AND NOMENCLATURE

AFP	Armed Forces Philippines
AWID	Association for Women's Rights in Development
BFA	Barugo Farmer's Association
BUFFA	Buaya Farmer's and Fisherfolk's Association
CAFGU	Citizens Armed Force Geographical Unit
CARP	Comprehensive Agrarian Reform Program
CHR	Commission on Human Rights Philippines
CLOA	Certificate of Land Ownership Award
CSO	Civil Society Organization
DAR	Department of Agrarian Reform
FESIFFA Association	Federation of Sicogon Island Farmer's and Fisherfolk Association
HRBA	Human Rights Based Approach
HRC	Human Rights Council
HRD	Human Rights Defenders
IACHR	Inter American Commission on Human Rights
IPON	International Peace Observers Network
ISHR	International Service for Human Rights
KMP	Kilusang Magbubukid ng Pilipinas
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
NPA	New People's Army
OBP	Oplan Bayanihan Program
OHCHR	Office of the UN High Commissioner for Human Rights
PROGRESO	Panay Rural Organisation for Reform and Social Order
RIGHTS Services	Network- Rural Poor Institute for Land and Human Rights Services
SIDECO	Sicogon Development Cooperation
The Observatory	Observatory for the Protection of Human Rights Defenders
UAF	Urgent Action Fund
VGGT	Voluntary Guidelines in Governance Tenure
VGGT	Voluntary Guidelines on Governance Tenure
WHRD IC	Women Human Rights Defenders International Coalition

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INTRODUCTION

1. PROBLEM DIAGNOSIS

On March 21, 2016 the *UN Human Rights Council* (HRC) adopted a resolution on the protection of *human rights defenders* (HRDs) working on economic, social and cultural rights. It highlights an inherent interconnection between the exercise of civil-political rights, for instance freedom of expression and the realization of economic, social and cultural rights. Consequently, both self-confessed activists and small-scale farmers should qualify as human rights defenders. The resolution affirms the legitimacy of claiming socio-economic rights and condemns any actions by states or companies that restrict or endanger peaceful activism.¹ Clearly the resolution is a landmark step since the United Nations General Assembly adopted the Declaration on Human Rights Defenders in 1998. Since then, the international human rights regime has been developing a protection framework which provides for regional and UN mechanisms aiming to document and monitor the situation of HRDs.

Despite the evolution of protection mechanisms, the adoption of the HRC resolution demonstrates that there remains an urgent need for action. Our global economy, based on infinite growth and consumption, has increased the competition over natural resources, particularly the access to land. The protection of land areas – the basis for the survival of many rural households and indigenous communities – has never been more important. Unfortunately it has also never been more risky. Ordinary farmers suddenly find themselves in an extraordinary dangerous

¹ A/HRC/31/L.28, 21 March 2016.

environment. The killing of *environmental and land defenders*² has seen dramatic increase. In 2012 the death rate had tripled compared to the turn of the century. Today, on average two activists are killed per week.³ The victims are usually individuals and groups belonging to indigenous communities or peasant movements. Activists and farmers opposing land-grabbing and unfair land ownership and mining operations face the biggest risk of being murdered.⁴ In many cases, national security forces are directly involved in the killings or collaborate with corporations and private landowners. National Institutions, especially the judiciary, which are supposed to protect defenders at risk and fight the widespread impunity of perpetrators, mostly fail to create a “safe and enabling environment.”⁵ According to the *Observatory for the Protection of Human Rights Defenders* (The Observatory) 95 per cent of the human rights violations to which land right defenders fall victim go unpunished.⁶

The widespread impunity on the national level is aggregated by a weak international response. *Civil Society Organizations* (CSO) lament a general “lack of systematic monitoring or awareness”⁷ in the international community. Violence against land right defenders often seems to be perceived as part of wider human rights abuses but not as a distinct problem that requires further examination.⁸ In light of this, the new Human Rights Council resolution clearly constitutes a progressive decision in the evolution of a human rights defenders protection framework. Finally, the international community seems to take the steps for which *Non-Governmental Organizations* (NGOs) have been calling. It has been acknowledged that a “one-size-fits-all approach” is not applicable for an effective protection framework because HRDs are not a homogenous group but face a variety of environments and challenges.⁹ The alarming situation of land defenders demonstrates that current strategies fall short in providing effective protection. In this regard, the new HRC resolution is a window of opportunity to further develop

² As the use of ecological resources is closely connected to the access and control over land, in the following the term “land right defenders” will include activists that stand up for all kinds of environmental concerns.

³ Global Witness, 2015, p. 6.

⁴ Global Witness, 2015, p. 10.

⁵ Global Witness 2015, p. 17.

⁶ The Observatory, 2015.

⁷ Global Witness 2015, p. 16.

⁸ Global Witness 2015, p. 4.

⁹ Global Witness 2015, p. 22.

and adapt safeguard mechanisms. In order to do so, the call of scholars and CSOs needs to be followed: We need to gain more knowledge on how protection strategies perform for the various subgroups of human rights defenders, in particular women, indigenous, and socioeconomic defenders.¹⁰

2. GOAL, HYPOTHESIS, RESEARCH QUESTIONS

Human rights scholars and NGOs have emphasized that there remains a “surprising paucity of research”¹¹ in regard to human rights defenders. In this year’s report on the situation of HRDs, *UN Special Rapporteur Michael Forst* points out there is insufficient information on how safeguard strategies for HRDs operate.¹² This is even more important for land defenders who so far received less attention among the human rights community than “traditional” HRDs, for example political activists.¹³

Even though states committed to an international protection framework, which is supposed to be beneficial for all HRDs, NGOs and scholars, have expressed frequent criticism in regard to its effectiveness.¹⁴ HRDs, which are additionally vulnerable due to their gender or ethnicity, seem to be excluded from accessing protection because existing mechanisms are not flexible and responsive to their specific needs and environments.¹⁵ In that regard, research has neglected the experience of women in the defense of land areas. Some NGO reports mention differences in gender but do not further try to understand what implications this has for their access to protection strategies.¹⁶ As both genders have different roles and powers their perspectives on security and safeguard tactics can be quite different. In order to enhance the comprehension of protection gaps and use academic research for the cause of land right defenders, a *gender sensitive approach* is crucial.¹⁷

¹⁰ Bennet et al., 2015, p. 889.

¹¹ Nah et al., 2013, p. 402.

¹² A/HRC/31/55, 11 February 2016.

¹³ Nah et al., 2013, pp. 405; 411.

¹⁴ Global Witness 2015; Bennett et al., 2015.

¹⁵ Nah et al., 2013, p. 408 ; Bennet et al., p. 888.

¹⁶ As Global Witness points out, research and documentation in regard to human rights violations and land right defenders is very demanding. It is especially difficult to obtain verifiable information. (Global Witness, 2015, p. 16)

¹⁷ A/HRC/31/55, 11 February 2016, para 23.

This thesis aims to address this research gap by examining the situation of women land right defenders in the Philippines. The purpose of this case study is to confront the recommendations of academics, NGOs and UN bodies on the situation of land right defenders with the perspectives, opinions and socio-cultural backgrounds of female Philippine land right activists.

The underlying social and religious customs that might restrict women's control over agricultural land in the Philippines frame the background for this work and help to contextualize particular risks and challenges with which women have to deal. However, an in-depth analysis of gender relations in the Philippines will not be provided. The overall objective of this thesis is to apply a forward-thinking approach and to contribute ideas on how effective safeguard strategies for women land right defenders could be conceptualized. The assumption that land right defenders at risk develop "creative strategies"¹⁸ and alternative networks sets out the following key research questions:

How do Philippine women land right defenders participate in the defense of land? How do they understand and respond to the risks and insecurities that go along with their activism? To what extent do they benefit from the human rights defenders protection framework? Do they rely on alternative security networks and strategies?

3. METHODOLOGY AND STRUCTURE

This thesis is divided into three parts: Part 1 aims to provide the reader with a short outline of principles and concepts that legitimize the claim of land right activists. First, the HRD protection framework will be discussed from a land right defender's perspective. The objective is to evaluate to what extent *land right defenders*, in terms of content and terminology, have been incorporated in the HRD framework. Secondly, the nature of rights land right defenders are promoting will be analyzed. Land rights will be discussed first from an international human rights law approach and secondly from a *Human Security* perspective.

Part 2 and 3 present the main body of the thesis as it will present an in-depth study of women land right defenders on two Philippine

¹⁸ Nah et al., 2013, p. 406

islands. First the legal and cultural-social context in which the research farming communities are operating will be examined. Building on this knowledge and the theoretical perspective in Part 1, we will move on to approach the actual research questions and explore the risks and insecurities of women land right defenders.

The methodology will include both the interpretation of secondary data and qualitative interviews with land right activists in two Philippine research settings. In Part 2, the review of NGO reports will help to evaluate the risks and challenges of female land right defenders in the Philippines. The Qualitative interviews will complement these findings with more depth, adding the perspectives and experiences of individuals. Part 3 concludes with a more positive, future-oriented approach. Adding the narratives of our interview partners will give insights on their personal perceptions of security and strategies.

1.

LAND RIGHT DEFENDERS AS HUMAN RIGHTS DEFENDERS

1. PROTECTION UNDER THE HUMAN RIGHTS DEFENDERS FRAMEWORK

On Dec. 9, 1998, the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*¹⁹ expanded the existing human rights framework with an important feature: For the first time, actions undertaken to actively claim, campaign or advocate for human rights were accepted as a right in itself. Consequently, states accepted a positive obligation to protect such people who were formally recognized as “human rights defenders.”²⁰ Even though the *Declaration on Human Rights Defenders* is still considered as soft law, it has gained substantial foothold in the international human rights community.²¹ Since the *Declaration* has been adopted, Civil Society Organisations, International Organisations, governments and HRDs have worked on translating the formal recognition of HRDs into practical meaning. Mechanisms that aim to provide protection for HRDs at risk have been established within the global human rights regime. However, despite its success the concept of HRDs continues to be contested. At the core of the debates is the question: Who actually qualifies as HRD and should therefore benefit from existing protection strategies. Secondly, almost two decades into its presence the terminology, adaptability and effectiveness of the HRD framework becomes increasingly subject to review.

Part 1 aims to examine current concepts and controversies that help

¹⁹ A/RES/53/144, 9 December 1998.

²⁰ A/RES/53/144, 8 March 1999, para 1.

²¹ Jaraisy; Feldman, 2013, p. 422.

to frame and evaluate the situation of Women Land Right Defenders under the international human rights regime. Chapter 1 will analyze the HRD framework in regard to its usefulness for farming communities threatened by land disputes or land dispossession. Special attention will be given to the risks and protection needs of *Women Human Rights Defenders* (WHRDs). Chapter 2 is devoted to discuss the legal, social and political context in which “the missing human right to land” is embedded. Applying first a human rights perspective and second a human security approach will help to understand debates, concerns and challenges on the issue of land right defenders.

1.1. *The label Human Rights Defender*

The 1998 Declaration on Human Rights Defenders states that

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.²²

However, the term “human rights defenders” is not explicitly used in the wording of the Declaration. Its use seems to be open to interpretation as the Declaration does not provide a clear definition on who qualifies as an HRD and how this status is determined.²³ Nevertheless, the term HRD has inspired many practical responses among human rights activists. Well-known Civil Society Organisations such as *Frontline Defenders*, *Protection International* or *Peace Brigades International* have been created with the goal to support and protect HRDs. States show increasing commitment towards HRDs, accepting their responsibility under International Protection Mechanisms. As well, HRDs are discussed among scholars as a distinctive field of research which requires more attention.

The term HRD has achieved popularity among the human rights community. Nevertheless, its use and definition remains contested. What is the necessary criteria to qualify as an HRD? And who is in charge to decide and uphold this status? The term HRD has become a powerful label, a tool that is used to not only legitimize but also to defame human rights work. Reflecting on the self-identification of

²² A/RES/53/144, 8 March 1999, para 1.

²³ Nah et al., 2013, p. 404.

different actors as HRDs, Nah (2013) observes that some actors, in particular officers working in law enforcement, claim to be HRDs even though human rights activists might consider them as perpetrators. On the other hand Civil Society Organisations use the label to legitimize and draw attention to their cause.²⁴

In order to avoid misuse or a watering down of the HRD label, the *Office of the UN High Commissioner for Human Rights* (OHCHR) has issued a comprehensive fact sheet to clarify who and what kind of work is summarized under the term *human rights defender*.²⁵ Fact Sheet Nr. 29 sets out standards that help to determine if someone qualifies as an HRD. Therefore, HRDs generally have to “accept the universality of human rights,” “present valid arguments” and undertake their human rights work and commitment in a “peaceful” manner.²⁶

These standards appear to be simple, but in the same document the OCHCR is careful to provide an inclusive interpretation and emphasizes that the “human rights character of the work” is the crucial criteria which determines the status of HRDs.²⁷ This means that an HRD is not necessarily an activist stands up to a recognized human rights violation. This interpretation also refers to persons who indirectly engage in actions which fall within the general scope of human rights. Consequently, the Declaration on Human Rights Defenders aims to encourage people to participate in the promotion of a global human rights culture by creating respect for the identity of an HRD.²⁸ On a conceptual level the term HRD has succeeded, creating a safe and legitimate space for a wide range of human rights concerns. Interestingly, “environmental activists” are explicitly mentioned as HRDs in fact sheet Nr. 29.²⁹ The OCHCR reconfirms that being an HRD does not depend on the legal validity of the argument he or she is promoting and illustrates this with the example of land defenders, stating that the legal ownership over the land areas struggled for is not significant.³⁰ In doing so, the OCHCR clearly recognizes land defenders as human rights defenders. Furthermore it is implied that land rights are a human right.

²⁴ Nah et al., 2013, p. 404.

²⁵ OCHCR, 2004, p. 1.

²⁶ OCHCR, 2004, pp. 9-10.

²⁷ OCHCR 2004, pp. 6, 8.

²⁸ Jaraisy et.al, 2013, p. 431.

²⁹ OCHCR, 2004, p. 6.

³⁰ OCHR, 2004, p. 9.

However, scholars point out that the HRD label has to be assessed in regard to its practical implications. For example, Jaraisy and Feldman (2013) conclude that whether the HRD label is used or not depends on the specific socio-political context. While human rights activism often involves a variety of actors working on similar concerns, without rationale justification the term HRDs is applied only to some of them. This results in imbalances among HRDs as not everyone experiences international recognition and support for their cause.³¹ Moreover, being recognized as an HRD can have far-reaching consequences for one's protection."Non-traditional" HRDs, such as artists, scholars or environmental activists, are less likely to consider themselves as HRDs or to be identified as such. Their protection needs remain neglected even though their work makes them an increasing target for harassment.³² Despite its inclusive meaning, in practice the use of the HRD label creates categories which validate human rights work and people engaging in such actions differently. Nah (2013) remarks that the political, social and historical context in which the use of the HRD label is embedded is an important field of research. In deciding whether someone merits the status HRD it is essential whether his/her work is considered "ethical." Understanding how and why the HRD label is applied must therefore include a critical assessment of socio-cultural norms and power relations in a specific geographical setting.³³ The importance of this aspect will be revealed in Part 2 of this thesis which shows that land rights, especially in the Philippines, are highly contested.

1.2. Protection Mechanisms relevant to land right activists

Since the adoption of *the Declaration on Human Rights Defenders*, a wide range of protection mechanisms have been developed. At an international, regional and national level these aim to monitor the overall situation of HRDs and should provide protection for individuals or groups at risk. The actors and practices involved are manifold and vary depending on the geographical and political context. This subchapter will therefore approach the complex protection framework from a selective perspective, focusing on instruments and mechanisms which

³¹ Jaraisy, et al., 2013, pp. 404-405.

³² Nah et al., 2013, p. 405; Harding, 2015, p. 29.

³³ Nah, 2013, p. 405.

have already been used or might be beneficial to land right defenders. In regard to protection strategies on the national level special attention will be given to safeguard measures available in the Philippines.

1.2.1. *National Protection Mechanisms*

Mechanisms that have been developed to protect HRDs derive their principles and tools from the international human rights regime. Consequently, states have a primary, positive obligation to ensure and protect all human rights. The core responsibility to provide protection for HRDs therefore lies at national level. Article 9 and 2 of the Declaration on HRDs reinforce this state duty, emphasizing that states have to take all necessary measures to ensure that HRDs can turn to “independent, impartial and competent” authorities that offer “effective remedy and protection.”³⁴ The HRD framework directly aims to provide protection and support to HRDs at risk operating in a wide range of contexts. The state’s duty to protect HRDs therefore implies prosecuting both state and non-state actors. This is particularly important to land right defenders as they are often targeted by private corporations or landowners.³⁵

Additionally, in its annual report 2014, which for the first time is devoted to the concern of land right defenders, *The Observatory*³⁶ points out that states become more active in creating instruments and initiatives specifically designed to protect national defenders at risk. Interestingly, particularly states with high rates of killings related to land right conflicts have taken first steps to set up additional protection mechanisms.³⁷ In the Philippines, listed as one of these countries, a special contact point for HRDs within the *Commission on Human Rights Philippines* (CHR) has been established. In 2011 CSOs such as the *Philippine Human Rights Alliance* (KARAPATAN) and the *Association of Women Human Rights Defenders in the Philippines* (Tanggol Bayi Philippines) suggested a draft bill on the protection of HRDs. Since then the text is debated in Congress as *Human Rights Defenders Protection Act, House Bill 5379*.³⁸

The Philippines are among the few countries which have established

³⁴ OHCHR, 2011, p. 9.

³⁵ A/HRC/13/22, 2009, para 42.

³⁶ *The Observatory for the Protection of Human Rights Defenders* is a joint advocacy program founded by the International Federation for Human Rights and the World Organization against Torture.

³⁷ The Observatory, 2014a, p. 92.

³⁸ Protection International, 2013, p. 11.

specific protection schemes for land rights defenders. But reports of CSOs and the Special Rapporteur on the situation of human rights defenders point out that due to the lack of political commitment such national mechanisms have often been poorly implemented.³⁹ Consequently, states often fail to provide an enabling environment where “the legitimacy of the work of human rights defenders is respected, the legal framework is in line with the declaration’s provisions, and those taking adverse actions against defenders can be brought to justice.”⁴⁰

1.2.2. *International Protection Mechanisms*

A comprehensive international protection framework for HRDs is meant to complement and monitor the performance of national mechanisms. In particular *UN Special Procedures* have highlighted the alarming situation of land rights defenders in many countries: In 2000, the *Commission on Human Rights* appointed the first *Special Rapporteur on the situation of Human Rights Defenders* in order to report and monitor global compliance with the 1988 *Declaration on Human Rights Defenders*.⁴¹ The current Special Rapporteur Michael Forst is mandated to receive concerns and complaints of HRDs, conduct fact-finding missions and country visits and submit reports and recommendations to the Human Rights Council and General Assembly.⁴² Both his predecessors Hina Jilani and Margaret Sekaggya dedicated increasing attention to the high level of risk for HRDs advocating on land and environmental rights. Since 2007 the situation of “human rights defenders advocating on land rights” is explicitly mentioned in almost all annual reports.⁴³ Moreover, between 2006 and 2011 they have issued 106 state communications related to human rights violations against land right defenders, urging the Governments to take up appropriate investigation and protection measures.⁴⁴ This indicates that the work of the *UN Special Rapporteur on Human Rights Defenders* reflects the gradual recognition of land right and environmental defenders as a specific subgroup among HRDs.

Land right defenders may also turn to UN Treaty bodies which

³⁹ Barcia, 2014, p. 34.

⁴⁰ E/CN.4/2006/95, 23 January 2006, para 25.

⁴¹ A/55/292, 11 August 2000.

⁴² A/HRC/RES/25/18, 11 April 2014

⁴³ The Observatory, 2014a, p. 95.

⁴⁴ *Ibidem*.

monitor human rights abuses that are related to the suppression of land right activism, such as the *Committee on Economic, Social and Cultural Rights* (CESCR), the *Committee Against Torture* (CAT) or the *Committee on the Elimination of Discrimination Against Women* (CEDAW). Beyond a state reporting system the Committees are also mandated to take up individual complaints. This quasi-judicial procedure might be used by land right defenders to report individual cases of harassments. After assessing a complaint the treaty body can issue binding recommendations. After 180 days the Committee can come up with a follow-up report examining whether the State's measures comply with the recommendations.⁴⁵

1.2.3. Regional Protection Mechanisms

Similar mandates which aim to protect HRDs and monitor their situation have been developed under regional human rights regimes. In particular, the *Inter American Commission on Human Rights* (IACHR) and the *African Commission on Human and People's Rights* (ACHPR) have established protection mechanisms which have been used by land right defenders. Each regional system has appointed a Special Rapporteur on HRDs who exclusively observes the situation of HRDs in the region and advocates for effective implementation of protection mechanisms.⁴⁶ The IACHR can adopt precautionary measures to the complaints procedure if a "serious and urgent situation presenting a risk of irreparable harm to persons" is present.⁴⁷ Some peasant organizations and indigenous communities in South American countries have benefited from precautionary measures. However, many cases have illustrated the lack of enforcement mechanisms. The success of these immediate protection tools highly depends on the will and capacities of national authorities.⁴⁸ The recent murder of prominent indigenous and environmental rights leader Berta Carceres demonstrates the continuing failure of the Honduran government to protect women land right defenders. She should have benefited from special protection measures ordered by the IACHR seven years before she was shot.⁴⁹

⁴⁵ Ibidem.

⁴⁶ The Observatory, 2014a, p. 40.

⁴⁷ IACHR, Resolution 6/2016, March 2 2016, para 9.

⁴⁸ The Observatory, 2014a, p. 111.

⁴⁹ Front Line Defender, 2016.

For the purpose of the present thesis it is also important to note that the *Association of South East Asian Nations* (ASEAN) has not established regional mechanisms to protect human rights defenders. Therefore Philippine HRDs can only report to or seek protection relying on the performance of national institutions or UN instruments.

1.3. Vulnerability among Human Rights Defenders: Women Human Rights Defenders

UN Special Rapporteur Margaret Sekaggya pointed out *Women Human Rights Defenders* (WHRDs) are “more at risk of suffering certain forms of violence and other violations, prejudice, exclusion and repudiation than their male counterparts”.⁵⁰ The term WHRDs does not only describe defenders who promote rights or ideas which directly challenge patriarchal patterns. Also women, whose struggle is not directly connected to their identity as women, such as demanding environmental justice or the protection of minorities, are WHRDs.⁵¹

The gendered dimension of risks HRDs are facing has been increasingly emphasized and researched. As a response to the high level of violence against WHRDs a number of NGOs, most importantly the *Women Human Rights Defenders International Coalition* (WHRD IC) and the *Association for Women’s Rights in Development* (AWID), directly aim to protect WHRDs and to further understand how gender specific risks affect their lives.⁵² In most parts of the world, the legal, social and cultural norms have been shaped in a patriarchal society. Being a woman activist may directly or indirectly challenge such gender norms. Consequently, an additional, gender-specific level of violations affects the work and lives WHRDs.⁵³ In addition to gender specific forms of abuse, WHRDs often have to deal with security forces and other public authorities which are deeply embedded in patriarchal structures and do not acknowledge women activists as HRDs entitled to protection.⁵⁴ WHRDs have pointed out that patriarchal patterns put down the success of their work. Instead of paying tribute to their

⁵⁰ A/HRC/16/44, 20 December 2010, para. 23.

⁵¹ Barcia, 2014, p. 8.

⁵² Barcia, 2012, p. 4.

⁵³ WHRDIC, 2015, p. 2.

⁵⁴ Barcia, 2014, p. 9.

courage, women activists in public discourse are often depicted as “passive victims of violence,” which makes them “invisible.”⁵⁵ The non-recognition of women’s agencies hinders their identification as WHRDs. The legitimizing, empowering and protective elements of this label are therefore becoming useless.⁵⁶

The identification of WHRDs as particularly vulnerable groups raises interesting questions concerning the agency of WHRDs in land struggles. The previous chapters showed that land right defenders and WHRDs are two groups of defenders at risk. What does this imply for the situation of women land right defenders? What exposes them to human right violations - their identity as WHRDs or their land activism? It is hoped that the case study on Philippine land right defenders will answer these questions.

2. LAND RIGHTS AND HUMAN SECURITY

In order to examine the vulnerable situation of land defenders more closely, it is important to understand the meaning and nature of the right they are protecting. Land rights are a highly complex issue and have to be considered within local and socio-political contexts. This chapter does not attempt to provide an exhaustive overview of global land right issues. Rather, it aims to take up issues arising from the previous chapter, laying down the legal context and human rights debates in which HRDs struggling for land access operate. Can the human right framework sufficiently address the situation of land right defenders? And which human rights are at stake when defending land?

Chapter 1 in this section will summarize debates and human rights norms which provide the legal background for land rights and land disputes. Chapter 2 of this section will examine debates on a human right to land from a human security perspective. Subsequently, it will be looked at how human security concept can contribute to the protection of HRDs, in particular WHRDs.

⁵⁵ Barry, 2008, p. 7.

⁵⁶ *Ibidem*.

2.1. *Land Rights in International Human Rights Law*

Even though no self-standing right to land can be found in international human rights law, the idea and the necessity of a human right to land receives increasing support within the international community.⁵⁷ The only exceptions where international human rights law provides for a right to land are in regard to indigenous people and women. In the case of indigenous people, the Human Rights Council has acknowledged that land is a central element to protect and preserve the cultural and spiritual integrity of indigenous communities.⁵⁸ However, this thesis is focusing on the situation of female peasant farmers, which is why the protection of women's right to land under international human rights law will be looked at more closely in the following subchapter.

2.1.1. *Women's right to land*

In line with the principle of non-discrimination, Art. 14 of the *UN Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) States are urged to “take all appropriate measures to eliminate discrimination against women in rural areas,” ensuring that women enjoy “equal treatment in land and agrarian reform as well as in land resettlement schemes”.⁵⁹ The CEDAW Committee and NGOs have highlighted that access to land and security of tenure are key elements for guaranteeing other women's rights stated in the treaty such as property, food and health.⁶⁰ Furthermore, NGOs and the Committee pointed out that gender discrimination in terms of socio-cultural structures or discriminatory laws still lead to unequal land ownership and access to resources among genders. However, it is important to note that even though this highlights the importance of land rights, the focus still lies on prohibiting the discrimination of women in land-related laws and traditions and not on a human right to land per se.⁶¹

⁵⁷ Gilbert, 2013, p. 115.

⁵⁸ Gilbert, 2013, p. 119. The HRC took this approach when interpreting the protection of land rights for indigenous communities within the scope of Art 27, ICCPR which provides cultural rights for minorities.

⁵⁹ UN CEDAW, Art. 14.

⁶⁰ Gilbert, 2013, p. 22.

⁶¹ Ibidem.

2.1.2. *The Human rights impact of land access and land defense*

Another pattern to support the idea of a human right to land is to argue for a stronger protection of other human rights the fulfilment of which is interconnected with access to land. In that regard the work of monitoring bodies and advocacy groups, documenting human rights violations as a result of insecure land rights, has contributed to the debate. In particular the right to adequate housing and the right to food, which in contrast are well established in international human rights law, have come up with prominent references to land rights. Already in 1999 the *UN Committee on Economic Social and Cultural Rights* (UN CESCR) highlighted the interdependence of a right to food and access to “productive land or other natural resources,”⁶² More recent contributions stressing land as a key right have been issued by the corresponding UN Special Rapporteur. In the context of food security and land grabbing after the global food crisis in 2008, Olivier de Schutter, the UN Special Rapporteur on the right to food, stated that “the human right to food would be violated if people depending on land for their livelihoods were cut off from access to land.”⁶³ Consequently Olivier de Schutter urged states to implement policies which ensure safe access to land of rural communities and tenure security of small scale farmers.⁶⁴ Similarly, the Special Rapporteur on the right to adequate housing declared access to land and tenure security as essential elements of the right to adequate housing. Furthermore, the denial or withdrawal of land could be interpreted as forced eviction and displacement, which directly violates the right to housing.⁶⁵ Miloon Kothari, the former Special Rapporteur on the right to adequate housing has called to “ensure the recognition in international human rights law of land as a human right.”⁶⁶

While the missing human right to land represents a substantial gap in international human rights law the agency of land right defenders is protected by other human rights norms.⁶⁷ For instance, land dispossession may constitute a violation of the right to physical and mental health, provided for in article 12, ICESCR and article 25,

⁶² E/C.12/1999/5, 12 March 1999, para 12.

⁶³ De Schutter, 2009, p. 3.

⁶⁴ A/65/281, 11 August 2011, p. 268.

⁶⁵ The Observatory, 2015, p. 27.

⁶⁶ A/HRC/4/18, May 2, 2007.

⁶⁷ Gelbspan, 2012, p. 4.

UDHR. In that regard the CESCR emphasized that tenure insecurity, land evictions and disputes have a destructive impact on the health of the rural communities concerned.⁶⁸ Moreover, the CESCR reaffirmed the indivisibility of all human rights and noted that civil and political rights have to be interpreted in favour of human rights, which are interconnected with access to land. In that regard the right to property, protected by article 12 UDHR and the right to privacy provided for by article 17 ICCPR, condemn the deprivation of lawfully owned land.⁶⁹ Moreover, the right to self-determination, article 1 of both ICCPR and ICESCR, has been interpreted in favour of land rights. However, this has received particular recognition regarding the rights of indigenous peoples.⁷⁰

2.1.3. *The right of peasants*

Reviewing the stand of a right to land in international human rights law, it becomes clear that rights of rural communities and peasants, who do not identify as a minority group, are more difficult to defend. However, since the global food crisis in 2008, the specifically vulnerable situation of peasants has received increasing attention. The debate was particularly pushed forward by the Special Rapporteur on the right to food, Olivier de Schutter, who related the high level of food insecurity among peasants with insufficient protection of their seeds and lands.⁷¹ Simultaneously CSOs, in particular the largest global movement of peasant organizations, *La Via Campesina* presented a *Declaration on the Rights of Peasants to the Human Rights Council* (HRC) in 2008. Four years later, an Advisory Committee of independent experts, which had been appointed by the HRC to investigate and report on the situation of peasants and rural workers, concluded that “small holder farmers” and “landless people working as tenant farmers or agricultural labourers” are the groups globally most affected by poverty, malnutrition and hunger due to landlessness.⁷²

Within this list, the vulnerability of “peasant women” has been highlighted in particular. The Advisory Committee noted that women in

⁶⁸ E/C.12/2000/4, 11 August 2000, para 27.

⁶⁹ The Observatory, 2015, p. 29.

⁷⁰ *Ibidem*.

⁷¹ A/65/281, 11 August 2011, para 33-38.

⁷² A/HRC/19/75, 24 February 2012, para 11-17.

developing countries produce up to 80 per cent of the food crops, taking over responsibility for ensuring food security for a large part of the population. Nevertheless, women are the most affected by malnutrition and continue to suffer from gender discriminatory laws and customs in regard to the control and access to land.⁷³ Among the main reasons responsible for the unsafe living environment of peasants the Advisory Committee listed “gender discrimination,” “the absence of agrarian reform and rural development policies”⁷⁴ and the “criminalization of movements defending the rights of people working in rural areas.”⁷⁵ In regard to the latter reason, the committee pointed to the alarming situation in the Philippines where leaders of land right movements become victims of killings and serious human rights violations.

The work of the Advisory Committee was finalized in a *Declaration on the rights of peasants and other people working in rural areas*, presented to the HRC in 2012. In regard to land right defenders the declaration reaffirms crucial norms such as the right to life (article 3), the right to own land, guaranteeing for the benefit of land reforms and prohibiting forced evictions (article 4) and the right to access of justice and legal advice (article 13). Consequently, despite its soft law character the declaration can be considered as an important contribution to strengthen the agency of land right defenders and demonstrate the legitimacy of their struggle.⁷⁶

2.2. Human Security

The concept of human security emerged in the 1990s within the Human Development debate, which broadened the understanding of development, shifting the focus on economic achievements to the actual possibilities people have to better their lives as an indicator to measure development. In the 1994 UNDP *Human Development Report* member states called to rethink security, arguing it should focus on people instead of state sovereignty, including both “freedom from want” and “freedom from fear”.⁷⁷

⁷³ Ibidem, para 22-23.

⁷⁴ A/HRC/19/75, 24 February 2012, para 29-37.

⁷⁵ Ibidem, para 31-37.

⁷⁶ Golay, 2013, pp. 8-12.

⁷⁷ Muguruza, 2004, p. 16

In a General Assembly Resolution adopted in 2012,⁷⁸ UN member states agreed on defining human security as a “people-centred, comprehensive, context-specific and prevention-oriented framework” encouraging “policymakers and practitioners to focus on the real needs and the multidimensional insecurities facing people today”.⁷⁹ However, some critics point out that despite the consensus on the emergence of new global threats such as migration, climate change and food insecurity, scholars and governments disagree on its actual human security agenda. A narrow idea of human security focuses on conflicts and disasters, requiring national and international actors to protect civilians in form of humanitarian assistance or conflict resolution. In contrast, a broader approach perceives poverty, lack of education or health care as equally threatening to human security.⁸⁰ Critics point out that this broad perception of human security raises many doubts and questions as it lacks a clear allocation of responsibilities, mechanisms and goals. For instance, the recognition of all circumstances, which threaten human prosperity, would shift factors such as domestic violence or psychological well-being into the scope of security.⁸¹

Furthermore, sceptic scholars warn not to rely on states’ goodwill in promoting human security at the expense of international human rights law. While human security does not imply any clear obligations to individual rights holders, the human rights framework provides a set of binding treaties and elaborated monitoring mechanisms.⁸² Despite its drawbacks, human security has been applied as a tool to analyse the impact of policies or development projects on people’s lives. Here, human security can be a useful analytical framework to capture multiple factors of security and interactions.⁸³ The present thesis takes up this human security approach to explore the relationship between land and security.

2.2.1. *Land from a human security perspective*

Initially, human security was mainly developed and discussed with regard to humanitarian interventions ending violent conflicts. However,

⁷⁸ A/RES/66/290, 25 October 2012.

⁷⁹ A/68/685, 23 December 2013, para. 4.

⁸⁰ Howard-Hassmann, 2012, p. 92.

⁸¹ Howard-Hassmann, 2012, p. 93.

⁸² Howard-Hassmann, 2012, p. 95.

⁸³ Muguruza, 2004, p. 26.

it acknowledges that environmental, economic and social issues expose people increasingly to physical threats and a wide range of insecurities affecting their families, health, social participation and dignity.⁸⁴

The previous chapter showed crucial elements of human security such as food, housing and health are intertwined with secure access to land. But the subjective feeling of what makes people feel safe is hardly covered by positive human rights.

Studies which have chosen a human security approach to assess the impact of land insecurity have suggested access to land ensures more than basic needs and survival. For many people land has a spiritual, inter-generational meaning, which generates a feeling of identity and self-esteem.⁸⁵ Access to land is therefore at the core of enlarging people's capabilities as envisaged from the very beginning in the human security concept.

In that regard, a human security approach illustrates the restriction of the human rights framework because it leaves open whether "particular freedoms are crucial enough to count as human rights that society should acknowledge, safeguard and promote."⁸⁶ Examining land rights in the Philippines Part 2 will show that unequal power relations easily undermine laws and policies aiming to redistribute land control. The present thesis argues that a human security perspective supports the idea of an international human right to land and the protection of peasant communities (see Part 1, Chapter 2.1.3). In doing so, the concept of human security reminds the international community that people's needs and insecurities should come first and mobilizes states to enlarge their responsibilities.⁸⁷ Even if just a reminder, in light of the increasing competition over land, be it through extractive industries or powerful landowners, human security can serve as an advocacy tool and help Civil Society to exert pressure on states and corporations.

2.2.2. *Women Human Rights Defenders and Security*

The concept of human security does not only support the codification and protection of a human's right to land. Its "bottom-up focus" in which people are recognized as "actors in defining and implementing

⁸⁴ Muguruza, 2004, p. 19.

⁸⁵ Beban, 2014.

⁸⁶ Commission on Human Security, 2003, p. 9.

⁸⁷ Howard-Hassmann, 2012, pp. 96, 105.

their essential freedoms” legitimizes the work of land right defenders and makes them agents of human security.⁸⁸ More importantly, this participatory approach inspires to rethink current protection mechanisms for HRDs.

A Human Security approach enlarges the scope of security, paying attention to a wide range of factors which affect human well-being. Of course, what makes people feel safe or unsafe is a matter of subjective feelings. This is why human security will remain a concept which continuously requires specification, a criticism expressed by many sceptics.⁸⁹ Nevertheless, precisely because of its complexity a human security approach is helpful to understand how gender, social status, location and activism of HRDs play into their feelings of safety.

Michael Forst, Special Rapporteur on the situation of Human Rights Defenders, highlighted the need to integrate a “culture of holistic security” in protective measures. Forst makes clear that in order to effectively protect HRDs “security should not be defined as physical security alone, but should be understood as encompassing multiple dimensions, including economic security, political security, environmental security, digital security and psychosocial well-being.”⁹⁰

Especially WHRDs have criticized existing protection strategies. The expressed regret that existing protection strategies still follow the “one-size-fits-all” approach and fail to apply gender-sensitive perspectives. One of the criticisms is that protection programs include a set of initiatives for all HRDs at risk. Safeguard strategies, therefore, often don’t fit to the individual situations of the WHRD because their gender roles in family, communities or protest movements are not taken into account. For example, WHRDs may not want to be protected by male army officials because they have contributed to sexual harassment experiences.⁹¹

Another point of criticism is that existing protection mechanisms are made for the traditional model of activism in which men are more visible and outspoken but have fewer duties in the private sector. WHRDs, therefore, wish for a feminist approach to safeguard strategies, which takes into account the multiple roles women have in family and

⁸⁸ United Nations, 2009, p. 12.

⁸⁹ Muguruza, 2004, p. 26.

⁹⁰ A/HRC/31/55, 1 February 2016, para 43-45.

⁹¹ Barcia, 2014, p. 34.

livelihood.⁹² Furthermore, geographical and socio-economic isolation prevents many WHRDs seeking justice or making use of national and international protection mechanisms. Long travel distances and poor infrastructure make it difficult to report violations, expose defenders to additional risks and are not easily combined with responsibilities such as child care. Additionally, remote areas often lack connection to women's movements or networks. Women activists therefore rarely identify as WHRDs and lack knowledge of the rights that come with this label.⁹³

3. CONCLUSION

The first Chapter provided an overview of protection measures under the HRD framework from the perspective of land right defenders. In particular, the work of the UN Special Rapporteurs on HRDs reflects the growing acknowledgment of land right defenders as a particularly vulnerable group of HRDs. In this regard the new HRC resolution on socio-economic defenders surely represents the most significant contribution. However, it also implies that land right defenders are worldwide in an alarmingly risky situation and the response on the national and regional level is far from offering appropriate protection. Adopting a resolution to implementing it is a long and difficult road. In this regard, the protection of land defenders requires a more comprehensive and collaborative approach. Everywhere in the world land rights are highly contested and are embedded in a specific legal and socio-historic context. It is widely acknowledged that access to land is a precondition for other human rights such as food, adequate housing or health to name just a few. Still international human rights laws do not provide for self-standing right to land. Instead, Chapter 2 has brought in human security as an internationally accepted concept, which allows one to frame land access as a security matter. The call for a holistic understanding of security benefits the concern of rural communities and their defenders. It supports both the claim for a human right to land and legitimizes the agency of land defenders. From a human security perspective the current protection framework risks losing pace with

⁹² Barcia, 2014, p. 12.

⁹³ *Ibidem*.

“emerging threats to defenders, the changing nature of civic action, and actors and actions that promote and protect human rights”.⁹⁴ The threats land right defenders encounter are equally multifold and can derive from extractive industries to private landowners. Further, land right defenders are living different realities of activism that might depend on profession, education, ethnicity, geography and gender. Some of them might not even identify as HRDs who should be entitled to protection. Geographical isolation and the lack of detailed information are other factors that make it challenging to develop protection strategies for land right defenders. In that respect particularly the gendered protection needs of WHRDs have been neglected and led to ineffective safeguard measures.

Linking the debates about human right to land with doubts in the effectiveness of the HRD framework and the specific vulnerability of WHRDs gives rise to the concern that there are significant gaps in the protection of land right defenders. In particular “non-traditional” defenders, in the case of peasant communities who often don’t identify as HRDs, tend to be marginalized. International NGOs and scholars have called for more research on how HRDs understand risks and protection in different cultural and social environments. Based on an overarching outline of the present debates Part 1 and Part 2 will approach this research gap examining the situation of land right defenders in the Philippines.

⁹⁴ Bennett, 2015, p. 890.

3.

EXPLORING RISKS AND INSECURITIES
OF PHILIPPINE WOMEN LAND RIGHT DEFENDERS
ON LEYTE AND SICOOGON ISLAND

1. CONTEXT: LAND RIGHTS IN THE PHILIPPINES

As stated above, even though the importance of a human right to land receives increasing recognition due to its character as a cross-cutting right, land access and control for peasants remains unprotected by international human rights laws. Consequently, it depends on the national legislation to what extent rural communities are included in land reforms or protected against evictions and land dispossession in land disputes. The Philippines are a classic example on how unequal power relations, mostly developed within the colonial regime, have impacted control over land until today.⁹⁵

1.1. Promising Social Justice: The Philippine Agrarian Reform

The Philippines 400-year long colonial history solidified unequal power relations between influential land owners and landless farmers. Farmer uprisings and land disputes started to challenge the colonial agrarian structure centuries ago and resulted in several attempts to implement a peaceful land reform.⁹⁶ After the Marcos dictatorship, the 1987 Philippine Constitution brought new hope. Following its reputation as “reform Constitution” it promised to “promote social justice” and “comprehensive rural development and agrarian reform” (Art 2, Sec

⁹⁵ The Observatory, 2015, p. 36.

⁹⁶ Reyes, 2002, pp. 70-76. In the Philippines attempts to reform the agrarian structure started as early as in the 1930s under American administration. During the Marcos dictatorship the first comprehensive program to redistribute large land areas was established but was considered rather as a failure because it only reached a very 3.2 % of the potential beneficiaries.

10; 21).⁹⁷ In 1988 the Aquino government adopted the *Comprehensive Agrarian Reform Law* (CARL). The goal was to achieve social justice in rural areas by enforcing radical land redistribution in favour of small-scale farmers and workers in rural areas. The law was complemented by the *Comprehensive Agrarian Reform Program* (CARP), which provided guidance, budget and assistance for its implementation. Compared to previous agrarian reforms the CARP followed a radical approach as it included all private and public areas which could potentially qualify as agricultural land. Two specially created agencies, the *Department of Agrarian Reform* (DAR) and the *Department for Environmental and Natural Resources* (DENR), share the main responsibility to determine and distribute “CARPable” land. Potential reform beneficiaries can apply for a *Certificate of Land Ownership Award* (CLOA) which is awarded in the process of a *land installation*, an official inauguration accompanied by the DAR.⁹⁸ Other than land redistribution, CARP provides for support services aiming to foster the economic development of rural areas such as training in business strategies and infrastructure projects. In the event of disputes over land areas that fall under the reform law, the DAR has the right to appeal to Judicial Courts, offers assistance in terms of legal advice and conducts non-judicial strategies such as dialogues or assistance in negotiation of agreements.⁹⁹

After several extensions the CARP officially expired on June 30, 2014. However, at least one million hectares of land are yet to be distributed under the CARP. Therefore, the CARP will continue to be effective for pending cases of land disputed and CLOA applications. The expiration of the CARP has encouraged research on its success. Most studies evaluating the impact of the CARP in distributed land areas stressed the positive impact on income and health of successfully installed beneficiaries.¹⁰⁰ Quizon (2014) examines the compliance of Philippine law with the *Voluntary Guidelines in Governance Tenure* (VGGT)¹⁰¹. Even though this assessment does not give evidence on the actual implementation of such laws, Quizon comes to the conclusion there

⁹⁷ Quizon, 2014, p. 14.

⁹⁸ Ibidem.

⁹⁹ Quizon, 2014.

¹⁰⁰ Reyes, 2002, p. 129.

¹⁰¹ The *Voluntary Guidelines*, issued by the *Food and Agriculture Organization* (FAO) in 2012 provide guidance to land, fishery and forest tenure policies with the aim to improve their positive impact on human rights and food security. FAO, 2012, pp. 1-2.

is an “overall strong policy framework on tenure rights consistent with the principles of the VGGT”.¹⁰² However, his research points out gaps in efficient and transparent land administration, access to information, weak documentation and data collection and an inadequate framework in handling land disputes with private sector stakeholders. Additionally, the report admits a lack in exchange of information among institutions and a general insecurity on how pending CLOA applications and unresolved land disputes will be handled after the CARP has expired.¹⁰³ Despite the land reform’s strong emphasis on social equality and access to justice, such shortcomings limit the DAR’s capability to defend the interests of reform beneficiaries against landowners and private corporations.¹⁰⁴ Interpreting such findings in a pessimistic manner suggests the DAR fails to fulfil its proactive role in guaranteeing tenure security for peasant communities.

1.2. Peasant movements and land defense

Despite its limited success the CARP constituted a turning point for grassroots farmer movements. Before the agrarian reform many peasant movements envisaged a social revolution, promoting a suspicious attitude towards state power and state law. In the 1990s, however, peasant movements saw the CARP as a political opportunity and acted as legitimate right-holders under state law.¹⁰⁵

O’Brien (1996) describes that such “rightful resistance” uses state laws and promises to generate political and social pressure. Consequently, such movements are careful not to be associated with unlawful behaviour as this would weaken their legitimate position and social support. Instead, “rightful resistance” plays out in peaceful protest, which aims to make right claims visible and appeal to morals and values of social justice.¹⁰⁶ In line with this argument Philippine peasant movements continuously try to catch attention through protest marches or protest camps in front of the DAR and the DENR. The

¹⁰² Quizon, 2014, p. 14.

¹⁰³ Quizon 2014, pp. 6-8.

¹⁰⁴ Quizon (2014) explicitly notes that there is no legal framework to control large-scale land acquisitions of mining corporations. In that respect the Philippine law does not comply with the VGGT.

¹⁰⁵ Franco 2008, pp. 995, 1001

¹⁰⁶ O’Brien 1996, p. 33.

Kilusang Magbubukid ng Pilipinas (KMP) is the national peasant movement, which coordinates protest strategies, provides educational training for peasants and reunites its members under the ideological demand to “confront repulsively unequal class relations”.¹⁰⁷

In the Philippine context, the creation of national advocacy organizations plays a crucial role in unifying local peasant movements against “the paralysing effects of landlordism”.¹⁰⁸ Franco (2011) points out that in many rural areas Philippine farmers lack information and knowledge about their benefits under the CARP. Instead, the “cacique law”, which informally authorises powerful elites to effectively govern and control large land areas, undermines the CARP implementation. Local officials of the DAR, the Philippine National Police (PNP) and local courts are involved in such networks and maintain the power of old elites. In many cases, authorities have delayed CLOA procedures or influenced farmers to comply with unfair agreements to settle land disputes non-violently. In that regard Franco (2011) highlights collective rights claims from below, demanded by peasant movements and advocacy organizations, are crucial for the success of agrarian reforms.¹⁰⁹

1.3. Another disaster: Access to land after typhoon Yolanda

Super-typhoon Yolanda (international name Haiyan) hit the Philippines in 2013, killing 6,340 people and destroying 1.1 million homes.¹¹⁰ Fishing and farming communities were among the most affected but also faced major challenges in reconstructing their livelihoods. According to a report of the *United Nations High Commissioner for Refugees* (UNHCR) when assessing protection needs of Yolanda survivors “the lack of documentation (i.e. land titles)” prior to Yolanda is one of the major causes for the continuously alarming humanitarian situation in affected areas because it “aggravates existing issues like land disputes, forced eviction, and secondary occupation”.¹¹¹ Another factor complicating the return of Yolanda survivors to their

¹⁰⁷ KMP. See: Website <http://kilusangmagbubukid.weebly.com/about.html> [Accessed: 14 July 2016]

¹⁰⁸ Franco, 2008, p. 1014.

¹⁰⁹ Franco, 2011.

¹¹⁰ USAID, April 2014.

¹¹¹ UNHCR, 2014a, p. 23.

lands, especially for fishing communities, was the “no dwelling zone” policy. The presidential decree prohibited the reconstruction of residential dwellings within 40 metres from the high-water mark. The government also denied humanitarian actors to assist people who returned to their lands despite this order. The relocation policy of the Philippine government did not take into account that access to land is crucial for the survival of fishing and farming communities. International Organisations and NGOs called not to restrict humanitarian assistance and stated relocation policies can only be successful if developed in cooperation with the parties concerned.¹¹² In the opinion of CSOs and farmers’ associations, typhoon Yolanda unravelled the government’s lack of political will and control in regard to the CARP implementation. In many cases unresolved land disputes and uncertain land tenure significantly upset the reconstruction efforts of rural communities and their access to humanitarian assistance.¹¹³ *The Rural Poor Institute for Land and Human Rights Services* (RIGHTS Network) accused the government of “despite knowing the direct importance of secure tenure to the rehabilitation of farmers, the DAR has not exhibited any sense of urgency to resolve the issue, including anomalies that were occasioned by the government itself”.¹¹⁴

Uson (2015) confirms that public discourse emphasized the vulnerability of the rural poor in the aftermath of Yolanda and depicted them as “tragic victims”. The root causes for their situation such as the poor implementation of the CARP were obscured by relocation policies, which represented a window of opportunity for land grabbers under false humanitarian grounds.¹¹⁵ This was reinforced by the state’s incapacity to coordinate and organize humanitarian help. The National Economic and Development Authority (NEDA) initiated the “Reconstruction Assistance on Yolanda” plan, which encouraged elites and corporations to officially engage in or take over reconstruction responsibilities.¹¹⁶ In doing so the state facilitated an environment that reinforced unequal power relations and capitalist market ideology.¹¹⁷

¹¹² UNCHR, 2014b.

¹¹³ RIGHTS Network, 2015, p. 2.

¹¹⁴ RIGHTS Network, 2015, p. 6.

¹¹⁵ Unson 2015, p. 5.

¹¹⁶ NEDA, 2013.

¹¹⁷ Unson, 2015, p. 9.

2. FIELD RESEARCH: CAPTURING “NARRATED LIVES”

It is widely acknowledged, though, that the actual meaning of abstract human rights can only be understood in the context of the concerned society and culture.¹¹⁸ Consequently, there is a variety of methodologies that are relevant to human rights research.

Especially social sciences can contribute to human rights research as they can shed light on issues that remain unexplored under a legalistic approach.¹¹⁹ Anthropology, in particular ethnographic research, seems the most appropriate approach to understand the experiences, identities and motivations of women land-right activists. “Life narratives (...) provide necessary evidence and information about violations. They put a human face to suffering.”¹²⁰ *A Critical Ethnography* approach requests to put such “life narratives” at the centre of research and appeals to generate knowledge that can contribute to empowerment and social justice.¹²¹

The motivation to write this thesis was borne out of the concern for the well-being of women land defenders in the Philippines. Despite this commitment, the national identity of the author has created unequal power relations, which of course could not be deconstructed. However, being aware of this hierarchy, the author tried to take a participatory approach in gathering qualitative data. This meant the validation of women land-right defenders’ stories and the support of their agency were the guiding principles in conducting this research.

Informal, unstructured interviews were considered the best technique to guarantee sensitive recording and build a respectful relationship with the respondent. The risks and consequences that might result from revealing information have been assessed together with the interviewed community leaders. As a precautionary measure the author decided to anonymize the name of all interview partners.

The guiding source of inspiration in conducting the interviews has been the manual *Gendering Documentation*, published by the *Women Human Rights Defenders International Coalition* (WHRDIC).¹²² The

¹¹⁸ Chaudhuri, 2007, p. 127.

¹¹⁹ Bruch, 2013, p. 223.

¹²⁰ Schaffer, 2004, p. 3.

¹²¹ Madison, 2005, pp. 6; 15.

¹²² WHRDIC, 2015.

publication has been written by WHRDs themselves in order to provide practical and ethical guidance on how to document human right violations through a feminist, gendered perspective. For the present thesis, the manual has been particularly useful to frame interview questions because it identifies forms of violations and cultural-social contexts that are specific to WHRDs. (s. Part 1, Ch. 1.4)

3. RESEARCH SITES

The Philippines are the most dangerous country in South East Asia for land rights defenders with an average of 33 activists killed per year.¹²³ The defenders most at risk of being murdered are members of indigenous communities opposing land grabs of extractive industries in Mindanao, the Philippines southernmost island. However, the time available for this research project, security restrictions and the lack of reliable contacts would have rendered field research on Mindanao very difficult. Additionally, as this case study will reveal, in contrast to indigenous people, peasant communities have received little attention and protection under international human rights law (s. Part 1, Ch. 1.1.2.), which justifies the research locations. Instead, the author followed the advice of the *Rural Institute for Land and Human Rights Services* (RIGHTS Network) staff members and conducted interviews on two sites in the central Philippine Islands, the *Visayas*. The following criteria were decisive for this choice:

- 1) Women are particularly active in organizing the land rights struggle;
- 2) Leaders of the peasant movements have been targeted and harassed due to their activism;
- 3) In line with the criteria for HRDs (s. Part 1, Ch. 1), members of the researched peasant movements have only engaged in peaceful protest;
- 4) Participants are beneficiaries of the CARP and use this law for rights-based claims. (s. Part 2, Ch. 1).

In total six interviews with male and 14 interviews with female land rights activists were conducted during a research trip in May 2016 on Leyte and Sicogon. Additionally, interviews were conducted with

¹²³ Global Witness, 2016, p. 5.

RIGHTS Regional Officer Lina Reyes, RIGHTS country coordinator Danny Carranza and CHR Regional Officer Mr. Attorney Nascino. An interview with HRD and KARAPATAN Volunteer Zara Alvarez was recorded beforehand in 2014. Individuals listed by name agreed to have their names published. An overview of interview partners is provided for in the ANNEX of this thesis. Other sources used were reports and documents provided for by RIGHTS, the *Panay Rural Organizing for Reform and Social Order* (PROGRESO) and the *International Peace Observers Network* (IPON)¹²⁴. In the following chapters the context of the respective land conflicts on Sicogon Island and Leyte will be outlined shortly, using information obtained from RIGHTS staff members and interview partners.

3.1. Sicogon Island

Sicogon Island is a small island of about 1100 hectares and belongs to the municipality of San Carles in the north east of Panay Island, the westernmost island of the Visayas. Most of the 1000 families living on Sicogon depend entirely on fishing and farming. Since the outbreak of the land dispute, farmers have been prevented from farming their lands and are now limited to backyard farming.

In the 1970s, Sicogon Island was primarily a tourist destination, well-known for its attractive white sand beach. The *Sicogon Development Corporation* (SIDEKO), a private company which still today owns about 70 per cent of the island, was running a high-profit luxury resort where many islanders were employed. Due to the economic crisis in the early 1980s the resort shut down, leaving many local workers unpaid. At the beginning of the new millennium, the local DAR office released a *Notice of Coverage* for 334 hectares, the land area for which farmers could apply under the agrarian reform. (s. ANNEX, map 1) SIDEKO strongly resisted this decision as it opposed the company's plans to establish a new five star tourism resort on the island. The surface granted to the reform beneficiaries included the island's longest strip of white sand beach and land areas surrounding the three villages San Fernandez, Buaya and Alipata. However, this included land where SIDEKO was planning to construct a private airport and a golf

¹²⁴ IPON is a German NGO based in Bacolod, which supports Philippine HRDs through accompaniment, advocacy work and trial observation. The author was volunteering as a human rights observer for IPON in 2014.

course. SIDECO challenged the decisions, claiming that the land areas in question did not qualify as agricultural but as commercial zones. The company engaged in a “legal blitzkrieg” against DAR officials and reform beneficiaries, exploiting their powerful position in the local network in order to delay the CARP procedure and to intimidate beneficiaries.¹²⁵ The power battle over the land status was accompanied by serious threats and legal harassments such as indictments for illegal logging. When the regional DAR issued the first *Order of Finality* in 2008, reaffirming that the 334 hectares are covered by the CARP, serious human rights violations came into play. The alleged perpetrators of threats, harassments, demolition of properties and even murder are SIDECO’s private security guards, who have been permanently established on the island since 2008. Declaring a “Huwas de Kutsiyo” (*Illongo* for “Judgement by knife”) SIDECO security guards created a climate of fear and terror. Since then a local NGO named *PROGRESO* has been supporting the people on Sicogon with advocacy work.

The already powerful position of SIDECO was reinforced when *Ayala Land*, the Philippines leading real estate corporation, entered the planned tourism business. After Yolanda had basically destroyed all houses and fishing boats of Sicogon’s residents, *Ayala Land* started to play a crucial role in the land conflict. Following the government’s assistance plan (s. Part 2, Ch.1.3.), *Ayala Land* engaged in a private partnership with Sicogon Island, taking over the responsibility for humanitarian assistance and reconstruction work.

CLOA applicants on Sicogon organise their legal struggle in two farmer’s associations: the *Buaya Farmer’s and Fisherfolk’s Association* (BUFFA) and the *Federation of Sicogon Island Farmer’s and Fisherfolk Association* (FESIFFA).

3.2. Leyte

The province of Leyte was among the most devastated by typhoon Yolanda. Since the agrarian reform was very poorly implemented prior to the typhoon, many agrarian reform beneficiaries were denied humanitarian assistance.¹²⁶

¹²⁵ Uson, 2015, p. 15.

¹²⁶ RIGHTS, 2015.

In the case of the municipalities Carigara, Barugo, San Miguel, Jaro and Alangalang (s. ANNEX, map 2) the DAR's poor performance became most obvious when after the typhoon farmers discovered that 12,055 CLOAs covering 32,685 hectares had been issued without any notice to the beneficiaries. The CLOAs had been kept back since 2008, the officer in charge refused to release them because a supposedly necessary document from the DAR's regional level was missing.

Interview partners from the municipality of Ormoc (s. ANNEX, map 2) also faced the denial of humanitarian assistance even though they had already received CLOAs in the 1990s. However, until June 2016 the DAR was unable or unwilling to conduct an official "land installation"¹²⁷ due to the strong resistance from opponent tenants who were supposedly supported by the previous land owner.

Other than the denial of reconstruction assistance, in all aforementioned municipalities harassments and threats against farmer activists have been reported to the police. Only in the case of the uninstalled beneficiaries in Ormoc the *Philippine Commission on Human Rights* (CHR) became active and monitored the situation. The reason for the CHR's intervention was that despite the threats, members of *Bugbo Farmers Association* (BFA) in Ormoc attempted several "self-installations" occupying and farming their land without the official land transfer accompanied by the DAR. Until June 2016 all attempts of self-installations were unsuccessful, as the beneficiaries were forcibly driven out and lost the harvest to the opposing conflict parties.

The contact to land right defenders on Leyte was established through RIGHTS, a network of national NGOs coordinating the land struggle among farmer's associations. After typhoon Yolanda, RIGHTS established a regional office in Tacloban, province of Leyte, aiming to strengthen the resistance of farmer associations in a precarious humanitarian situation and to provide legal assistance in land disputes, which increased after the typhoon.

¹²⁷ The first attempt to officially install the land was witnessed by the author on June 1st 2016. An official land installation is accompanied by the DAR and a special unit of the *Philippine National Police* (PNP)

4. GENDER AND LAND CONTROL

In comparison to “traditional” HRDs claiming civil and political rights, the vulnerability of land rights defenders is often traced back to their non-participation in political or economic decisions that lead to disputes over land areas.¹²⁸ Which factors affect the agency of women active in land rights struggles? In fact, unlike many other countries, especially in Sub-Saharan Africa where customary law is often interpreted in favour of men’s control over land, the Philippine law on land ownership is gender neutral.¹²⁹ This chapter aims at examining how well this legal-framework is implemented on the ground. Secondly, it will analyse to what extent patriarchal structures shape the role of peasant women and their involvement in land rights activism.

4.1. A pioneer in gender-equal land ownership?

The Philippines became notorious in the entire region South East Asia for its good performance in promoting gender equality. The *Global Gender Gap Index of the World Economic Forum* (WEF) ranks the Philippines 7th, one place before Switzerland. And in the Asia-Pacific ranking the Philippines are placed first.¹³⁰ Also in regard to land ownership and control, the Philippines have developed a comprehensive legal framework promoting gender equality. In 1995, the Philippine government was among the first to integrate gender in development policies. It adopted the 1995 *Women in Development and Nation Building Act* allocating 5 per cent of the budget available for development activities, including land policies, to promoting women’s participation.¹³¹ The Philippine *Magna Carta of Women* (MCW) integrates gender mainstreaming in all socio-economic policies, including plans in rural development and land use. The MCW explicitly refers to the rights of rural women, reaffirming that women and men have equal rights in controlling any kind of natural resources and in benefiting from assistance and support programs.¹³²

¹²⁸ The Observatory, 2014a.

¹²⁹ Doss et al., 2014, p. 10.

¹³⁰ WEF, 2015. The WEF Global Gender Gap Index compares the access to education, health, economic and political participation among women and men.

¹³¹ Reese, 2010, p. 140.

¹³² CHR, 2016, p. 33.

The *Guidelines Governing Gender Equality in the Implementation of Agrarian Reform Laws* complement the legal framework and require the DAR to collect gender-disaggregated data and implement a number of strategies to promote equal access to the agrarian reform's benefits among genders.¹³³ For instance, the Guidelines determine a female quota of at least 20 per cent in agencies planning and implementing the CARP.¹³⁴ However, the *Guidelines* do not comment on women's participation in decision-making bodies at local level, which could be considered a relevant shortcoming if women farmers get involved in land disputes and need to engage with local stakeholders. In that regard, the MCW is more proactive and requires that at least 40 per cent of development planning agencies on the "regional, provincial, municipal and barangay"¹³⁵ levels shall be composed of women".¹³⁶ Additionally, the establishment of a "Women's desk" is foreseen and should serve as a space for women to submit complaints and concerns related to land disputes. The aim of the Women's desk is to strengthen women's access to justice and to provide gender-sensitive legal assistance.¹³⁷

However, even though the Philippines seem to provide for a comprehensive gender-sensitive legislation in regard to land ownership, other data points to weaknesses. The OECD's Development Centre *Social Institutions and Gender Index* (SIGI) rates the restriction of women's access to land in the Philippines as "high".¹³⁸ Corral (2015) evaluates the implementation of gender-sensitive strategies outlined above and finds that between 1988 and 2012 only 29 per cent of CLOAs were issued to women.¹³⁹ Her research shows that one of the main obstacles is the lack of information and monitoring mechanisms. For instance, most of the DAR staff members participating in the study were not aware of gender-sensitive regulations such as the women's desk or the collection or the responsibility to develop gender-disaggregated data.¹⁴⁰

Furthermore, national efforts in law and policies cannot capture the

¹³³ Corral, 2015, p. 4.

¹³⁴ Corral, 2015, p. 6.

¹³⁵ A *barangay* is the smallest administrative division and usually describes a neighborhood or small village.

¹³⁶ Republic Act No. 9710, 14 August 2009, section 11.

¹³⁷ Corral, 2015, p. 16.

¹³⁸ OECD Development Centre, 2014.

¹³⁹ Corral, 2015, p. 10.

¹⁴⁰ *Ibidem*.

multiple dimensions of gender discrimination, especially not in regard to land ownership which is often determined in the private sphere of families. Cultural and institutional practices can become an obstacle to women's equal access to land. Research in Myanmar has shown that despite a gender neutral law on land ownership, the decision making in institutions dealing with land tenure is usually dominated by men.¹⁴¹ In the Philippine context, the situation of indigenous people in Mindanao, defending their land against mining companies agrees with these findings. Cultural practices represent a major obstacle for women to own and claim land rights. For instance, women land right defenders from *Hiaogon* and *Subanen* tribes are traditionally not allowed to inherit and own land. Therefore women's participation in land struggles receives little recognition and support from male tribe members. Women are blamed for not understanding their own culture and need to defend the legitimacy of their activism not only against public authorities and mining corporations, but also against their own communities.¹⁴²

In contrast, the role of peasant women activists claiming their land rights under the agrarian reform, is not considered to experience discrimination through cultural practices. Danny Carranza, national coordinator of the RIGHTS Network agrees that regarding land ownership

the gender dimension in rural areas needs to be revised as some concerns have been articulated. But on the ground it is a less urgent matter than some advocates claim it to be. Men and women both work for the farm. He is more productive in farm work and she is better in budgeting and household. This is the most practical division of labour.¹⁴³

The traditional gender model of women as caregivers and household managers at home and men working as breadwinners for their family is still prevalent in the Philippines, especially in rural areas.¹⁴⁴ In most cases such an understanding of gender structures might be accepted and even reinforced. And even though it does not directly inhibit women from applying for a CLOA, an environment prone to institutionalized discrimination is created. Research examining the position and claims

¹⁴¹ NAMATI, 2016, p. 3.

¹⁴² Hereopoetri, 2015, p. 19.

¹⁴³ Interview with Danny Carranza, RIGHTS country coordinator, Manila, 17 May 2016.

¹⁴⁴ Reese, 2012, p. 159.

of peasant women in land right struggles illustrates that gender discrimination in regard to land ownership manifests itself both on an institutional level and in social perceptions of gender equality. DAR officials were found to automatically consider male members of peasant households as potential CLOA holders, assuming that men and women would equally benefit and share the land.¹⁴⁵ In turn, peasant women and men have internalized traditional gender structures and show little awareness regarding the legal framework meant to guarantee gender equality in land control.¹⁴⁶ The present case study confirms these findings. Men and women land right defenders positioned themselves as one household in which both partners benefit from access to land. Women did not perceive it as a problem that in potential CLOAs their husband will be the owner of the land they both struggled for.¹⁴⁷ The prevalent opinion was that “my husband, me and our sons all live from the land”¹⁴⁸, which “belongs to our ancestors and future generations”¹⁴⁹. Understood as an intergenerational right, land was not understood as a property which belongs to the absolute control of one single person. Consequently, gender equality in regard to land ownership seemed was not what women land right defenders aimed for.

The arguments stated above lead to the assumption that societal perceptions of gender roles, persisting among authorities and households, as well as the understanding of land as a common resource discriminate women’s access to land ownership. Moreover, a closer look at the criteria applied to determine agrarian reform beneficiaries reveals gender discrimination at institutional level. The decisive criterion to be awarded the CLOA title is the permanent activity of tilling the respective land. This results in an indirect but crucial disadvantage for women who are less likely to conduct farm work as their permanent activity.¹⁵⁰ Corral (2015) therefore calls for a gender-sensitive review of CLOA criteria and in that regard reminds CARP authorities to collect gender-disaggregated information.¹⁵¹

¹⁴⁵ Bejeno, 2010, p. 35.

¹⁴⁶ Ibidem.

¹⁴⁷ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

¹⁴⁸ Interview (e) with BFA Member, Female, Ormoc, 01 June 2016

¹⁴⁹ Interview with President of Farmer’s Association Tigbao, Camansi, 31 May 2016.

¹⁵⁰ Corral, 2015, pp. 20; 25.

¹⁵¹ Corral, 2015, pp. 20; 25.

4.2. *Gender relations and land rights activism*

Despite the Philippines' positive performance in promoting a framework for gender equality, traditional gender roles persist. Concerning land ownership this can lead to indirect discrimination of women as we have seen above. In legal terms men and women have the same chance to obtain a CLOA title. Nevertheless, most of the farmer associations created to organize and coordinate the struggle for land among different CLOA applicants are women-based. Why? And can it be assumed that their strong participations aims to address gender discrimination and inequalities in regard to land control?

Reese (2010) explores the gendered dimension of social movements in the Philippines. He concludes that traditional patriarchal structures and beliefs still persist and frame the agency of women. Women still have to justify their participation in the public sphere as it is still "not really considered their place".¹⁵² According to Reese (2010) feminist ideas are still very weak in the Philippines. Traditional gender structures continue to manifest themselves, mainly through the strong impact of the Catholic Church, but also through media and education, both in schools and at home.¹⁵³

However, at the same time Reese (2010) notes that the visibility of women in public spheres, especially in politics, labour markets and social movements has increased significantly.¹⁵⁴ The theory that in its very essence Philippine society is a matriarchate is a common explanation for the commitment of female activists. They are attributed with other "typical" characteristics such as patience, better communication skills and more willingness to compromise than their male counterparts. Consequently, they are often described as a "cure for dirty politics".¹⁵⁵ In that way women are believed to contribute to successful negotiations, as they can balance the "typically" aggressive and power-hungry men. Additionally, women are believed to be the true decision makers at home, as they hold "the power of the purse" and administer the family's budget.¹⁵⁶ Reese (2010) puts this strong image of femininity into

¹⁵² Reese, 2010, p. 148.

¹⁵³ Reese, 2010, p. 145.

¹⁵⁴ Reese, 2010, p. 148.

¹⁵⁵ Reese, 2010, p. 144.

¹⁵⁶ Reese, 2010, p. 159.

perspective, observing that male politicians strategically appoint women they are related to in order to indirectly influence her decisions.¹⁵⁷

In Myanmar, research showed that socio-cultural practices can undermine the agency of women land right activists. Their struggle for land is complicated due to the generally lower socioeconomic status of women. In case of land dispossession, for instance, women are more likely to be affected by poverty and violence. In some cases, women reported that domestic violence increased. The stressful and insecure situation in the land conflict made men more aggressive and gender-based violence additionally threatened the safety of women.¹⁵⁸ Others reported that gender stereotypes rendered their attempts to approach authorities useless because it was inappropriate for women to speak out in public.¹⁵⁹

In contrast, even though the previous chapter stated that gender-discriminatory practices also persist in the Philippines, in regard to socio-cultural practices affecting the agency of women, this case study represents a much more complex situation.

All female and male interview partners, most of whom are married and have children, follow the traditional models of housewives and family providers. However, these gender roles seem to strengthen women's participation in land rights activism. About 80% of the farmer leaders on Leyte and Sicogon Island are women.¹⁶⁰ All male interview partners explained their disproportionately large female representation with the notion that men are more engaged in farm work and cannot dedicate more time to organize the struggle. One of the male participants noted that women are often better educated because they don't start to work in the field at an early age, unlike their male counterparts.¹⁶¹ All female participants agreed that they can flexibly manage their time and responsibilities. A male interview partner from Sicogon confirms:

Women are the ones really fighting for land rights because men have their job and women are left in the household. They have time to attend meetings

¹⁵⁷ Reese, 2010, p. 144.

¹⁵⁸ NAMATI, 2016, pp. 12-13.

¹⁵⁹ NAMATI, 2016, p. 13.

¹⁶⁰ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

¹⁶¹ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

and organize activities. Also decisions are made by leaders, who are mostly women. They decide together in consensus and come up with a response in the evening.¹⁶²

Women explained their strong participation with positive, “typically” female attributes. Women were considered “better” leaders because they are “cooler”, “more communicative”, “more patient” and “better in negotiating, talking and planning” than their husbands.¹⁶³ Additionally, all women interviewed had decided without prior consultation of their husbands to participate in the elections for the position of farmer leader. Most of them did not involve their husbands and families in activities or meetings related to the struggle which contradicts Reese’s (2010) remark that men indirectly influence decisions in the background.

The narratives of interview partners, male and female, explained women’s strong participation in the land struggle with both patriarchal structures and positive female preconceptions. Women land right activists have powerful positions in farmer associations and compared to their male counterparts, are strong in numbers. It could therefore be assumed that land right movements have strong potential to address the inequalities and discriminatory practices outlined in the previous chapter. However, in her case study on Philippine peasant movements, Bejeno (2010) notes that female activists operating in local movements have not used their strong positions in land struggles to push forward feminist claims, addressing legal loopholes or persisting gender stigmas in the Philippine society.¹⁶⁴ In contrast, Part 1 of this thesis explained that international movements and networks, such as *La Via Campesina*, link the claim of women land activists to their identity as peasant women and call on states to fulfil their responsibilities, providing non-discriminatory access to land for women. This comparison supports the assumption that women land right activists, struggling for land in a local context, do not consciously aspire to emancipatory change. However, this case study suggests that women’s position as frontline activists in land struggles increases their power and responsibilities in decision-making. Can this contribute to women’s empowerment and deconstruct structures and beliefs which limit gender-equal access to land? Or does the agency of women as both activists and housewives result in a double burden?

¹⁶² Ibidem.

¹⁶³ Interview (b) with BFA Finance Officer, Female, Ormoc, 01 June 2016/ Interview with BUFFA vice president, Female, Buaya, 11 June 2016.

¹⁶⁴ Bejeno, 2010, p. 28.

5. HUMAN RIGHTS VIOLATIONS AGAINST LAND RIGHT DEFENDERS

International and Philippine NGO reports have pointed out that the strategies of landowners who are resisting the CARP implementation are often accompanied by a high level of violence against claimants. An assessment of such reports points to criminalization, intimidation, coercion and in the worst case assassination as the most prevalent and visible human rights violations against land rights activists in the Philippines.¹⁶⁵ The previous chapter suggested that gender discriminatory practices in regard to landownership also apply to the context of peasant women. However, the narratives of women land right defenders did not regard traditional gender roles as a problem. Confronting these findings with the concerns of WHRDs (s. Part 1, Ch. 1.3.) who experienced their gender identity as a target for sexual violence and gender discrimination, demands to assess the gendered dimension and risks in this case study more closely.

5.1. *Physical attacks*

In terms of physical attacks, land rights defenders are the most vulnerable group of HRDs.¹⁶⁶ In its fact-finding report on the Philippines *The Observatory* noted that in the killings and attacks on land rights defenders who claim land areas under the agrarian reform law they have become victims of physical assault, extrajudicial killings and enforced disappearances.¹⁶⁷ In regard to indigenous land rights activists in Mindanao, the fact-finding mission pointed out that WHRDs promoting land rights in the context of mining operations are at a particularly high risk of being sexually assaulted or raped.¹⁶⁸

Even though the farmer communities on Leyte and Sicogon are not opposing extractive industries, the present case study affirms the high risk peasant defenders are exposed to. Extreme forms of violence are often used as intimidation or revenge after legal authorities, such as the DAR have ruled in favour of reform beneficiaries.¹⁶⁹ In fact, in 2008 the

¹⁶⁵ RIGHTS, 2015.; Global Witness, 2016.; The Observatory, 2014a.; The Observatory, 2015.; KARAPATAN, 2015.

¹⁶⁶ The Observatory, 2014a, p. 45.

¹⁶⁷ The Observatory, 2015a, p. 31.

¹⁶⁸ The Observatory, 2015, p. 30.

¹⁶⁹ The Observatory, 2015, p. 32.

DAR in San Carlos issued an *Order of Finality* which reaffirmed that 343 hectares of Sicogon Island are classified as agricultural land. Shortly after, Thelma Padios, an elderly farmer woman who was collecting fire wood in the island's forestal area, was brutally raped and murdered.¹⁷⁰ The *Alliance of Filipino Women* (GABRIELA) particularly accuses private security forces, which are often identified as *Citizens Armed Force Geographical Unit* (CAFGU) for acts of gender-based violence.¹⁷¹ CAFGUs are local groups trained by the military, but often used to intimidate farmer communities on behalf of powerful landowners or corporations.¹⁷² SIDECO security personnel, who qualifies as CAFGU as they have been trained by the military, were identified as perpetrators in Thelma Padios's murder case.¹⁷³

In that respect, the murder of Thelma Padios proves NGOs and UN bodies right, which identify WHRDs as specifically vulnerable groups. (s. Part 1, Ch. 1.3) Gender-based violence, manifesting itself in many forms such as rape, stigmatization or discrimination is an additional risk women land right activists are exposed to. WHRDs from all parts of the world have pointed out that the cruelty of gender-based violence - and as a consequence, the psychological and physical damage - put women more at risk than men, who "are *just* killed".¹⁷⁴

Keeping this in mind, Thelma Padio's murder case and the statements of female interviewees point to paradoxical findings and illustrate the complex security situation women land right activists are operating in.

Reports documenting human rights violations against Philippine land rights defenders show that most of the physically attacked or murdered victims are men.¹⁷⁵ The narratives of female interview partners, both on Leyte and Sicogon, support this tendency. Since the murder of Thelma Padios' the safety of Sicogon's community members is a major concern. The gendered dimension of this case, which rendered the killing extremely cruel as the victim was hacked with a bolo knife and penetrated with sticks and grass, did not have a chilling effect on other woman land right defenders. The opposite was the case. As the security situation on Sicogon worsened, women perceived it as essential

¹⁷⁰ PROGRESO, 2008.

¹⁷¹ GABRIELA, 2012.

¹⁷² PROGRESO, 2008.

¹⁷³ Ibidem.

¹⁷⁴ Barry, 2008, p. 24.

¹⁷⁵ The Observatory, 2015, pp. 26-30.; KARAPATAN, 2015.

to increase their participation and confront SIDECO's security guards. In contrast to the established assumption that WHRDs are more at risk because of their gender identity, present case study suggests that being a woman stands for more physical safety. A woman leader on Sicogon Island explained why women should be more active in the land struggle:

I have an advantage being a woman. I was the only one confronting our opponents. I don't want my male fellows too close to the landowner. They are too much at risk.¹⁷⁶

Similarly, women on Leyte consciously used their gender in a strategic manner and were convinced that female leadership renders the conflict less violent:

When we went to the fields and the opponents confronted us they only threatened the men, not the women. They said "we will cut off your head" but only to the men. That moment I was scared but more for my husband than for me. I was sure they were not going to hit the women. You don't hit the wives. (...) Men are also more at risk because they get angry easily and want to fight. Women are more patient. That's why we need to plan the struggle. If not, there is too much violence.¹⁷⁷

In addition to positive female preconceptions and labor division among husband and wife, interview partners emphasized that they fear male colleagues and husbands to be killed or abducted. Therefore the strong participation of women in land defense also seems to be based on strategic safety considerations.

Moreover, two murder cases in other Philippine regions documented by IPON sadly demonstrate that husbands of women land rights defenders are often targeted. The husband of Evangeline Silva, a farmer leader in the Quezon region was shot by goons driving a motor cycle even though she was the more active part in claiming their rights. In the case of Elisa Tulid, another female land right activist on Bondoc Peninsula, her husband was threatened at gunpoint first. But when she told him to flee the scene with their daughter the goons shot her instead.¹⁷⁸ Cases of WHRDs which are not directly connected to land conflicts indicate

¹⁷⁶ Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016.

¹⁷⁷ Interview (b) with BFA Finance Officer, Female, Ormoc, 01 June 2016.

¹⁷⁸ IPON, 2016 (a); IPON 2016 (b).

similar tendencies. For instance, Zara Alvarez, a Philippine WHRD who has been targeted mostly because of documenting human rights violations committed by the military, convincingly confirmed: “If I was a man they would have shot me a long time ago”.¹⁷⁹

The narratives of interview participants and IPON documentations strongly support the assumption that women land right defenders are less at risk of being physically targeted. However, the murder case of Thelma Padios and the general situation of militarization and impunity in rural Philippine areas (s. Part 3, Ch 1.2.), in which gender-based violence was found to occur more likely, raise questions which cannot be fully answered with this case study as none of the interview partners wanted or could share experiences of gendered violence. Nevertheless, it has been stated that women land right activists generally operate in patriarchal structures, which are considered as the root cause for gender-based violence.¹⁸⁰ Therefore, in the national Philippine context gendered violence, as illustrated by the situation of indigenous women in Mindanao, can be assumed to additionally target women land right defenders which usually operate in militarized, rural areas. In regard to the present case study the situation seems more cannot be excluded either. As gendered violence can manifest itself in various forms and does not be experienced as such, a more sophisticated analysis of the risks and insecurities of women land activists on Leyte and Sicogon is needed.

5.2. Criminalization

A common method to silence Philippine HRDs is judicial harassment. Instead of ensuring that HRDs can do their work, legal authorities and regulations become an additional threat. The Observatory fact-finding mission noted that land rights defenders in the Philippines particularly fall victim to fabricated charges which are often followed by arbitrary arrests and incarceration. In particular, farmer leaders representing the community seem to be concerned:

As the leader of the group I was targeted. I received one case after another

¹⁷⁹ Interview with Zara Alvarez, Bacolod, 22 February 2014.

¹⁸⁰ European Institute for Gender Equality, see: <http://eige.europa.eu/gender-based-violence/what-is-gender-based-violence> [Accessed: 28 June 2016]

for many things. Illegal entry, illegal logging, possession of fire arms...nothing was true. But it is one of their strategies to silence us little by little.¹⁸¹

In many cases this widely spread practice of fabricated charges aims to politically defame land rights defenders. In this regard, false charges and sometimes also executions are justified by blaming the victims of being associated with the *New People's Army* (NPA), which is an armed splinter group and faction of the Communist Part of the Philippines (CPP). Especially in rural areas the public military force, the *Armed Forces Philippines* (AFP), is instructed to implement the *Oplan Bayaniban Program* (OBP). OBP is a national counter-insurgency policy which aims to fight terrorist groups mostly by enlarging the mandate of AFP and the *Philippine National Police* (PNP).¹⁸² According to local and national human rights NGOs, the OBP legitimizes the defamation of social and political activists and is a loophole for human rights violations committed by AFP and PNP. The so called “Red-Baiting” or “Red-tagging” has become a systematic practice which precedes the criminalization of HRDs, aiming to silence them.¹⁸³ In particular, land rights defenders fall victim to Red-baiting. The 86th Infantry Battalion of the AFP operating in the northern Cordillera region has labeled 16 HRDs as “target persons” due to their suspected affiliation to the NPA. Twelve of these by name listed HRDs were recorded as members of “farmer organizations”.¹⁸⁴ It was further reported that they are more easily labeled as NPA members because of their rural and isolated location. As the NPA mostly operates in rural areas, land rights defenders stated that their geographical proximity to NPA presence makes them easy suspects.¹⁸⁵

On Sicogon and Leyte, the present study suggests that male farmer leaders are more likely to become labeled as “leftists”, “terrorists” or “reds”.¹⁸⁶ Out of the six male interview partners, two have been publicly announced as NPA members. Another male participant was approached by an unknown man threatening him that his “leftist attitude” puts him

¹⁸¹ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

¹⁸² IPON, 2014.

¹⁸³ Ibidem.

¹⁸⁴ IPON, 2014.

¹⁸⁵ Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016./ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

¹⁸⁶ Ibidem.

and his family in danger.¹⁸⁷ All three cases were followed by trumped-up charges such as illegal cutting, trespassing, theft and unlawful possession of fire arms.¹⁸⁸ The experiences of other Philippine WHRDs contradict the assumption that men are more at risk of being red-tagged. For instance, Zara Alvarez and Anecita Roja are two WHRDs who suffered from red-baiting and were falsely accused of murder and robbery.¹⁸⁹ However, Zara Alvarez and Anecita Roja were not red-tagged in the context of land defense. Taking previous findings into account, the local and gendered context of peasant communities, in which men are more likely to be physically attacked and spend most of their time outside on the field, might lead to the cautious conclusion that peasant men fall easily victim to red-baiting practices. Here, more evidence would be needed to support this assumption.

5.3. Intimidation and coercion

Killings, physical assaults, death threats, trumped-up charges and defamation are all part of a strategy to weaken the courage and resources of farmer movements. In many cases more subtle methods of intimidation such as surveillance or verbal/written threats have rendered the daily lives of peasant leaders very challenging:

As a leader you are more exposed to risks. Late last year I had people following me wherever I went, especially at night. I found letters and notes around my house but I never saw anyone. No one threatened to kill me but all the time you know someone is watching you. How can you live like this?¹⁹⁰

Creating an environment of terror in which activists constantly expect harassments and attacks is a widespread strategy applied by land owners and corporations in the Philippines. The overall aim is to discourage farmer leaders from pursuing their activism and to demoralize peasant movements.¹⁹¹

On Sicogon only the two male interview partners have experienced threats of physical violence as acts of intimidation. Instead, female farmer

¹⁸⁷ Ibidem.

¹⁸⁸ Interview with Barangay Chairman, Male, Buaya, 10 June 2016.

¹⁸⁹ IPON, 2014.

¹⁹⁰ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

¹⁹¹ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.; KARAPATAN, 2015.

leaders in both research locations have emphasized hostile actions which aim to weaken the resources of the community as a whole. For instance, the landowner in the municipality of Ormoc, Leyte, tried to wear down the agrarian reform beneficiaries by encouraging his tenants to destroy their houses and crops. On Sicogon Island, a women leader describes how SIDECO security guards prevented her family from harvesting the fruits they planted and how they humiliated her:

My parents and grandparents planted coconut trees and mangos. They were ripe but they didn't dare pick them. So my husband said he would go with them. I was scared for him so I came along as well. But the security guards came and took us as a family. They brought us to their "malacana," their "headquarter". They made us sit down in front of them and repeat: "This is not our place, this is not our land. So we can do whatever we want to you." Luckily they didn't hurt us. That time all they wanted is to make us feel small.¹⁹²

In 2013, after the houses and crops of the peasant communities on Leyte and Sicogon were totally destroyed by typhoon Yolanda, the precarious humanitarian situation rendered peasant movements even more vulnerable to attempts of intimidation and coercion. This is most noticeable on Sicogon Island where interview partners felt that their helplessness was exploited after the typhoon.¹⁹³ Under the "Yolanda Assistance Plan" (s. Part 2, Ch. 1.3.) *Ayala Land* was in charge of providing the people of Sicogon with rehabilitation services. Interview partners reported that the local government prevented international humanitarian organizations from providing further assistance because it was already covered by *Ayala Land*.¹⁹⁴ The interview partners on Sicogon feel that their dependence on external help after the typhoon enabled *Ayala Land* to push forward its own business plan.¹⁹⁵ The inhabitants of Sicogon were offered "help" by choosing between two options: First, they could receive 150,000 PHP if they moved out from their plot of land and completely destroyed their houses. Second, they could move to the mainland where *Ayala Land* provided a small house for free.¹⁹⁶ Some inhabitants of Sicogon, in particular those who had always entirely

¹⁹² Interview with BUFFA Secretary and Leader of Women's Association San Fernandez, Female, Buaya, 10 June 2016.

¹⁹³ Interview with BUFFA President, Male, Buaya, 10 June 2016.

¹⁹⁴ Ibidem.

¹⁹⁵ Ibidem.

¹⁹⁶ RIGHTS, 2015, p. 7.

relied on fishing and therefore had little chances to receive a CLOA title, accepted one of the offers. But most members of Sicogon’s farmer associations insisted on their land rights under the agrarian reform. In cooperation with the DAR, *Ayala Land* pressured the resisting farmers to accept a “win-win” solution. This Framework Agreement entitles the CLOA applicants to a donation of only 40 hectares instead of receiving the potential 334 hectares which have been qualified as agricultural lands. They would be allowed further 30 hectares to stay on the island but would all have to relocate to San Fernandez.¹⁹⁷

Even though the farmers did not consider the agreement’s conditions as fair, it had already been signed and accepted by the farmer leaders. Interestingly, interviews on Sicogon suggest that men and women conceded to the agreement for different reasons. All three female interview partners explained to have accepted the agreement because it seemed the only option to sustain their families and stay on the island.¹⁹⁸ Instead, the three male participants¹⁹⁹ referred to their physical safety:

The Agreement is not a “win-win” solution, it is actually implementing injustice. But we don’t have a chance, it is not possible to live in this unsafe environment. (...) It was a good moment to accept the agreement. We cannot take more violence, I don’t know if they have any limits... But so far the “win-win” solution makes us feel safer, it got better now and that’s our only option. It’s our only chance to live here peacefully.²⁰⁰

This complies with the concern of women land rights defenders that their husbands are more at risk of being physically attacked. Even though in different contexts, in both peasant communities on Sicogon and Leyte, women experienced intimidation as threatening the resources necessary to ensure the survival of families. Thus, the traditional role of women in planning meals, budget and family life seems to frame their perception of threats and might lead to decisions different from those of their male colleagues or husbands.

¹⁹⁷ RIGHTS, 2015, p. 7.

¹⁹⁸ Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016./ Interview with BUFFA vice president, Female, Buaya, 11 June 2016./ Interview with BUFFA Secretary and Leader of Women’s Association San Fernandez, Female, Buaya, 10 June 2016.

¹⁹⁹ Interview with FESIFFA President, Male, Alipata, 10 June 2016./ Interview with Barangay Chairman, Male, Buaya, 10 June 2016./ Interview with BUFFA President, Male, Buaya, 10 June 2016.

²⁰⁰ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

6. CONCLUSION

This chapter has pointed out that even though the legal framework in regard to gender equality and land access is very progressive, traditional gender roles persist and can discriminate the access of women to land. Therefore it is all the more surprising that women are at the forefront of land rights activism, occupying up to 80% of leadership positions in the peasant movements on Leyte and Sicogon. To some extent, the strong representation of women land rights activists contradicts the traditional gender model because women are influencing decision-making in the public sphere. However, interviewed women leaders did not base their work on feminist ideas or an emancipatory understanding of activism. Instead, the qualitative data rather indicates practical reasons for the strong female participation. First, the traditional labour division between genders allows women a flexible time management which is more easily combined with organizing the land struggle. Furthermore, women interview partners pointed out that “typically female” qualities such as good listening or communications skills, patience and non-violence make women more successful leaders than men. Secondly, women are less at risk of being physically attacked. Consequently, they tend to take on leadership positions because they fear that husbands or male colleagues might be targeted. This protective element of gender identity seems to be valid for other human rights violations commonly used to silence Philippine land right defenders such as judicial harassment and political defamation. In this respect, however it needs to be emphasized that other cases of Philippine WHRDs indicate that women are equally targeted by trumped-up charges and red-baiting. In regard to coercive practices and intimidations, the main concern of female interview partners was the survival of their families. They therefore emphasized the effects of landowner strategies which aim to intimidate the farmers by destroying livelihoods and crops. This became a particular issue of concern after typhoon Yolanda and caused the farmer leaders on Sicogon Island to accept an agreement with SIDCO instead of insisting on the land areas qualified as agricultural land. Male interview participants repeatedly mentioned their physical safety as first concern when experiencing intimidations.

In line with long standing gender traditions women are perceived as more vulnerable which is why men are less likely to hurt them. But the application of traditional gender roles leads to a paradox: One the one

hand, gender roles strongly shape the land right movements and are constantly reconstructed. On the other hand, gender stereotypes, such as the vulnerability of women, strengthens female representation in leadership positions which concedes a considerable powerful influence to women.

Thus, the way in which the traditional gender model on Leyte and Sicogon has been interpreted, strongly contradicts the image of “passive victims” which is often attributed to WHRDs. Moreover, interview partners did not encounter gender-specific risks and threats such as sexual violence or gender stereotyping. (s. Part 1, Chapter 1.3.) Even though this should not claim absoluteness, the data derived from present interviews suggests that women land rights defenders on Leyte and Sicogon have been primarily targeted because of their activism and not because of their gender identity.

3.

“WHO WILL PROTECT US?” EXPLORING PROTECTION
OBSTACLES AND SAFEGUARD STRATEGIES

1. PROTECTION OBSTACLES

This case study has made it evident that women land right defenders operate in an extremely dangerous context. The following chapter will analyze the context in which the risks and insecurities of women land right defenders are embedded and will be scrutinized more closely.

1.1. Local power relations and networks: The Department of Agrarian Reform

Franco (2011) examines the plural-legal environment in Philippine rural areas. She concludes that many landowners have an easy job to manipulate the CARP procedure because farmers lack information and knowledge about their benefits.²⁰¹ In that respect, typhoon Yolanda was an eye-opener for many farmers. The disaster revealed how misinformation had undermined the agrarian reform process for years. For instance, in the municipality of Carigara on Leyte, the DAR had accepted tax declarations as lawful replacement for land titles. This led to confusion among reform beneficiaries and caused land disputes not only between landlords and tenants but also between private small scale farmers, which created a “poor versus poor situation”.²⁰² In Ormoc, reform beneficiaries were simply denied the distribution of CLOA titles. All interview partners from Leyte emphasized that Yolanda was a turning point for their struggle in terms of awareness and necessity.

²⁰¹ Franco, 2011.

²⁰² RIGHTS, 2015, p. 11.

In particular, the precarious situations families were facing after the typhoon motivated female farmers to participate in the movement because without a rightful land title many international NGOs denied reconstruction help.²⁰³

All interview participants on Leyte suspect that the local DAR is deeply involved in deceptive and corruptive activities and is the main party responsible for the “well designated lack of CARP implementation”.²⁰⁴ Franco (2011) observes a pattern of wilful misconduct in the Philippine rural areas. Landowners participate in an informal network based on the fraudulent cooperation among local authorities and land controlling elites. Such networks enable land owners to successfully manipulate judicial procedures, delay the processing of CLOA applications or prevent rightful beneficiaries from entering and farming the land.²⁰⁵

Agrarian reform beneficiaries on Leyte suspect the local DAR officials to “somehow benefit from the undistributed land areas.”²⁰⁶ The mistrust and anger that land right defenders feel in regard to the DAR puts them in a difficult situation, because they are dependent on the favour of local officials. Farmer leaders stated that confronting the DAR is a sensitive task as “no one really knows what the DAR is doing, who is involved and who gets something out of their procedure”.²⁰⁷

An evaluation report prepared by the farmer leaders and submitted to the provincial DAR office generally rated the DAR’s performance as “poor”. The main point of critique was the non-provision of legal services and dispute resolution.²⁰⁸ This correlates with the overall agreement that the DAR is too “weak” to implement the agrarian reform.

The DAR is too weak to implement the CARP law. The DAR personnel refuses to come here to our island because they don’t want to be involved in the conflict. Maybe they are also scared to be targeted themselves.²⁰⁹

The narratives of interview participants confirm Franco’s (2011)

²⁰³ Babie

²⁰⁴ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

²⁰⁵ Franco, 2011.

²⁰⁶ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

²⁰⁷ Interview with President of Farmers Association Camansi, Female, Camansi, 27 May 2016.

²⁰⁸ Evaluation Report submitted to the Provincial DAR office, 28 May 2016.

²⁰⁹ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

findings of para-legal networks as obstacles. The local power relations in which the DAR on Leyte and Sicozon is embedded significantly complicate the implementation of the CARP and create loopholes in which human rights violations can occur.

1.2. *A climate of impunity*

The Philippine public security forces, namely the PNP and AFP, are meant to protect HRDs. Even though they cannot directly interfere with the process of land distribution, they are crucial for HRDs, especially if they risk to be physically attacked. But the reports of national and international human rights organizations as well as the statements of interview partners point out that national security forces are either too weak to provide effective protection or are themselves involved in human rights violations.²¹⁰ Other than trumped-up charges and political vilification, extra-judicial killings and cases of torture go unpunished which results in a general “culture of violence and impunity”.²¹¹ The impunity Index, released by the Committee for the Protection of Journalists (CPJ) ranks the Philippines in place four worldwide.²¹² Even though the index refers to extra-judicial killings of journalists, it illustrates the high level of impunity in which the work of HRDs, in this case journalists, is embedded. In this regard, the *Maguindanao massacre* in 2009, which was the deadliest attack on journalists ever recorded, caused an international outcry as until today none of the perpetrators has been convicted.²¹³

1.2.1. *The Judiciary*

The PNP’s failure to investigate and prosecute human rights violations is connected to a poor legal administration. Prosecutors and PNP officials do not cooperate effectively and delay investigations.²¹⁴ The Judiciary lack information and training in interpreting new laws and implement rule of law in a complex and corruptive environment.

²¹⁰ KARAPATAN, 2015., The Observatory, 2015.

²¹¹ The Observatory, 2015, p. 11.

²¹² CPJ, 2015.

²¹³ CPJ, 2015. On 23 November 2009, 26 civilians and 32 journalists were killed by political opponents in the region of Maguindanao, situated on the southernmost Philippine island, while travelling on their way to an election meeting.

²¹⁴ The Observatory, 2015, p. 14.

This applies in particular to the prosecution of human rights violations against land right defenders whose work confronts local power relations and networks. Witnesses are reluctant to reveal information because they fear to be targeted themselves or generally mistrust local authorities. Consequently the judiciary does not process on land conflicts and contributes to a climate of impunity in which human rights violations by landowners go unpunished.²¹⁵ The case of murdered women land right defender Elisa Tulid in 2013 portrays this problem. So far, her husband and daughter who witnessed the killing do not want to give testimony. And even though Elisa Tulid received several threats and harassments, which were obviously connected to her activities in opposing the powerful landowner, neither PNP nor the judiciary initiated any investigation in this respect. Consequently, only the gunman who killed Elisa Tulid is facing trial while the actual “mastermind” in this murder case remains untouched.²¹⁶ The same applies for the murder case of Thelma Padios on Sicogon Island. Even though the alleged perpetrator has been arrested and is facing his trial, interviewees report to have seen him at large on the mainland.²¹⁷

1.2.2. *Public security forces*

The Philippine government repeatedly conceded that the PNP lacks training to effectively investigate human rights violations and that a comprehensive witness protection program needs to be developed. Furthermore, a lack of control over the complex security situation, particularly in rural areas, where private armed forces and militias operate aggravates the level of violence.²¹⁸ In this regard, the proclaimed war against terrorism, in particular the *Oplan Bayanihan Program* (OBP) (s. Part 2, Ch. 5.2.) contributed to the militarization of rural areas. Under the OBP the state supported the creation of *Citizen Armed Force Geographical Unit* (CAFGU) and the *Local Government Units* (LGUs). In an environment of militarization and impunity, gender-based violence committed by security forces often remains hidden. The Alliance of Filipino Women (GABRIELA) particularly charges CAFGUs for acts

²¹⁵ Ibidem.

²¹⁶ IPON, 2016b.

²¹⁷ PROGRESO, 2008.

²¹⁸ The Observatory, 2015, p. 12.

of gender-based violence.²¹⁹ CAFGUs often operate in rural areas and are easily used to intimidate farmer communities on behalf of powerful landowners or corporations.²²⁰ The Security personnel of SIDEKO was identified as CAFGU as it attended trainings organized by SIDEKO and the 601th Infantry Battalion of the AFP.²²¹ So far none of SIDEKO's security guards has ever been convicted for the human rights violations suffered by the agrarian reform beneficiaries.²²² The context in which women land right defenders operate and the prevailing climate of impunity, particularly for public security forces, imply that gender-based violence can be an additional risk to women land right defenders. Even though, gender-based violence have not been reported in this case study, land right defenders operating in Mindanao have experienced sexual harassments and rape.²²³

The Philippine government has attempted to hold security forces more accountable and established a Human Rights Unit within the PNP and AFP. Additionally the government has tried to improve the human right framework to address violations committed by security forces, adopting a new *Anti-Torture Law*, the *Anti-Enforced or Involuntary Disappearance Act* and a special investigation task force.²²⁴ However, in its 2015 Report the Observatory's fact-finding mission regrets that the government's initiatives to tackle impunity and strengthen respect for human rights in security operations so far lack practical evidence. An effective witness protection program and PNP trainings in investigative and forensic skills have not been established. In fact, according to the fact-finding mission the AFP's Human Rights Officer admitted that no AFP member has ever been prosecuted for extrajudicial killings or torture.²²⁵

Land right defenders, already in a vulnerable position as their activism is challenging local power relations and corruptive networks, are particularly concerned by this culture of impunity. The PNP's failure to effectively protect land right defenders at risk can create a dangerous dilemma for land right defenders. In order to keep her family safe, a

²¹⁹ GABRIELA, 2012.

²²⁰ PROGRESO, 2008.

²²¹ Ibidem.

²²² Ibidem.

²²³ Hereopoetri, 2015, p. 4.

²²⁴ The Observatory, 2015, pp. 13-14.

²²⁵ The Observatory, 2015, pp. 12-13.

female interview partner reported to have collaborated with the NPA:

Before Yolanda I received a lot of harassments and was scared for my family. I needed to protect them and that's why I started to work for the NPA. I did some shopping or paperwork for them because the NPA needs to hide their face. (...) It worked very well, people hear my name and didn't touch my family because they know the NPA is behind me. But then I received death threats from the military. They called me "the most wanted terrorist of ---" (name of town - anonymised) on the radio. But I needed to serve the NPA so they don't shoot me.²²⁶

No other interview partners reported to have collaborated with the NPA for safety reasons. But regardless of gender, all participants expressed their mistrust in the local PNP. On Leyte the major reproach to the PNP concerned the authority's passivity and tardiness in processing agrarian reform related requests. In many cases the in-action of the PNP represents a direct obstacle to the successful implementation of the CARP. In order to effectively implement a CLOA title, the DAR and a special unit of the police need to attend the official installation procedure.²²⁷ As witnessed during the field trip and reported by interviewees, the PNP and DAR often fail to attend officially planned installations. As a result, reform beneficiaries try to conduct a "self-installation" without the protection of DAR and PNP. Members of the *Bugho Farmer's Association* (BFA) on Leyte received their CLOA titles in 1998. Since then they have tried to conduct a self-installation several times. Their efforts to plant rice and build houses have been undermined by the opponent tenants and their landlord who destroyed their crops and houses and threatened them with violence. But as self-installations were accompanied by threats and the demolition of newly planted crops and houses by the opponent tenants and their landlord, BFA members had to withdraw from the land.²²⁸ A common wordplay interviewed BFA farmers used to describe the performance of the PNP was calling them "TNT" instead which is short for "*tago ng tago*" and means "those who are always hiding".²²⁹

²²⁶ Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016.

²²⁷ PROGRESO, 2008.

²²⁸ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

²²⁹ Group discussion, Ormoc, 31 May, 2016.

2. THE PERFORMANCE OF PROTECTION MECHANISMS

The risks and insecurities of women land right defenders are aggravated by a climate of impunity and corruption which *de facto* undermine the protective function of state forces. The HRD framework outlined in Part 1 is meant to balance such shortcomings, monitoring the situation of defenders, advocating for their human rights work or directly providing support and protection. This chapter will analyze how the interviewees on Leyte and Sicogon understand and use national and international protection mechanisms available to them.

2.1. *The Philippine Commission on Human Rights*

The establishment of the Commission on Human Rights (CHR) as a national human rights monitoring body is enshrined in the 1987 Philippine Constitution.²³⁰ According to Executive Order No. 163 the CHR is mandated to investigate human rights violations, monitor the compliance of state action and laws with international human rights standards and directly assist victims of human rights violations.²³¹

Internationally, the CHR's performance is considered as overall positive. The *International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights* (ICC), rates National Human Rights Institution (NHRIs) according to their compliance with the Paris Principles.²³² As of January 2016, the CHR has been certified with an "A-Status". Also in comparison to other NHRIs in the region such as Myanmar and Thailand which received only a "B-Status", the ICC evaluation suggests a generally good performance of the CHR.²³³

The strong investigative mandate of the CHR, which equips the agency with an independent investigation office and a forensic unit, make it an important factor in tackling impunity. According to the Observatory,

²³⁰ Executive Order No. 163, Section 1.

²³¹ Executive Order No. 163, Section 3.

²³² The Paris Principles were adopted by the UN General Assembly in 1993 and set out an international standard for NHRIs to protect and promote human rights. For more information see: www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf [Accessed: 07 July 2016]

²³³ ICC, 2016. "A-Status" is accredited to NHRIs which fully comply with the Paris Principles.

the CHR stated that it received 263 complaints in regard to human right violations which are related to public security forces.²³⁴ However, the Observatory's fact-finding mission learnt that most of the complaints related to extra-judicial killings and enforced disappearances did not result in a successful investigation and remain unresolved. The CHR stated that it was not able to contribute with substantial investigations.²³⁵

During the 13th Universal Periodic Review session in June 2012, the Philippine government emphasized its commitment in training security forces in their compliance with human rights and the protection of human rights defenders, acknowledging that there are still substantial shortcomings in this regard.²³⁶ In discussion with the Observatory's fact-finding mission, the CHR regretted that its independence is limited by financial and organizational restraints which are increasingly determined by the government.²³⁷ In regard to the protection of HRDs, the findings of the 2015 fact-finding mission and the narratives of interview partners on Leyte and Sicomog point to substantial weaknesses of the CHR. The fact-finding mission noted that "for now, human rights defenders advocating for land right are faced with grave risk to their life" and points to cases in which land right defenders have approached the CHR but did not receive any reply or action.²³⁸

Interview partners on Leyte showed little awareness of the CHR and its functions. In contrast, interviewees on Sicomog Island approached the CHR as far back as in 1999 when the first wave of harassments, mostly in form of demolition of houses and properties, started after the DAR qualified land areas on Sicomog as agricultural land. That time, according to one of the interviewees, the CHR provided legal training and assistance in filing 45 cases against SIDECO.²³⁹ After the murder of Thelma Padios in 2008, the interviewed farmer leader approached the CHR. As a result the CHR issued a *writ of amparo*, a special remedy available for HRDs which was established by the Supreme Court mainly to prevent extrajudicial killings and enforced

²³⁴ The Observatory, 2015, p. 17.

²³⁵ Ibidem.

²³⁶ UPR 13th session, June 2012, reviewed in 2nd cyclen Available at: http://www.upr-info.org/followup/index/page/13th_UPR_session [Accessed: 07 July 2016]

²³⁷ The Observatory, 2015, p. 17.

²³⁸ The Observatory, 2015, pp. 32-33.

²³⁹ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

disappearances.²⁴⁰ The *writ of amparo* entails a Temporary Protection Order and a Witness Protection Order which provide for protective measures to be implemented either by a government agency or another accredited institution.²⁴¹ In practice the protection measures initiated by the *writ of amparo* usually rely on the collaboration with PNP or AFP. IPON has documented and accompanied cases where HRDs at risk refused to make use of the *writ of amparo* as the presence of public forces made them feel even more at risk.²⁴² The case of women land right defender Evangeline Silva indicates substantial shortcomings in implementing an effective Protection Order after the *writ of amparo* has been released. According to IPON, Evangeline Silva reported that the local PNP successfully manipulated her protection and placed her security guard so far away from her house that the Protection Order was basically ineffective.²⁴³

The same applies for Sicogon Island where the CHR did not realize any follow-up action after issuing the *writ of amparo*:

The writ of amparo is only a piece of paper. There is no PNP or Army here. On the one hand that is a problem. They are responsible for protecting us and they ignored our request to come here even though we told them everything that happened. On the other hand it is better. They were not assisting us in all those years so we shouldn't trust them.²⁴⁴

Another protection obstacle for land right defenders is the CHR's reluctance to intervene in land conflicts. According to RIGHTS secretary Danny Caranza, the CHR was more or less inactive on land rights related conflicts until the agency's president changed in 2011. Danny Caranza regrets that the CHR is not encouraging the CARP implementation sufficiently and points out that they only intervene if land conflicts lead to serious human rights violations.²⁴⁵ From a CHR perspective, the intervention in land disputes needs to be weighed up carefully in advance. The CHR's impartial role as a human rights monitoring body might be doubted. "*The DAR is mandated to determine the right to land*

²⁴⁰ Supreme Court Philippines, A. M. No. 08-1-16-SC, 22 January 2008, Section 1.

²⁴¹ Supreme Court Philippines, A. M. No. 08-1-16-SC, 22 January 2008, Section 14.

²⁴² IPON, 2015.

²⁴³ IPON, 2016a.

²⁴⁴ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

²⁴⁵ Interview with Danny Carranza, RIGHTS country coordinator, Manila, 17 May 2016

of individuals and should deal with any complaints first”.²⁴⁶ In this regard, the CHR Regional Officer in Tacloban, Attorney Nascino, conceded that the complex legal situation in which many land conflicts are embedded complicates the positioning of the CHR because it is difficult to determine who the rightful owner is.²⁴⁷ As mentioned before, Franco (2011) and the narratives of interview partners suggest that para-legal networks, corruption and local power relations significantly limit the DAR’s agency. Therefore, in respect to land conflicts, the allocation of responsibilities between DAR and CHR is likely to play into the hands of powerful landowners and corporations, creating loopholes for human rights violations and impunity.

2.1. *International protection mechanisms*

Part 1 of this thesis showed that among UN Special Procedures and regional human rights regimes, global awareness on land right defenders is increasing. So far, the Philippine Government has not accepted the request of Michel Forst, UN Special Rapporteur on the situation for human rights defenders, to conduct a country visit.²⁴⁸ Nevertheless, the alarming situation of Philippine land right defenders has not gone unnoticed by the international human rights community. In this regard, the killing of indigenous leaders of the *Lumad tribe* caused the UN Special Rapporteur on human rights defenders and the UN Special Rapporteur on the situation on indigenous people to express their concern.²⁴⁹ Also human rights violations against indigenous people in the context of extractive industries on Mindanao, where most of the country’s resources are allocated, increasingly receive international attention. Especially the reports of international NGOs highlighted the extremely vulnerable situation of indigenous land right activists in Mindanao, which is often complicated by the region’s ongoing conflict.²⁵⁰

²⁴⁶ Interview with Attorney Nascino, Commission of Human Rights Regional Officer, Tacloban, 26 May 2016.

²⁴⁷ Ibidem.

²⁴⁸ A/HRC/31/55, 1 February 2016, para 11.

²⁴⁹ OHCHR, 2015. See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16481> [Accessed: 14 July 2016]

²⁵⁰ KARAPATAN, 2015., The Observatory, 2015.

In contrast, the present case study suggests that land right activists, who do not belong to an ethnic minority and are operating in the context of agrarian reform implementation, have received little attention from the international human rights community. Concerning an effective work methodology under UN Special Procedures, the *International Service for Human Rights* (ISHR) recommends cooperation with national CSOs. Usually UN bodies determine human rights issues and locations of concern prior to country-visits, relying on findings of national CSOs, Universal Periodic Review (UPR) sessions and shadow reports.²⁵¹ Consequently, a high level of organisation and resources is necessary to obtain the interest and attention of UN Special Procedure delegations. This case study suggests that isolation in terms of geographical location and information hinders the access of interviewees to high-level actors such as UN Special Rapporteurs. Interview participants on Sicogon Island emphasized that the lack of internet connection and phone coverage on the Island makes it difficult to communicate.²⁵² None of the interview participants on Sicogon Island has a private e-mail address. Moreover, the high cost to leave the island was emphasized as additional obstacle in setting up a network with international stakeholders.²⁵³ According to RIGHTS secretary Danny Caranza, so far none of the farmer associations has tried to make use of UN Special Procedures. In his view, the international HRD framework offered little potential for peasant land right activists:

What the farmers need is immediate protection. There is no point in contacting the UN, it is too time consuming, too bureaucratic and too far away.²⁵⁴

Even though UN mechanisms, in particular individual complaints procedures and the work of UN Treaty Bodies, have been used successfully by land right defenders in other parts of the world (s. Part 1, Ch. 1), the context in which land right defenders operate hinders the systematic and effectiveness of such procedures. In that respect, reporting on the global situation of land right defenders, the Observatory concedes that

²⁵¹ ISHR, 2015, p. 14.

²⁵² Interview with BUFFA President, Male, Buaya, 10 June 2016./ Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016.

²⁵³ Interview with BUFFA President, Male, Buaya, 10 June 2016

²⁵⁴ Interview with Danny Carranza, RIGHTS country coordinator, Manila, 17 May 2016.

certain conditions, for instance the exhaustion of domestic remedies before filing an individual complaint, render this strategy useless if a situation requires immediate support.²⁵⁵

The same applies for the EU delegation in Manila, which has been monitoring the case of the afore-mentioned HRD Zara Alvarez. Compared to UN bodies, the EU delegation is geographically close and well aware of agrarian reform-related human rights abuses in the Philippines. However, so far the EU has supported peasant land right defenders by financing development projects in rural areas.²⁵⁶ The EU delegation's programme officer Mr. Raynera emphasized that the EU fully recognizes land right defenders as HRDs, stating that "traditional" and "non-traditional" HRDs are not treated differently. However, in contrast to other HRDs such as Zara Alvarez, the EU has not supported land right activists individually, for instance through trial monitoring or advocacy work.²⁵⁷ Peace Brigades International (PBI), an NGO which support HRDs through accompaniment and advocacy in different parts of the world, have pointed out that the access to protection mechanisms risk becoming dependent on the environment and context in which the HRD is operating. According to PBI, at the expense of HRDs working at a community level in isolated areas, more professionalized and well-connected HRDs are more likely to be supported.²⁵⁸ Bennett (2015) further identifies defenders in geographically isolated regions as likely to be excluded from protection mechanisms and calls for more research evaluating the potential of the HRD framework for marginalized groups.²⁵⁹

3. GENDERED PERCEPTIONS OF SECURITY

In respect to protection mechanisms under the HRD framework, academics and Special Rapporteur Michael Forst have called for a

²⁵⁵ The Observatory, 2014a, p. 107.

²⁵⁶ Raynera, M., E-Mail Communication, 27 June 2016. Mr. Raynera refers to a development program, implemented by a Czech NGO. See: <https://www.clovekvtisni.cz/en/humanitarian-aid/country/philippines>

²⁵⁷ Raynera, M., E-Mail Communication, 27 June 2016.

²⁵⁸ PBI, 2012, p. 14.

²⁵⁹ Bennett, 2015, p. 889.

holistic understanding of security.²⁶⁰ The security needs of vulnerable groups, such as WHRDs, require particular attention and research. This case study demonstrated that national protection mechanisms in the Philippines are weakly implemented and consequently have a very limited impact on the situation of land right defenders. Furthermore, in line with protection strategies deriving from the HRD framework, the response of Philippine human rights authorities first of all aim to ensure physical safety. The little awareness and appreciation of female interviewees in regard to the work and presence of the CHR, and the general mistrust towards PNP and AFP demonstrate that women land right defenders see little potential in state related protection strategies. All female interviewees regarded their gender identity as an advantage in confronting landowners and organizing a peaceful land rights struggle. Concerns of physical attacks were rather mentioned in respect to husbands and male colleagues. Nevertheless all female interviewees based their strong participation in the struggle on a traditional model of labour division and gender characteristics. (s. Part 2, Ch. 4.2.) Therefore, a gender sensitive approach needs to understand and frame *security* in the gendered realities of WHRDs.

3.1. Understanding security in the context of typhoon Yolanda

The needs and insecurities of the interviewees in their role as both women activists and farmers were demonstrated in their understanding of international actors. Support of “outside forces” was not articulated in terms of advocacy and awareness-raising. Nevertheless, interview participants emphasized that especially since the typhoon “outside forces” were crucial in ensuring their safety. Expectation on international actors was articulated as support in terms of “financial contributions”, “providing Carabaos and seeds” or “construction material for boats and houses”. Particularly on Leyte the humanitarian intervention of international actors was perceived as a crucial contribution not only to ensure the survival of families, but also to strengthen the farmer’s land rights struggle:

After Yolanda we were very weak. We needed every help because everything

²⁶⁰ A/HRC/31/55, 11 February, 2016.; AWID, 2014., Barcia,2014.

was demolished.(...) The International Red Cross came here and they built this house for us. Now we have meetings here and organize our struggle. We are stronger now than before it (Yolanda) happened.²⁶¹

Agreeing with the voices criticizing the narrow approach to security under the HRD framework, Harding (2015) points out that human rights actors can broaden their perspective by learning from the humanitarian and development sector. (CAHR) In fact, the narratives of interview participants confirm that support in terms of finances and material was perceived as more beneficial. Security was articulated in terms of “food for our family”, “the future of next generations” and “money for educating our kids”²⁶². Again, the narratives of the interviewed women point out that safety is not understood in the physical integrity of an individual but in terms of access to resources. In that respect, the interviewed women on Sicogon awarded less potential to human rights actors such as the CHR than to male activists. While men described the institutional support of the CHR as beneficial in reducing the violence on the island, women emphasized that “the CHR didn’t help much, they just came here, asked some questions and left”²⁶³.

On the other hand, the potential support of humanitarian development actors is not tailored to support and protect land right defenders. This was demonstrated in the aftermath of typhoon Yolanda when some interviewees faced significant disadvantages in receiving humanitarian help because they could not prove their legal ownership of the land. Again, female interviewees in particular emphasized the lack of humanitarian support as a major safety concern weakening their capabilities as mothers, activists and housewives. RIGHTS secretary Danny Caranza sees the reason for this dilemma in the short-sighted and ambiguous approach to land rights:

International actors don’t have a deep appreciation of what land means to farmers and see land as a political issue which will not be resolved in 3-5 years. Humanitarian NGOs are looking for short time commitments and solutions. Resources are poured into the surface. NGOs don’t provide land right movements with the necessary support they need to pursue the fulfillment

²⁶¹ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

²⁶² Interview with BFA Farmer Leader, Male, Ormoc, 01 June 2016./ Interview (c) with BFA Member, Female, Barugo, 31 May 2016.

²⁶³ Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016.

of land rights and continue their struggle. This is a paradox, land right is a key right for other human rights and HR NGOs ignore it.²⁶⁴

According to Danny Caranza, land rights and movements promoting access to land experience little support from the international human rights community. In his opinion this is also noticeable in the reluctance of donors to support NGOs which strengthen land right movements.²⁶⁵ Assessing the relation between HRDs and human rights NGOs, Petranov (2011) concludes that support in term of protection is largely understood as an emergency response. International and national NGOs often fail to develop long-term, preventive protection strategies based on exchange with HRDs themselves. This lack of information on the specific protection needs of defenders affects how donors allocate financial resources. As a consequence, NGOs in the field are unable to react to the dynamic protection needs of HRDs.²⁶⁶

The situation of women land right activists, for whom access to land is the main source of security, the focus on emergency response and physical safety does not address their major issues of concern. In that respect, Bennett (2015) is proved right noting that the HRDs framework is vulnerable to creating protection gaps if the understanding of security between national and international actors and defenders is drifting apart.²⁶⁷

3.2. Gendered insecurities

The case study showed that women land right activists base their strong participation on traditional gender model. However, the movement does not aspire to feminist ideas in terms of gender equality. Women referred to practical labour division among genders, the advantage of women to encounter less physical attacks and women's strong communication and negotiations skills as reasons for their agency in the struggle for land. "*Our struggle is not a choice*", was a statement

²⁶⁴ Interview with Danny Carranza, RIGHTS country coordinator, Manila, 17 May 2016.

²⁶⁵ Interview with Danny Carranza, RIGHTS country coordinator, Manila, 17 May 2016. In that respect Danny Caranza notes that in applications for financial grants, RIGHTS tries to frame their work in terms of development projects for rural poor and not as an NGO which coordinates the struggle for land.

²⁶⁶ Petranov, 2011, p. 34.

²⁶⁷ Bennett, 2015, 890.

women used to describe the reasoning for their participation.²⁶⁸ The narratives of women interviewees lead to the assumption that their gendered position in the struggle for land makes women particularly vulnerable to pressures and challenges which do not directly interrelate with physical safety. This case study illustrates that risks and insecurities of women land right defenders can follow more subtle forms than gender stigmatization or gender-based violence, which are perceived as the main gender-specific risks to WHRDs.²⁶⁹ The narratives of women land right defenders on Leyte and Sicogon have pointed to a variety of insecurities, which all women perceived as serious challenges. The following paragraphs summarize and structure the main concerns raised by interviewed women activists.

3.2.1. *Economic Resources*

All interview participants pointed out that the struggle for land is costly. Harassments often result in trumped-up charges which are followed by a trial. The costs for such trials represent a significant burden for the concerned farmer leader. Moreover, travel expenses to organize meeting or build up advocacy networks were mentioned by all interviewees. Another method used by land owners or his/her allies is the demolition of houses and crops. The farmer women in Ormoc pointed out that they lost their savings for seeds and construction material because opponents harvested the rice, stole their tools and demolished their houses.²⁷⁰ The uncertainty of land control in the conflicts on Leyte and Sicogon, which have been dragged over a long period of time, further complicate the development of small-scale business activities. Due to the resistance of land owners and the ineffective implementation of the agrarian reform, land areas, which can be currently used for farming, are too small to sustain a whole family and generate savings for other expenses such as education. As a consequence, most of the female interviewees need to find possibilities to earn additional money. An interviewee who is running a little “sari-sari”- store on Sicogon Island stated that it is challenging to plan expenses and investments:

The security guards came here many times and told me to stop my business.

²⁶⁸ Group discussion, five female interview partners, Ormoc, May 31 2016.

²⁶⁹ Barcia, 2014, p. 9.

²⁷⁰ Group discussion, five female interview partners, Ormoc, May 31 2016.

I am careful to keep it small because they might force me to go or demolish my store any time.²⁷¹

Agreeing with Reese's (2010) image of women as holding "the power of the purse"²⁷², most of the female interviewees stated that they are responsible for managing the family budget. Consequently, women were specifically concerned with the financial costs of the struggle. Combining the expenses for the struggle and the family's budget for food, farming, education and health required a lot of planning and caused preoccupation. In some cases, one member of the family, mostly a husband or son, had to work abroad in order to sustain the family in the Philippines. The absence of a family member was perceived as an additional burden in managing family and land rights struggles.

3.2.2. *Family*

For all interviewees, the survival and well-being of their family was the major source of motivation to pursue the struggle for land. Land, as expressed by one of the interviewees, "is the future of our children. We struggle for their rights too."²⁷³ On the other hand, the family gave reason for additional fears and concerns. Many women were constantly scared that their husbands might be attacked or engage in violent confrontations themselves. This fear also framed the strategies of the movement because women had to be cautious "not to create risks for our husbands and families"²⁷⁴.

Additionally, women have to justify their activism to family members. In particular the demand of their children, asking their mothers to stop fighting for the land were described as hurtful moments for women land right defenders because they felt "like a bad mother who doesn't care about their child's fear". In that regard, women further regretted having little time for their families.²⁷⁵

Another source of stress was the constant fear for family members, especially for husbands who are more at risk of being physically targeted. On Sicogon, the husband of an interviewee was followed by

²⁷¹ Interview with BUFFA vice president, Female, Buaya, 11 June 2016.

²⁷² Reese, 2010, p. 159.

²⁷³ Interview (a) with Member of Cogon Farmers Association, Female, Barugo, 27 May 2016.

²⁷⁴ Interview (a) with BFA Member, Female, Barugo, 31 May 2016.

²⁷⁵ Ibidem.

SIDECO security guards for days and decided to hide on the mainland. Consequently, his wife had to take over additional responsibilities on the farm.²⁷⁶

3.2.3. Health

Concerning women land right activists in Mindanao, a climate of militarization and conflict challenges the emotional and physical well-being of women land right defenders.²⁷⁷ The narratives of women interviewees on Leyte and Sicogon stressed that the planning and organizing of the movement required a considerable amount of time. *“The household, the family, my job and the struggle for land - I fight on more than one battle field”*, was the illustrative statement of one woman on Leyte.²⁷⁸ The fulfillment of their responsibilities as housewives and mothers was mentioned as a stress-factor. Two women reported suffering from health problems which they related to the stress as a farmer leader.²⁷⁹ Furthermore, concerns were expressed in regard to mental well-being. Due to the precarious safety situation on Sicogon, interviewees expressed their concern for their kids who “do not experience the island as a safe place and are scared to move around”²⁸⁰. In two cases, SIDECO guards pointed a gun at minors and threatened to hurt their families. According to the interviewed farmer leaders this caused a severe trauma for an 8 year old girl. As a consequence the family left the island but can still not pay for the needed psychological support.²⁸¹

Concerning indigenous land right defenders on Mindanao, women noted a “historical trauma” as an obstacle to a community’s sense of safety. Provoked by cultural suppression, land dispossession and violence of colonial power, this trauma can be passed on through generations and shape the identity and struggle of land right defenders.²⁸² The stories of women

²⁷⁶ Interview with BUFFA Secretary and Leader of Women’s Association San Fernandez, Female, Buaya, 10 June 2016.

²⁷⁷ Heroepoetri, 2015, p. 6.

²⁷⁸ Interview with President of Farmer’s Association Tigbao, Female, Carigara, 31 May 2016

²⁷⁹ Interview with President of Farmers Association Camansi, Female, Camansi, 27 May 2016./ Interview (a) with BFA Member, Female, Barugo, 31 May 2016.

²⁸⁰ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

²⁸¹ PROGRESO, 2008.; Interview with BUFFA Secretary and Leader of Women’s Association San Fernandez, Female, Buaya, 10 June 2016.

²⁸² UAF, 2010, p. 6.

interviewees do not reflect on cultural suppression. However, the unequal social relations between the rural poor and powerful elites, which can be traced back to colonial times, have been internalized. The interviewees repeatedly referred to themselves as the “we the small people”.²⁸³

4. PROTECTION STRATEGIES

The narratives of women interviewees demonstrate that the challenges they experience as most worrisome and damaging for their safety require a broad understanding of security. Human rights actors and humanitarian organisations are not able to address the complex protection needs of women land right defenders on Leyte and Sicoгон. Nevertheless, being at the forefront of the struggle for land, interview partners have developed strategies to improve their safety both on a personal and a community level. The variety of safety strategies of WHRDs worldwide have been described as *self-care*. Networks and NGOs promoting participation of WHRDs in defining protection needs, interpret *self-care* as a “feminist collective strategy” which aims to address the “intersectional context and conditions of patriarchal oppression”.²⁸⁴ Regardless of the right they are promoting, WHRDs are perceived and expected to challenge male domination and traditional gender models.²⁸⁵ However, in respect to WHRDs in South-America, it has been observed that the impact of gender discrimination in human rights movements tends to be neglected.²⁸⁶ It is evident that women land right activists in this case study do not intend to challenge the gendered context their agency is embedded in. Nevertheless, this does not exclude that their agency as women leaders indirectly strengthens gender equality and empowerment. In that respect, *self-care* is a helpful approach for this case study. Self-care recognizes non-formal, creative and instinctive strategies, which may be overseen by supporters and WHRDs themselves.²⁸⁷ Consequently, the self-care strategies used and reported by other WHRDs have served to interpret the narratives of interview partners and identify protection strategies.

²⁸³ Interview with President of Farmer’s Association Tigbao, Female, Carigara, 31 May 2016.

²⁸⁴ IM-Defensoras, 2013, p. 456.

²⁸⁵ Ibidem.

²⁸⁶ Ibidem.

²⁸⁷ Barry, 2008, p. 81.

4.1. *Solidarity*

For all WHRDs, be it in terms of remoteness or segregation, isolation is the most serious risk.²⁸⁸ This case study confirms that poverty, financial expenses, lack of phone coverage and internet access, geographical accessibility and a feeling of inferiority in regard to “powerful people in the cities”²⁸⁹ generate a disturbing feeling of insecurity and instability among women leaders. The most powerful and effective response to generating safety is to share feelings and challenges with like-minded people. The WHRD-IC perceives solidarity networks as the most powerful weapon WHRDs have because it enables women to build “their own capacity to respond at local level and for responding quickly to urgent situations.”²⁹⁰ This is particularly true for land right activists who often operate on a community level and can therefore easily expand a network relying on mutual support and trust. Moreover, local networks allow for a participatory concept of security, which can be defined by those who are affected.²⁹¹ Consequently, solidarity can manifest itself in many forms. Interpreting the narratives of women leaders on Sicogon and Leyte, it becomes clear that solidarity used as a strategic tool has great potential to tackle gender specific insecurities.

4.1.1. *Protect each other*

As outlined in (Part 3, Ch. 1.1.2.) public security forces have failed to protect land right activists on Leyte and Sicogon against human rights violations. Women and men have expressed their mistrust against PNP officials. However, as analyzed before, women have experienced mostly non-physical attacks, for instance the demolition of crops and houses, as very destructive. However, interviewees have reported that public authorities do not take such violations serious. An interviewee was laughed at when approaching the PNP after she received a letter threatening violence if she didn’t leave the land: “If it’s only a threat the police will laugh at you. To them you are only a joke.”²⁹² Before

²⁸⁸ Barry, 2008, p. 50.

²⁸⁹ Interview (b) with Member of Cogon Farmers Association, Female, Barugo, 27 May 2016.

²⁹⁰ Barcia, 2012, p. 7.

²⁹¹ Ibidem.

²⁹² Interview with President of Farmer’s Association Tigbao, Female, Carigara, 31 May 2016

approaching the police, women assess the seriousness of the incident and often decide not to waste time and resources by reporting it to the PNP.²⁹³ Instead, threats and daily harassments are discussed with fellow farmer leaders at regular meetings. Interviewees explained that it is very important to keep each other up to date about every incident, no matter how serious it is. This allows the farmer leaders to assess the general security situation and warn families and community members if there is a reason to be extra cautious. All interviewees agree that taking the personal feelings of each community member seriously is crucial.

Sometimes we become phobic and see dangers everywhere. (...) we have to take everything and everyone very seriously. (...) but sometimes we laugh because really everything is okay.²⁹⁴

Taking individual security concerns up to community level can also lead to strategies which directly aim to protect or hide a person. In some cases, in which women leaders themselves or other community members felt specifically at risk or have been threatened, farmer leaders on Sicogon agreed on a precautionary protection strategies. This involved temporary relocation or spreading wrong information on the whereabouts of a person at risk. On Sicogon, interviewees mentioned further strategies to confuse the security guards. For instance, interviewees explained that they exchanged houses for a certain amount of time or changed routes or trips everyday.²⁹⁵

Generally, interviewees on Sicogon and Leyte emphasized that “taking up arms is not an option”. But due to the particularly dangerous situation on Sicogon Island, the farmer leaders decided to defend themselves if necessary.

We organized a meeting and decided to arm ourselves. Not with fire arms, we cannot fight on the same level. But every member of the association stocked up in bulos, stones, knives, bows and arrows.²⁹⁶

Even though more men agreed on defending the community, all

²⁹³ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016

²⁹⁴ Interview with BUFFA Secretary and Leader of Women’s Association San Fernandez, Female, Buaya, 10 June 2016.

²⁹⁵ Female, Secretary, Buaya Farmer and Fisher folk Association, Sicogon, 10 June 2016

²⁹⁶ Ibidem.

female interviewees on Sicogon emphasized that they would take up arms as well, if necessary. Even though none of the interviewees on Sicogon said so, it is likely that they regard their presence as potentially useful to prevent or reduce violence.

Moreover, interviewees explained that text messages are strategically used to reassure that one is safe:

We use text messages a lot. whenever I leave the house I write to the people where I am going. Once I arrived they write my people at home that I am there and so on. But sometimes there is no coverage. Then it doesn't work.²⁹⁷

Text messages and general alertness were particularly emphasized by female interviewees in their role as mothers. Children were instructed to write text messages once they left school. Knowing that other community members are watching their houses, crops or children enabled women to pursue their activism.

In my case, when I have a meeting with the farmers I can go because I know our neighbors watch the house. Sometimes they can also take my sons.²⁹⁸

Interestingly, on Sicogon electricity was strategically used to protect each other. Community members who owned a generator agreed to leave on the lights at night because this was believed to lower the risk of being attacked.²⁹⁹

4.1.2. *"Sharing is caring"*

A more subtle but equally important form of solidarity was the sharing of supplies and material. Even though the joint use of farming tools can be a general practice among peasant families and communities, "sharing is caring"³⁰⁰ became a vital form of mutual support, particularly after typhoon Yolanda. In contrast to protection strategies aiming to avoid attacks on community members, sharing of farm supplies was not officially discussed and decided.

²⁹⁷ Interview with BUFFA Member, Female, Buay, 10 June 2016.

²⁹⁸ Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016.

²⁹⁹ Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016./ Interview with FESIFFA President, Male, Alipata, 10 June 2016.

³⁰⁰ "Sharing is caring" was repeatedly used by women farmer leaders to describe mutual support within the movement.

We share many useful things. After Yolanda RIGHTS Network provided Carabaos and tools for farming. Not everyone got something but we share and try to make it equal for the families.³⁰¹

Here, a gender difference regarding the kind of resource that was going to be shared could be noted. Male interviewees explained that sharing Carabaos and “masters”, the term used for small ploughs, is essential. As rice fields are traditionally ploughed by oxen, Carabaos were emphasized as extremely valuable animals. Women equally acknowledged the importance of sharing farm supplies and animals. However, for them “sharing is caring” also included food and money. Additionally, women perceived sharing as a strategy, which directly strengthens the struggle for land.

Most important is support among ourselves. We are friends and partners fighting for the same cause. We share ideas and strategies. We also share food and sometimes money.³⁰²

Sharing knowledge was perceived as a crucial responsibility of women farmer leaders. All female interviewees on Leyte emphasized that exchanging experiences and gaining knowledge is a strategic move to confront the DAR and push forward their claim for land against opponent conflict parties.

We also support each other with our own food and knowledge. It is important to share experiences in the land process because it is always different with the DAR. The DAR officers are people you cannot understand. Nobody knows what they are doing.³⁰³

Knowledge is the most important thing in land rights struggle. If you don't know your rights the other party takes advantage of that. And if they have more money you are screwed. But now we know our rights and we make sure we share our knowledge.³⁰⁴

Sharing of financial resources and food was particularly planned

³⁰¹ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

³⁰² Interview (b) with BFA Finance Officer, Female, Ormoc, 01 June 2016.

³⁰³ Interview (a) with Member of Cogon Farmers Association, Female, Barugo, 27 May 2016.

³⁰⁴ Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016

by women leaders. Interviewees commented that every community member could participate deciding how to share and allocate resources and tasks in a better share.

We organize and decide things together. Being a leader is not about imposing our ideas. We can only be strong if we share.(...)For instance, beforehand we decide who is going to cook, we budget the money and make sure it's fair (...)
As a finance officer I make sure it's fair for the transportation. We try to make it equal but of course it doesn't always work out.³⁰⁵

Here, the statements of female interview partners indicated the traditional gender model might manifest itself in decision-making and developing strategies of mutual support. This leads to the assumption that gender roles impact the distribution of positions and roles not only in private households, deciding who will be more active in claiming the land. Gender roles and attributes play out at movement and community level as well. This is reflected in the positions hold by interview participants. All male interviewees are appointed as presidents or leaders of farmer associations. Even though this cannot be traced back to a specific statement of interviewees, it can be assumed that men are less likely to take over responsibilities in budgeting or planning of cooked meals for protest activities and meetings. On the other hand, this case study showed that insecurities deriving from financial restraints can have a negative impact on the movements as a whole. In this regard the budgeting of travel expenses is an extremely important task for the success of land right struggles. Consequently, the responsibility women hold in planning and allocating budget is very powerful.

4.1.3. *Collective action*

While farmer associations in Ormoc have been well established and connected for a long time, movements in the other researched municipalities on Leyte are still in the process of creating collaboration and common appearance. In that regard an important factor emphasized by all interview partners was the support of the RIGHTS Network, which came to Leyte after typhoon Yolanda and helped farmer associations to coordinate their struggle, encouraging the rise of *Katarungan* ("Justice" in Tagalog), a regional movement meant to unify the struggles between

³⁰⁵ Interview (b) with BFA Finance Officer, Female, Ormoc, 01 June 2016.

different municipalities on Leyte. The narratives of interviewed farmer leaders demonstrate the importance of this movement. All interviewees on Leyte considered the movement a positive change in enlarging the capacity, knowledge and confidence of reform beneficiaries. *Katarungan* was considered to strengthen legitimacy and recognition of public authorities also at individual level.

“The military and the Police realize that Katarungan is ok, they just work for the poor people. And if you are a member of the Katarungan you are respected. They know you are not doing bad things.”³⁰⁶

Reaffirmed in the feeling of being right and pursuing a legal claim, Katarungan created a feeling of fearlessness and power among its members which was necessary to confront opponents. Interviewees reported finding strength and security in the number of farmers supporting the movement.

If we are many, we can reduce the risk but we are also confident to fight.³⁰⁷

The support among *Katarungan* members was most felt in the process of a *self-installation*³⁰⁸ in Ormoc. Members of *Katarungan* traveled from the whole region to Ormoc in order to support the self-installation of CLOA holders. The author attended several meetings before the installation where joint support was carefully planned. As the self-installation took place on 1st June 2016, 72 *Katarungan* members spent several days in a protest camp next to the claimed land areas. In this regard, building support movements strong in numbers proved to be a successful strategy in minimizing violence and risks and guaranteeing attention of public authorities or media. In the process of entering and farming disputed land areas, the high number of Katarungan members was essential in avoiding a violent confrontation with opponent tenants. A poster, flag and T-shirts with the movement’s name further symbolized unity and support. The strong number of people attracted the attention of journalists reporting for

³⁰⁶ Interview with President of Farmer’s Association Tigbao, Female, Carigara, 31 May 2016.

³⁰⁷ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

³⁰⁸ A self-installation describes the process of using and occupying a rightfully owned land area without the official accompaniment of DAR and PNP.

local media. From a gender perspective, the self-installation and support by Katarungan members required a lot of women's time. Women were observed to share the main responsibilities in organizing the protest camp among themselves. Also cooking and washing dishes were exclusively female responsibilities. Some farmer leaders reported that supporting Katarungan members in Ormoc is important but become a burden for their resources in terms of money, time and responsibilities.

Not everybody can travel to Ormoc. We pay the travel expenses with our own money and some women cannot leave their families for so many days.(...) I will go because my children are grown up.³⁰⁹

4.1.4. *Advocacy and protest*

If the time schedule and financial resources allowed for it, interviewees regarded it as self-understanding to attend joint protests, meetings and activities. This was born out of a feeling of solidarity for fellow members who are facing similar challenges experiences.

My activism is not really a choice. I am one of the victims of land disputes, I know what the others feel so that's why I decided to participate in Katarungan.³¹⁰

Protest and advocacy strategies are jointly decided by farmer leaders and community members. On Leyte, the protest has manifested itself mostly in rallies, protest marches and protest camps. To openly raise their voices against land related injustice was a new experience for Katarungan members. Interviewees celebrated the attention of public authorities already as a success which generated new motivation and unity.

We went to Manila and camped in front of the DAR. We stayed there three nights and then we went to the Congress and had a high level dialogue there. It was very good to go there and they had to listen to us. We felt very proud.³¹¹

Even though none of the interviewees mentioned it, indigenous women land right activists protesting against mining activities reported feeling unsafe in such protest camps. Here, women described it as "hard

³⁰⁹ Interview with President of Farmers Association Camansi, Female, Camansi, 27 May 2016.

³¹⁰ Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016.

³¹¹ Interview (a) with BFA Member, Female, Barugo, 31 May 2016.

to sleep in the field together with men” because the lack of infrastructure in a narrow space did not allow for privacy, which female activists felt to be disturbing.³¹²

On Sicogon, farmer leaders enlarged the target group of their advocacy work, drawing upon a variety of strategies to increase their visibility and critical awareness for their cause. This included networking with the church, law faculties and media. PROGRESO, an NGO affiliated with the RIGHTS Network, was involved. PROGRESO provided support by documenting human rights violation and follow-ups of charges and trials against land right activists. Moreover, in collaboration with farmer leaders PROGRESO it used social media to raise support and awareness for Sicogon’s people. A short movie clip named “Bulig Sicogon” (Help Sicogon) was produced and made available on youtube.³¹³ Through PROGRESO farmer leaders also tried to use “the power of outside forces”, understood as international actors, such as IPON. In the case of Sicogon strategies aiming to raise awareness were aiming to render violence visible and prevent further human rights violations. The statements of interviewees reaffirm that that geographical isolation and limited internet access significantly limit these strategies. Being asked about the Youtube clip only few farmers knew that it exists.

Really that time before Yolanda no one could help us. Everybody was scared themselves. And Sicogon is so small, there are more than 7000 Islands here. It is easy to overlook us if you want to.³¹⁴

Moreover, interviewees reported that contact with international and local actors was boycotted by the presence of SIDEKO security guards.

In 2008 nothing helped. We gave up on our local government and relied on our community. We also secretly tried to approach others (...) Also international support didn’t help. There were two Dutch journalists and a Canadian student. (...) But everybody entering the island normally has to check in and write in a book. When the security guards knew there were foreigners they forced them to get on a boat and leave.³¹⁵

³¹² Heroepoetri, 2015, p. 6.

³¹³ PROGRESO, uploaded on youtube 01 March 2009. Available at: <https://www.youtube.com/watch?v=8Znv6T1rFyo> [Accessed: 14 July 2016]

³¹⁴ Interview with BUFFA Secretary and Leader of Women’s Association San Fernandez, Female, Buaya, 10 June 2016.

³¹⁵ Interview with BUFFA President, Male, Buaya, 10 June 2016.

It is evident that the isolation of land right defenders depends on factors which cannot be controlled by themselves. The unequal power relationship between geographically isolated farmers and international actors, in defining what security is and what kind of help it implies, is demonstrated in the aftermath of humanitarian crisis where help is most needed. Instead, the community remains the primary source of strength and security for the struggle, an aspect reaffirmed by the self-care strategies analyzed below.

4.2. Healing the past

Interview partners, both women and men, expressed that “a leader needs to be very strong and supportive”.³¹⁶ Moreover, the previous chapter showed that land right activism is extremely time-consuming and stressful. Exhaustion, financial restraints and other daily insecurities were considered to negatively impact the well-being of women leaders. Especially on Sicogon interview partners emphasized that the constant climate of violence and instability represents a major challenge for children as they are growing up in a constant environment of fear which in turn causes additional sorrow for their parents. In order to identify strategies addressing these insecurities, it is imperative to understand “self-care as a strategy, not as a luxury”.³¹⁷ Self-care summarizes all activities, no matter how natural they appear to be for outsiders, that help to heal experiences of fear and stress or relieve the general feeling of anxiety that WHRDs share. In this sense, self-care is rarely qualified as a strategy by WHRDs themselves.³¹⁸ This also applied to the women on Leyte and Sicogon. Consequently, self-care strategies aiming to heal negative experiences were mostly identified through observation and participation of the author. Actually, the land right movement itself heals negative experiences from the past because the struggle for justice generates self-esteem, motivation and unity. However, in the process of organizing activities, supporting each other in daily challenges, sharing responsibilities and resources some strategies have been developed to encourage the resilience and strength of land right activists. As the case study proves, land right disputes can be demoralising as they are dragged

³¹⁶ Male, Leader of Barugohay Central Farmers Association, Leyte, 27 May 2016.

³¹⁷ Hereopoetri, 2015, p. 6.

³¹⁸ *Ibidem*.

along over a long period of time. Additionally, typhoon Yolanda and the struggle for survival after the disaster was a trauma suffered by all land right defenders. This is the reason why daily rituals, habits or occasional celebrations are an important strategy to keep up the spirit among land right activists.

On Leyte and Sicogon this has been observed in forms of friendships, celebrations, joint activities and religious services. Interview partners emphasized praying as a very important source of motivation and trust.

I prayed a lot, we just leave it to the Lord and trust him. He is with his good servants. I attend every mass, he will help.³¹⁹

Particularly on Leyte, Catholic belief played an important role for the movement. Achievements or disappointments in the struggle for land are accompanied by religious services. Faith in God's righteousness and fairness, an aspect mentioned by many interviewees, created a common feeling of pursuing a just and fair claim.

When we secured this little piece of land we first built this little chapel and the altar. We need it for our services and prayers. It is also a sign that our faith makes us strong and that we have the right to be here. It is also a sign for the landowner and his tenants. We are here with God and he supports us.³²⁰

The narratives of interviewees but also of their children, parents and neighbors pointed out that typhoon Yolanda was a trauma still showing its effect. The loss of their livelihoods, and in some cases family members, is still deeply felt. Subtle forms of self-care strategies such as friendships and mutual support help healing this trauma. Additionally, typhoon Yolanda was mentioned by many farmers as an "eye-opener"³²¹ or a "starting point to become active and take over responsibilities for Katarungan".³²²

As mentioned before, Katarungan brought out self-esteem and confidence for members. This is a particularly important strategy to heal the self-perception of interviewees as farmers. The social environment

³¹⁹ Interview (a) with BFA Member, Female, Barugo, 31 May 2016.

³²⁰ Interview with BFA Secretary, Female, Ormoc, 01 June 2016.

³²¹ Interview with President of Farmers Association Camansi, Female, Camansi, 27 May 2016.

³²² Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

characterized by unequal power relations and unfair land distribution has been internalized by farmers themselves. Additionally, RIGHTS staff members observed that the Philippine society generally lacks respect towards the profession of farming³²³

In that respect, the movement can be regarded as a successful strategy to heal this lack of self-esteem and validate the identity of land right activists.

Before they just saw themselves as simple farmers, planting rice and trying to generate a daily income. Now they go to the DAR and raise their voice. They say: "I am a farmer and I have rights. I produce valuable goods and you need me!"³²⁴

The healing effect of friendships and mutual support was observed to be particularly important for female interviewees. Women reported having built "strong friendships" with other women leaders. Sharing responsibilities in childcare or cooking among friends allowed women to find time for other responsibilities. Men, in contrast, were perceived as "silent" and less likely to share experiences and concerns as much as women.³²⁵ However, parties and celebrations, which are not always connected to the struggle, offer a nice escape for all members and activists to have fun, eat and sing "videoke", a popular party activity in the Philippines. This too was identified as a self-care strategy because parties created a safe space for all farmer members where friendships, trust and positive memories could be created.

4.3. Making plans

One aspect mentioned by all interviewees on Leyte were future plans, meant to improve their economic situation on a community basis. Here, Katarungan was considered as catalyst to share knowledge, skills and ideas. The engagement of the RIGHTS Network, which organized workshops on legal matters and farming skills, was highly appreciated by all interviewees on Leyte. RIGHTS Regional Officer Lina Reyes explained:

³²³ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

³²⁴ Ibidem.

³²⁵ Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016.

A lesson learnt from the past is that economic factors and incentives need to be added in order to build strong networks that last.³²⁶

Farmer leaders participating in Katarungan further developed this approach, requesting the DAR and RIGHTS Network to organize joint training opportunities for their members. In that regard, organic farming was perceived as the most promising activity.

We do training on organic agriculture with the DAR and RIGHTS Network. It's very useful to know how to make organic farming, it's better for the nature and less expensive. We also attend legal workshops. This is very important for us as a leader.³²⁷

Since typhoon Yolanda, organic farming has received growing recognition and support in government policies and development project. Farmers leaders took advantage of this and organized funding for joint workshops. For instance, community members on Leyte had the possibility to acquire knowledge in producing organic fertilizers and seeds or animal health. Organic farming was considered as a joint strategy to strengthen motivation and sustainability of the movement.

We do this (Organic farming) all together. Sharing our ideas makes us strong because every family will live better with organic farming. The Land is for our kids and future generations so we have to learn now how to sustain it.³²⁸

Based on the practice of organic farming, farmer leaders are developing new joint strategies and projects. For instance, a community rice mill will be constructed with the financial support of RIGHTS and community members. Moreover, farmer leaders have developed a business plan for an eatery, a Philippine street food restaurant, where the organic vegetables grown by community members can generate new income. So far, RIGHTS does not have the funds to realize these ideas.³²⁹

The high level of violence on Sicogon denies farmers the effective use of agricultural land areas. Nevertheless, interviewees emphasized the

³²⁶ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

³²⁷ Interview (b) with BFA Finance Officer, Female, Ormoc, 01 June 2016.

³²⁸ Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

³²⁹ Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

potential of organic farming. If SIDEKO accepts the agreement, the 40 hectares of agricultural lands farmer members would be entitled to will be planted applying organic farming methods. As this is not the case yet, other skills have been developed on a community basis. For instance, in cooperation with the *National Anti-Poverty Commission Philippines* (NAPSI) women leaders organized workshops on the processing and marketing of fish. In line with traditional gender roles, on Sicogon such training opportunities were targeted for women.

In comparison to Leyte, where labor division in households follows a gendered model but still leaves space for dynamics and changes (s. Ch), on Sicogon the land conflict undermines farming activities and the main source of income is fishing, which is reported to be an exclusively male profession.³³⁰

The men are outside every day and get the fish.(...) In the Women's Association we organize workshops for members to generate income. Last week we learnt how to make good dried fish and sell it on the market.³³¹

Similarly, on Leyte the majority of leaders who organized and planned future projects and workshops were women. However, unlike Sicogon the workshops and trainings were not particularly tailored to increase the gendered responsibilities of women in generating income. Most of the training is meant to strengthen organic farming among all Katarungan members. Women, being more involved in planning projects, activities and allocating resources, equally participated in workshops on organic farming and acquired skills on producing fertilizers from organic materials, animal care and growing vegetables.

Making joint plans at a community level was considered an important strategy to overcome future economic challenges and enlarge the opportunities of future generations. Women were the driving force behind realizing new business ideas and skills. While on Sicogon, making future plans rather reinforces the traditional labor division between men and women, on Leyte women acquired skills in organic farming. The acquisition of farming skills might strengthen their participation in farm work and require traditional gender roles to change or be more dynamic.

³³⁰ Interview with BUFFA Member, Female, Buay, 10 June 2016.

³³¹ Interview with BUFFA Secretary and Leader of Women's Association San Fernandez, Female, Buaya, 10 June 2016.

5. CONCLUSION

Part 3 showed that impunity, corruptive networks and unequal power relations lead to significant protection gaps for women land right defenders. At national level, the inability or unwillingness of public security forces and the weak position of the CHR in implementing protection strategies *de facto* do not show effectiveness. Farmers have little trust in public security forces or suspect these to be involved in corruption and human rights violations themselves. As one of the interviewees experienced, due to the lack of effective protection mechanisms, land activists in rural areas can be caught - literally - in a crossfire between NPA and army.

In general, the protection of HRDs has gained increasing attention and support and found its way onto the agenda of EU foreign policy and UN bodies.. In contrast, landless peasant communities, making legal claims on land areas under the Philippine agrarian reform, received little or no attention from international stakeholders. In fact, this case study has pointed out that despite well-established knowledge transfer and mutual support among peasants, there was no awareness of the role and potential international human rights actors might have. In this regard, geographical and social isolation was found to be the main reason. A lack of internet access, phone coverage and financial resources were identified as obstacles in building a support network, which in turn is a precondition to reporting and communicating with the international human rights community. Another reason why peasant activists were not aware of the HRD framework, is the diverging understanding of what security is and which protection measures make them feel safe both on a personal and a community level. The criticism that the HRD framework applies a too narrow perspective on security, focusing mostly on the physical safety of HRDs, can be supported by this case study. This was particularly illustrated by the narratives and experiences reported on in the aftermath of typhoon Yolanda. Unlike protective mechanisms under the HRD framework, farmers were well aware of international humanitarian actors and felt that support in terms of materials or animals ensured a sustainable land rights movement. On the other hand, regret was expressed on the development and humanitarian focus of NGOs because they did support the struggle *per se*. The conclusion of these findings should be to question what role humanitarian and development actors take in working with communities whose survival

is not only endangered by poverty or natural catastrophes but also by land disputes.

From a gendered perspective, the diverging perceptions of security, both between land right defenders and international actors as well as between peasant women and men, were particularly noticeable. While women were less concerned with being physically attacked (s. Part 1, Ch. 3), they experienced financial constraints, the well-being of family members, stress and health problems as daily challenges. Even though traditional labor division and gender roles were not perceived as problematic, the narratives of women activists indicated that the various roles of women as mothers, caregivers, housewives, household managers and activists they had to perform put them in a difficult position. Briefly, static gender roles in peasant communities lead to a double burden for women who are at the frontlines of claiming land rights. Activism was reported to be difficult to combine with their gendered responsibilities. This was supported by confronting gendered concerns and insecurities evident with the responses and strategies peasant communities developed to increase a feeling of safety. Here, understanding self-care as a “feminist collective strategy”,³³² which is not necessarily perceived as such by WHRDs themselves, helped to identify a variety of strategies. It could be noted that some strategies address the challenges specifically women activists are coping with. For instance, sharing resources in terms of food, time and money was a method to strengthen each other in their role as housewives. Watching after kids and houses ensured the safety of livelihoods and family members but also allowed women to organize the time-consuming struggle. On Leyte the Katarungan movement generated confidence and legitimacy. Based on a common feeling of solidarity, achievements in the struggle were celebrated and motivated members to pursue the struggle. A feeling of instability and fear could be decreased by making new friends, celebrating religious services or spending time with community members at parties. In this way, safe spaces were created in which experiences of violence, stress and traumas could be balanced. All of these strategies, directly or indirectly, address the gender specific insecurities women on Sicogon and Leyte have expressed. Thus, it can be concluded, that WHRDs use and need self-care strategies but do not embed their safety strategies in larger

³³² IM-Defensoras, 2013, p. 456.

feminist claims or aspirations. This is reinforced by the observation, that gender roles also affect women's positions in farmer movements as well as responsibilities in planning and conducting protest activities. On the other hand, this case study understands the strong participation of women in self-care strategies as potential resource to confront gender-inequalities and those gendered insecurities which are linked to a static gender model in peasant households. In that respect, the self-care strategy of making common future plans, organizing workshops and realizing business ideas, can be considered a particularly empowering strategy for women. Interestingly, making future plans on a community basis does not need to directly confront gendered labor division or can even reinforce gender roles as the workshops of Sicogons Women's Farmer Association imply. However, noting the strong participation of women in land struggles and all kind of protection strategies, particularly in making business plans and the acquisition of skills, it can be concluded that the agency of women land right defenders might promote feminist aspirations in the long term.

SYNTHESIS AND OUTLOOK

While the respective conclusions of Part 1, 2 and 3 provide a more sophisticated analysis, this section aims to summarize the main findings of this case study and explores what these findings may imply for human rights and development actors in the future. In doing so, it might be useful to recall the research questions:

How do women land right defenders participate in the defense of land? How do they understand and respond to the risks and insecurities that go along with their activism? To what extent do they benefit from the human rights defenders protection framework?

Women land right defenders have been observed to be at the frontline of land right struggles. In supporting each other, they plan joint protest activities and coordinate the struggle. However, their strong participation is not motivated by feminist beliefs to address gender inequality which dominates the Philippine society, particularly in relation to land ownership. Instead, traditional labor division and gender attributes remain unchallenged and may even be reinforced because both men and women consider typically “female” characteristics as beneficial for the struggle. Even though gender-based violence and stigmatization was considered a threat for the women activists in this case study, the argument that a female gender identity is a very protective element in violent confrontations prevailed, being supported by all participants. The main concerns of the women activists in Sicogon and Leyte included the well-being of their families, financial problems and the right of future generations to access the land, not their own physical safety. Such findings reaffirm the notion of WHRDs as a particularly vulnerable group but shift the focus from physical safety to the impact

gendered roles and responsibilities have on the work of WHRDs. In line with scholars and CSOs promoting a more comprehensive approach to the protection of HRDs, the present thesis finds that this is particularly true for women and even more if involved in the defense of land. The need for a holistic security approach to protection is illustrated by the various alternative safeguard strategies based on mutual solidarity and support that women land right defenders on Leyte and Sicozon have developed. Self-care strategies go beyond physical protection and find creative ways to address subtle forms of insecurities and concerns. This especially applies to gender-specific challenges, which were balanced by sharing ideas or responsibilities in childcare and household, realizing future business plans or creating safe spaces to heal negative experiences. Other than their own safeguard strategies, women land right defenders on Sicozon and Leyte perceived assistance from humanitarian and development actors as a main source of support and protection, in particular after in the aftermath of typhoon Yolanda.

Finally, the answer to the second research question, which points out that the understanding of risk and insecurities of women land right defenders mainly refer to non-physical threats, leads to conclusions on the third question: In practice, women land right defenders do not have access to the international human rights defenders' protection framework. Drawing on the findings of this case study, the reasons for this failure are the diverging perceptions of what makes land rights defenders feel secure. The protection needs of women land right defenders go beyond physical well-being. That human rights actors are not able to capture the various protection needs of women land rights defenders has become evident by interviewees, confusing humanitarian and development assistance with protection mechanisms, and by the various safeguard strategies that women activists rely on as an alternative.

The fact, that land right defenders were not aware of international human rights actors and did not consider to claim their support and attention speaks for itself. Consequently, international human rights actors were not able to balance protection gaps, resulting from corruptive networks, weak institutions and impunity. The communication between international human rights actors and land right defenders is additionally challenged by the remote areas that rural movements are embedded in. A lack of internet access, phone coverage and geographical isolation, which due to economic restraints was difficult to overcome, were found to be the main obstacle and hindered the agency of land right

defender in building up a sustainable support network, which in turn is crucial to articulate protection needs and benefit from available safety mechanisms. Infrastructure and location are therefore factors which limit the potential of the human rights defenders protection framework significantly.

However, international human rights actors should be able to overcome such obstacles, particularly in a country such as the Philippines where land struggles are increasingly well organized by local farmer associations. Additionally, the aforementioned observation that indigenous land rights defenders opposing large scale extractive industries on Mindanao have received more international attention, for instance during the visit of Special Rapporteur Michael Forst, suggests that non-access of peasant land right defenders to international protection mechanisms is also an issue of awareness and political will. The access to land of peasant communities remains de-facto unprotected by international human rights law. Nevertheless, interviewees legitimize their struggle with the understanding of land as key right to sustain their families and enlarge economic and educational opportunities. Livelihood security, land rights of future generations and income generation threaten the sustenance of families but also of the land right movement as such. The narratives of this case study seem to comply with the human rights approach elaborated by UN monitoring bodies, framing access to land as a cross cutting right for food security, adequate housing, health or self-determination.

On a conceptual level, human rights offer an inclusive framework for land rights defenders and reinforces the legitimacy and necessity of claiming a human right to land. However, in practice a human rights approach seems unable to capture the protection needs specific to women land right defenders. In that respect, the present thesis shows that the concept of human security offers a very valuable perspective to complement human rights. The concept of human security illustrates the restriction of the human rights framework because it leaves open if “particular freedoms are crucial enough to count as human rights that society should acknowledge, safeguard and promote.”³³³ Examining land rights in the Philippines showed that unequal power relations easily undermine laws and policies aiming to redistribute land control. The

³³³ Commission on Human Security, 2003, p. 9.

concept of human security allows for a holistic perspective on all kind of factors that can curtail the subjective feelings of security of women land rights defenders. Furthermore, the concept of human security has the potential to remind the international community that people's needs and insecurities should come first and to mobilize states to enlarge their responsibilities.³³⁴ In light of the increasing competition over land, be it through extractive industries or powerful landowners, human security can serve as a tool to identify present and future security challenges of land rights defenders. More concrete, human security also provides inspiration to adapt and enlarge existing protection mechanisms for HRDs. The alternative safeguard strategies researched in this case study state an excellent example in that regard.

At a higher level, this case study reveals that a holistic approach to security, which takes the needs and ideas of women land right defenders seriously, does not only provide effective protection but may indirectly enhance gender equality. In that respect, exploring self-care as a protection strategy added to the assumption that women's strong participation in land struggles, has the potential to deconstruct gender models and strengthen their agency. Here, women land right defenders are yet to exploit the potential of land struggles to address discriminatory practices and laws. This might take a long time as a feeling of gendered disadvantages or injustice is not prevalent among peasant women. Nevertheless, this case study gives rise to the assumption that a feminist self-understanding of land movements is not necessarily needed to strengthen the position of women in rural areas. The title of present thesis, "Our struggle is not a choice" portrays this paradox, pointing out the gender-specific challenges and insecurities women land right defenders experience as well as capturing the hidden potential their movements may have to counter deeply rooted gender inequalities.

Too little has been researched on peasant women as the main subject of analysis, exploring their environments, concerns, claims and aspirations from various disciplinary perspectives. Another major research gap identified by this thesis is the role of development and humanitarian actors in relation to HRDs. This case study showed that humanitarian actors cannot replace the protection of HRDs because providing long term support to land right defenders is not the

³³⁴ Howard-Hassmann, 2012, pp. 96; 105.

mission and intention of humanitarian actors. This became evident in the reluctance of international donors to support Networks such as RIGHTS, which are determined to support peasant organizations in their claim for land. Moreover, in the wake of humanitarian emergency situations, humanitarian actors can be susceptible to exploiting the vulnerability of peasants, as the case of Sicogon and *Ayala Land* demonstrated. The so called *human rights based approach* (HRBA), a high-level discussed concept which incorporates the protection of human rights in development cooperation, based on principles such as equality, transparency, participation and non-discrimination, may be a first step in that respect.³³⁵ If implemented in a comprehensive manner, the HRBA may ultimately have a positive effect on human rights defenders. However, more knowledge on how and which human rights are implemented in development work needs to be generated. The linkage between Economic, Social and Cultural Rights and Civil and Political Rights is evident and lies at the very heart of the holistic protection approach for defenders which both development and human rights actors should promote. However, ESCRs are still neglected on the agenda of human rights actors, national institutions and business companies. Additionally, recent research examining the promotion of ESCRs in EU foreign policies found that ESCRs remain largely neglected.³³⁶ This correlates with the findings of this case study that in contrast to “traditional” defenders, HRDs working on ESCRs have not benefited from EU protection mechanisms.

Drawing attention to ESCRs in research, politics and law, it can be hoped, that both development and human rights actors will understand that assistance to poor, rural communities is only sustainable if they also have the right to articulate their claims. Present case study reinforces the common agreement that Economic, Social and Cultural Rights and Civil and Political Rights are fundamentally linked. The acknowledgement of the indivisibility of human right lies at the very heart of a holistic approach to protect land right defenders. Moreover, the political situation, in which this research was embedded, points out that neglecting ESCRs generally has far-reaching consequences. All interviewees openly supported the authoritarian leadership and anti-

³³⁵ MISSING NOTE.

³³⁶ FRAME Final Recommendations, 26 April 2017, p. 59.

democratic views of Rodrigo Duterte, who was elected president in May 2016 and has caused an international outcry by justifying extra-judicial killings as a legitimate means to combat drug use in the Philippines. In that perspective, the inclusion and protection of the marginalized, rural poor must not be underestimated and may have a crucial impact on human rights and peace all over the world.

Ending this research with a forward-looking approach, it needs to be emphasized that peasant women can be far more than land right defenders. They could be understood as human security agents, addressing global threats such as poverty and inequality. Being asked if she perceives herself as HRD, one of the women interviewees replied: "I don't know what that is. But I think a human defender makes the poor alive".³³⁷ Again, her statement reasserts that human security is a much more approachable and fruitful concept to understand *security* needs of women land right defenders. In this respect HRD frameworks need to open up and scrutinize protection needs in a specific local and social context. Pushing forward the codification of an international human right to land and recognizing the peasant communities as a collective group of land defenders specifically at risk, would be a first step. This would validate and legitimize the claim for land and its redistribution as a matter of addressing inequality and poverty. As a result, it can be hoped that donor organizations realize the implications of their budget allocation for the success of land movements and reduce the reluctance to support peasant movements in their land struggle. International human rights bodies need to become more approachable, both in a geographical and socio-cultural understanding. The self-care strategies peasant communities have developed can inspire a new protection mechanisms under the HRD framework. In the context of this case study, this might include support in terms of boats or cars, mobile phones, computers, electricity and internet access. If the security situation requires it, security cameras or emergency hotlines could increase the feeling of security. Also trainings in self-defense or peaceful negotiation could be beneficial, addressing both the gendered dimension of land struggles and increasing security. A human security perspective allows peasants to define security and needs on their own terms. Consequently, the focal

³³⁷ Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016.

point for all actors involved is to support peasants in their agency as a community. This requires international and national actors to create a dialogue with peasant land right defenders. In that respect, the present thesis hopes to inspire new dynamic approaches and mechanisms to the protection of all HRDs and joins the global call upon the international community to foster the implementation of ESCRs and hold violators, in particular companies, accountable.

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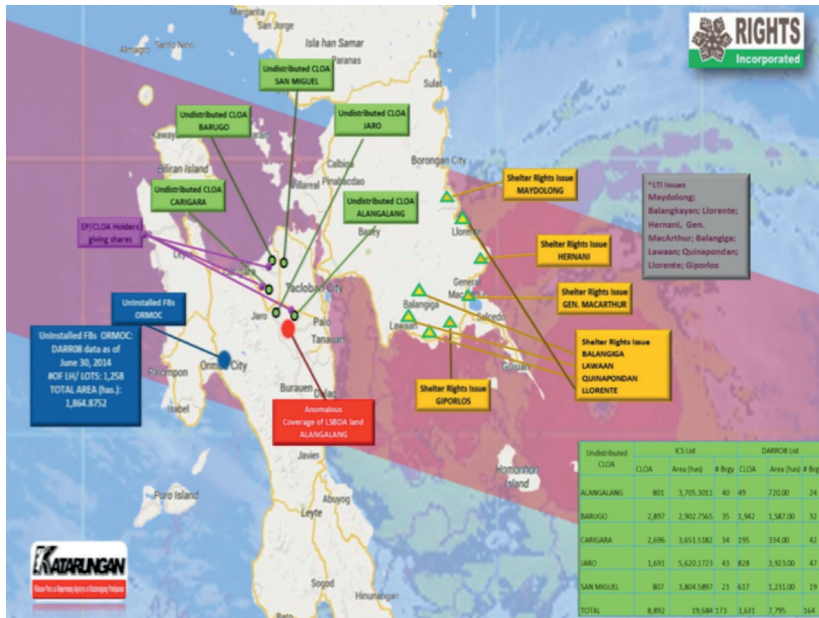
ANNEX

MAPS OF RESEARCH SITES

Map 1: map of Sicogon Island (PROGRESO, 2008)



Map 2: map of Leyte (RIGHTS Network, 2014)



LIST OF INTERVIEWS

E-Mail Communication (1)

Raynera, M., E-Mail Communication, 27 June 2016.

Interviews (2) with RIGHTS Staff members

Interview with Danny Carranza, RIGHTS country coordinator, Manila, 17 May 2016.

Interview with Lina Reyes, RIGHTS Regional Officer, Tacloban, 2 May 2016.

Interview (1) with CHR Regional Officer

Interview with Attorney Nascino, Commission of Human Rights Regional Officer, Tacloban, 26 May 2016.

Interviews (14) with female land right activists on Leyte and Sicogon

Interview with President of Farmers Association Camansi, Female, Camansi, 27 May 2016.

Interview (a) with Member of Cogon Farmers Association, Female, Barugo, 27 May 2016.

Interview (b) with Member of Cogon Farmers Association, Female, Barugo, 27 May 2016.

Interview with President of Farmer's Association Tigbao, Female, Carigara, 31 May 2016.

Interview (a) with BFA Member, Female, Barugo, 31 May 2016.

Interview (b) with BFA Finance Officer, Female, Ormoc, 01 June 2016.

Interview (c) with BFA Member, Female, Barugo, 31 May 2016.

Interview (d) with BFA Member, Female, Barugo, 31 May 2016.

Interview (e) with BFA Member, Female, Ormoc, 01 June 2016

Interview with BFA Secretary, Female, Ormoc, 01 June 2016.

Interview with BFA President, Female, Ormoc, 01 June 2016.

Interview with FESIFFA Leader, Female, San Fernandez, 10 June 2016.

Interview with BUFFA Secretary and Leader of Women's Association San Fernandez, Female, Buaya, 10 June 2016.

Interview with BUFFA vice president, Female, Buaya, 11 June 2016.

Group discussion (6 interview partners), Ormoc, 31 May 2016

Interview with BFA President, Female, Ormoc, 01 June 2016.

Interview (c) with BFA Member, Female, Barugo, 31 May 2016.

Interview (d) with BFA Member, Female, Barugo, 31 May 2016.

Interview (e) with BFA Member, Female, Ormoc, 01 June 2016

Interview with BFA Secretary, Female, Ormoc, 01 June 2016.

Interview with BUFFA Member, Female, Buaya, 10 June 2016.

Interview (1) with WHRD, case documented by IPON

Interview with Zara Alvarez, KARAPATAN Volunteer, Female, Bacolod, 24 February 2014.

Interviews (6) with male land right activists on Leyte and Sicogon

Interview with Leader of Barugohay Central Farmers Association, Male, Camansi, 27 May 2016.

Interview with Kasyahan Network Leader, Male, Palo, 28 May 2016.

Interview with BFA Farmer Leader, Male, Ormoc, 01 June 2016.

Interview with FESIFFA President, Male, Alipata, 10 June 2016.

Interview with BUFFA President, Male, Buaya, 10 June 2016.

Interview with Barangay Chairman, Male, Buaya, 10 June 2016.