

WHO HAS STOLEN HOW MANY COCONUTS OF WHOM? IMPRESSIONS OF A HUMAN RIGHTS OBSERVER



Susann Weitzel,
23 years, Environmental Scientist, graduated from Leuphana University Lüneburg in Germany, human rights observer with IPON in 2009.

Have 68 peasants stolen 68 coconuts? Or have all 68 peasants stolen one coconut? While the decision-makers are sitting at their desks in an air-conditioned room the truth gets washed away. And it would still be the same if it was not for Maribel, a human rights defender who belongs to a

Her voice was trembling with emotions. She was looking around, sometimes pausing for a moment of silence while thinking about how to express the accumulated anger. The audience was listening attentively and seemed to be concerned. One judge stood up, showed her anger about the story and said that she would have dismissed the case of the 68 farmers if she had been the public prosecutor. The audience was acclaiming the judge's opinion. Except one man – the prosecutor, who usually has the last word regarding the decision whether a case should be filed

people's organization in Bondoc Peninsula, Quezon Province in the Philippines. For many years, Maribel - as a local leader of the farmers' group and tenant of a contract with one of the biggest landowner in Quezon Province – has been fighting for her and her community's rights. The group wants the landowner to cover his land by CARP, so that they can farm their own land in the near future. However, since she started fighting for land Maribel is facing harassments, especially by the employees of the landowner. These harassments are not only of the physical kind, but have turned towards criminalization.

motivated. The 68 farmers from Nilantangan, including Maribel, were and still are accused of having stolen coconuts. 68 peasants have stolen 68 coconuts? Or have 68 peasants, all together, stolen one coconut? The distinction does not matter. Farmers who harvest coconuts which were planted by themselves or their parents many years ago can be jailed as criminal offenders according to Philippine law, even if only one coconut is the object of desire. At the seminar Maribel as a representative of the 68 farmers involved gave the attending prosecutors, judges, lawyers, and policemen a chance to listen to the problems and ideas of someone who lives in the rural area, far away from any of their desks. If they had never met each other on such a seminar most of the actors would never know Maribel's and the other farmers' case, because they have never visited the blue and blitheful place of Nilantangan.

Writing this, I, as a human rights observer, am reminiscing about my visits in Nilantangan. The village is placed by the blue sea, with wooden huts built on white sand and dotted along the beach. All over the place, one can smell the fresh and salty air and sometimes fish that is drying under roofs stacked with palm tree leaves. Fishermen are going out to the sea in their Philippine fishing boats to catch *mga isda* (fish) which is later sold on the market. In Nilantangan fishing is the main source of income.

Walking along the sandy beach, foreigners are usually watched by the children. "Are you collecting shells?", little girls asked me in Tagalog while I was searching in the sand. "Oo." (Tagalog: Yes) I answered with a nod and asked them to join my mission. Some time later we discovered an old brown shoe washed ashore. Within



© Jeanalen Roth | Human rights defenders Maribel and her husband Jeffrey

in court or not - who was sleeping in his chair. Maribel, a farmer leader from the small coastal village Nilantangan in Bondoc Peninsula, brought forward her concern about the procedure in the specific case of 68 farmers during a seminar on agrarian justice. She said, proceeding was filed in court by the prosecutor, even if the accusation by the landowner seemed to be politically

a blink of the eye we felt like stranded pirates searching for happiness and harmony, which they might find in the mountains and woodlands of the desert island. Neither the girls nor I were thinking about the challenges of our lives in Nilantangan or elsewhere, but enjoying our imaginations which took us far away from poverty and inequity.

Anybody who has ever visited this place has enjoyed it, but at the same time has had to face the problems which the inhabitants have to deal with.

Maribel as well as many other farmers were witnesses when the owner of the large estate was putting up a fence around Nilantangan. Many times the farmers could not enter their village through the main entrance, but had to take a *bangka* (boat) and, thus, tried to arrive on the sandy beach, even on a windy day when the waves are big and dangerous. Not only was the fence making the life of the farmers difficult, but also the provisions by the owner of the land that they are farming. Raising animals? Growing plants man needs for a balanced nutrition? Ap-

plying for a land title within the provisions of the governmental Agrarian Reform Program for reasons of farming their own land one day? – Forbidden! If the farmers from Nilantangan do not stick with it and, instead, fight for their rights, the landowner will harass them by filing at least complaints against them.

The case of Maribel and the 67 other farmers is already filed in court. So, it happens that 68 farmers pack their traps and leave Nilantangan by boat. They do not know whether their case, today, will be resolved by the judge or be postponed until the next month. Maybe they do not want to listen to the judgement. What if the judge convicts all 68 farmers of qualified theft? What if the judge does not convict them? Being jailed would increase their poverty, because nobody would be able to farm the land or go out fishing or send their children to school. If they are not found guilty, the landowner, for example, might show his anger by filing new complaints to exclude his land from being covered by the Agrarian Reform Program and from being handed over to the farmers. Otherwise,



© Jeanalen Roth | Children from Nilantangan

if the judge postpones the decision then 68 farmers will make the boat trip again and again, not for fishing, but to face long-term proceedings in court. Long-term proceedings that could demoralize them in fighting for their rights, and which also might lead them into an economically disadvantaged livelihood.

Whatever the outcome of the procedure is, the brown shoe of the pirates, resting in the sand in Nilantangan and surrounded by the sea water, will always wait for the farmers' return and for the moment when they can live without being accused of stealing one, or 68 coconuts, or more.



© Jeanalen Roth | Bankas from Aurora – 2nd possibility to reach Nilantangan

HUMAN RIGHTS DEFENDERS BY UN DEFINITION

According to "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" all individuals, groups and associations can be human rights defenders may they be professionals, volunteers, activists, personally affected or not. Consequently most important is not the person's title or the name of the organisation the person works for, but the character of the work. The work must have a human rights character and three key issues must be followed:

First of all human rights defenders must accept the universality of human rights as defined in the "Universal Declaration of Human Rights". For example, it would not be acceptable to defend the human rights of rich people but to deny that poor people have equal rights. The second key issue is whether or not human rights defenders' concerns fall within the scope of human rights. It is not essential whether their arguments are correct in order to be a genuine human rights defender. Finally, the actions taken by human rights defenders must be peaceful in order to comply with the „Declaration on Human Rights Defenders“.