

MORE THAN JUST FARMERS - THE KMBP IN BONDUC PENINSULA



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In 1996 the Kilusang Magbubukid ng Bondoc Peninsula (KMBP) was founded with the assistance of non-government organizations (NGOs) to support the landless farmers of Bondoc Peninsula in their legal claim for their own agricultural land. Today, the commitment of the Human Right defenders (HRD) of the KMBP and their allies goes far beyond their simple struggle for agricultural land.

Only a few families in Bondoc Peninsula own a large part of the agricultural land. By means of the in 1988 enacted Comprehensive Agrarian Reform Law (CARL) and the implemented Comprehensive Agrarian Reform Program (CARP) the members of the KMBP claim to get a part of that land to improve their livelihood.

The first successes for the KMBP regarding the agrarian land reform had been in the municipality of Buenavista, where the first farmers got their Certification of Landownership Award (CLOA). These achievements motivated other

through the CARP. Therefore, Maribel became motivated to join the KMBP and she stresses that she and the farmers of Nilantangan were hoping to solve their problems faster when all of them are members of this peasant movement. As she goes into detail she explains very concerned that the biggest problem at that time was not the claim for own land titles but the distribution quotes within a sharing-system. Farmers who cultivated land that they did not possess had to give two third of their income to the landowner, even though the famers themselves were the ones who had to pay for the material to harvest, says Maribel. However, as soon as the farmers applied for a leasehold¹ quote, the landowner ousted them from the territory, which left the farmers with basically nothing. Expulsion is still a very common mean to prevent farmers from engaging in a legitimate struggle for land and fair harvest distributions. Moreover, related to the work as a HRD in the KMBP further legal as well as personal harassments are common practice. Maribel was charged with cases of qualified theft after she harvested coconuts. Another kind of harassment is that the private military of the landowner, the so called "goons", pointed a gun against her husband. But Maribel opposes against that harassments in the legal struggle for own agricultural land.



© IPON | KMBP member fighting against criminalization

farmers from all over Bondoc Peninsula to join the KMBP as well. Maribel Luzara (Farmer and KMBP President) is one of them who joined this peasant movement. She lives in Nilantangan, a small village in the municipality of San Francisco, which is directly located at the ocean. Most of the farmers in Nilantangan joined the KMBP in the year 2003. According to Maribel one of the farmers in her neighborhood who was already a member of the KMBP at this time got his land

Rebecca "Ate Becca" Ruga (Farmer and Councilor in San Francisco) joined the KMBP in 1998 and was accepted in the leasehold-system in 2000. The owner of the property she cultivated gave his agricultural land voluntarily to the government in 2001. According to Rebecca Ruga this was a sympathetic landowner which is not the usual case in Bondoc Peninsula. She got the CLOA in 2002 and is still active within the KMBP as a HRD. She decided to do so, because of her success and her situation nowadays after having CLOA and her land. While sitting in her beautiful garden

she tells us, that she wants to help other farmers in her region to get their CLOA as well and to face the same good experiences she had after getting her own agricultural land in San Francisco. Now Ate Becca is able to spend more money in the education of her children. "Now we can send all of our children to school and my oldest daughter is attending the college in Manila" she says. Due to her land title she can decide for herself in what way she wants to cultivate her land. Overall having CLOA gives her a peace of mind. Still being active is a chance to be part of the improvement of the livelihood of the farmers. This solidarity between the KMBP members is helpful to fulfill their dream – having a piece of land for their family. There are still

a lot of farmers in Bondoc Peninsula who need the support from HRD like Ate Becca. Having the CLOA title does not mean to stop being active within the KMBP to support the legal claim for agricultural land for the landless farmers.

Today there are more than 6000 members in the KMBP. Without signing an application or a contract one can become a member, simply by attending one of the monthly KMBP meetings. Besides the central structure of the KMBP almost every Sitio in some parts of Bondoc Peninsula seems to have its own local KMBP group. The KMBP is dominated by men in numbers but according to Maribel and Ate Becca there are no gender differences in the KMBP.

What the men can do women are able to achieve as well. "If a woman wants to become active as a HRD regarding the issues of the farmers she is more than welcome to do that in the KMBP".

Roland Zano (Farmer and Electricity Director in three municipalities in Bondoc Peninsula) and Ate Becca express that it is a major advantage to hold a political position or a managerial function while being active as a HRD in the KMBP. Since 2009 Roland Zano is the electricity director of three municipalities in Bondoc Peninsula whereas Ate Becca is the present Councilor of Pagsangahan, San Francisco. Roland Zano says: "I try to use my influence to help the people to solve their problems". For

NON-STATE ACTORS IN HUMAN RIGHTS LAW

Unlike in humanitarian law, non-state actors do not have duties in human rights law, as non-state actors did neither sign nor ratify human rights treaties nor are they content of them. That means that only states can violate human rights according to international law.

As nowadays non-state actors play an increasingly important role in intrastate conflicts and are often responsible for human rights abuses, there is a current debate on if and how non-state actors can be addressed by international law or held otherwise accountable.

In the international law debate different views on the topic exist. One side argues that human rights treaties complement humanitarian law and specifies it further. Accordingly, both humanitarian law and human rights law should be applicable to non-state actors. Another approach supporting the duty of non-state actors is formulated under the so-called "Agency of necessity". This approach assumes that if non-state actors take over certain governance functions of the state for a certain social group, they can also be held responsible for human rights abuses in that field. Correspondingly, non-state actors could then occur as

human rights violators. The underlying precondition for this approach is that the state itself ratified the affected human rights treaties. This regulation would count not only for violent groups or warlords but for all other non-state actors like transnational enterprises. On the other side this position encounters resistance. There are concerns that with the focus on non-state actors the state is let off the hook. Additionally, the accusation of non-state actors for violating human rights could legitimate a violent course of action by the state to fight against a certain group of non-state actors.

From the perspective of the states the acknowledgement of duties of non-state actors by international law would to some extent bring non-state actor on a par with states. This is undesired by most of the states which have violent non-state actors in their countries, especially if those groups have autonomy claims. Moreover, the acknowledgement of duties of non-state actors would demonstrate states' inability to handle problems with non-state actors in their countries.



© Anne Ritter | KMBP meeting to design their actions, Quezon Provinz

example, Zano intends to extend the electricity network in 2010 which would provide farmers in Aromahan (San Andres) with electricity. That would mean a drastic improvement of their daily life, which is also important apart from their struggle for land. In the municipalities where Zano is responsible he is a well known and respected person. Whenever he joins meetings with governmental employees, their issues are taken more seriously. The influence related to his present position facilitates his work as a HRD and member of the KMBP. Ate Becca endorses that



© Anne Ritter | Family members at the grave of killed activist

argumentation as she states that it is helpful to hold a political position while being a HRD in the KMBP because she is taken more serious as well. Furthermore, she has better access to information which enables her to inform the farmers about their rights and advise them in their personal cases.

The situation in places like Nilantangan became rough during the last years. Not only the farmers of the KMBP started to organize, the so called “goons” also became more united. Maribel mentions that when the farmers started to claim their rights the goons and landowners started to fight actively against them. She says that: “Harassments like being attacked with guns, knives and other deadly weapons are pretty common. We were even forbidden to raise animals.” It became very hard for the farmers to continue their struggle for land due to violent attacks and persistent harassment. “Even today you can see the goons in Nilantangan wearing guns” adds Roland Zano.

One of the supporting partners of the KMBP is the Quezon Association for Rural Development and Democratization Services (QUARDDS). Since 2003 Jansept Geronimo works as a Community Organizer². He describes himself as a “barefoot lawyer”. Informing those in the remote areas about important procedures and political realities is the main of work of this human rights defender. The Philippine Law is mostly in English and for many farmers it is hard to understand English especially when it comes to legal language. This obstacle makes it hard for the KMBP farmers to communicate directly to the governmental stakeholders in regard to particular cases, explains Jansept. “That’s why QUARDDS supports the KMBP additionally with lawyers”, adds Roland Zano.

Jansept states the main sources of danger in Bondoc Peninsula are non-state actors. He explicitly refers to the New Peoples Army³ (NPA) and the goons. At the moment the NPA is very silent but for him the silence is frightening, because no one knows when the NPA will start violent attacks again. He describes it in the following way: “Bondoc is like a typhoon – you

don't know when it will come and where it will hit. But you know that the next one is on its way."

"The farmers which are struggling for their land receive mainly human rights violations by non state actors", says Danny Bernal (active HRD for QUARDDS). International human rights treaties are ratified by the state and from a legalistic point of view the states are the ones, which can be named as violators. "But how does this help people whose rights are deprived. Their rights are violated, no matter if by state or by private actors", Danny argues. "It is necessary to hold non state actor responsible, if they systematically deprive people from their rights especially when using violent means". He states that especially armed non state actors need to be held accountable for their actions. "Only if it is internationally known that they are responsible for grave human rights violations they will feel pressured and may change their course of action. Only

by blaming them, they may lose their reputation and thereby their sympathiser."

If Bondoc Peninsula is a Typhoon then the human rights defenders of the KMBP with the assistance of QUARDDS are on the best way to breast the storm and stop the human rights violations against them.

¹ Leasehold: To be part of a leasehold system indicates that the sharing quotas are changed in favor of the farmers. Landless farmers normally work on huge plantations and have to share their income with the landowner. Within the former sharing systems the landowner was entitled to receive 70 percent of the income. After a leasehold implementation a farmer would be entitled to receive 75 percent. Furthermore the farmer could decide independently about his buyers and is not obligated to sell his harvest through the landowner.

² Community Organizer (CO): In the Philippines community organizing is a basic concept of non governmental organizations. The CO's work might be comparable to social work in Germany. Their main task is to unite interest groups and the support them in their struggle for the realization of rights. COs do not only work with farmers they can be found in every sector of non governmental work.

³ NPA: The New Peoples Army is the armed wing of the extreme leftist Communist Party. This Army acts as a "Guerilla Group" in small units.

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