

International Peace Observer
Network (I.P.O.N.)

**FIRST HUMAN RIGHTS
SITUATION REPORT ON
BONDOC PENINSULA**

19th January 2007
Lucena City, Philippines

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Article 1 of the Universal Declaration of Human Rights

Editor

IPON (Germany)

Writers

Nina Strumpf
Olivier Hoffmann
Sarah Liedtke

International Peace Observer Network (I.P.O.N.)

Hinrichsenstrasse 40
D-20535 Hamburg (Germany)
Tel.: +49 (0) 40-25491947
E-Mail: ipon.observer@googlemail.com

January 19, 2007

List of Acronyms

AFP	Armed Forces of the Philippines
ai	amnesty international
CARP	Comprehensive Agrarian Reform Program
CHR	Commission on Human Rights
DAR	Department of Agrarian Reform
FIAN	FoodFirst Information and Action Network
GTZ	Gesellschaft für Technische Zusammenarbeit (German Development Cooperation)
IFFM	International Fact Finding Mission
IPON	International Peace Observer Network
KMBP	Kilusang Magbubukid ng Bondoc Peninsula
NPA	New People's Army
NSCB	National Statistical Coordination Board
OPAPP	Office of the Presidential Adviser on the Peace Process
PEACE	Philippine Ecumenical Action for Community Empowerment
PNP	Philippine National Police
QUARDDS	Quezon Association for Rural Development and Democratization Services
UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

TABLE OF CONTENTS

1.	Introduction.....	6
2.	Methods.....	6
3.	General Information on Bondoc Peninsula	6
4.	Human Rights Analysis for Bondoc Peninsula.....	7
	4.1. Individual Cases.....	7
	4.2. General Human Rights Situation	9
5.	Conclusion	10
	Appendix 1: Map of Bondoc Peninsula	12
	Appendix 2: IPON Principles, Objectives and Methodology	13

1. Introduction

The International Peace Observers Network (IPON) hereby informs about the present Human Rights situation of the KMBP farmers in Bondoc Peninsula, notably the municipalities of San Andres, San Francisco (Aurora) and San Narciso.

The initial part of the report provides partial information about Bondoc Peninsula, followed by an analysis on the current Human Rights situation in the area.

2. Methods

The information for the present report was gathered by the first IPON observer team who was present in Bondoc Peninsula from October 2006 until January 2007. The observers accompanied KMBP members to meetings with various state and non-state actors, attended farmer's organization meetings and conducted interviews. They documented the below-mentioned incidents and monitored the Human Rights situation in the area.

The present report is being distributed to various agencies of the Government of the Republic of the Philippines, civil society organizations and media in the Philippines and in Europe. The information is also forwarded to IPON's supporter's network (including concerned European politicians).

The work of IPON is based on the International Bill of Human Rights composed of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and other conventions in international human rights law, that have also been signed by the Government of the Philippines. The state as signatory of these agreements is obligated to promote, respect, protect and fulfill these rights.

3. General Information on Bondoc Peninsula

Bondoc peninsula is situated in the southern part of Quezon province. It is composed of 12 municipalities and has a population of approx. 400.000 (approx. 70.000 households), most of whom belong to the 5th or 6th income class¹.

Eighty percent of the population in Bondoc lives in subsistence farming and fishing. The total land area in Bondoc peninsula adds up to 222.000 hectares and is mostly used for agricultural purposes (coconut mono-cropping, corn and rice). Large portions of land in Bondoc peninsula are claimed by landowners. The

¹ The scale ranges from 1st income class (highest income) to the 6th (lowest income).

biggest landholdings are the ones of Victor Reyes (12.000 to 14.000 hectares in the municipalities of Buenavista, San Andres and San Narciso), the Uy family (3.500 hectares in San Andres and San Narciso) and the Matias family (2.800 hectares in San Francisco). Most of the farmers in these landholdings have to work under a 60%-40%, sometimes 70%-30% sharing system in favor of the landowners. In contrary to other areas in the Philippines, the land redistribution in Bondoc peninsula proceeds slowly.

Moreover there is an ongoing armed conflict between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA)² in the remote mountain areas of Bondoc peninsula.

4. Human Rights Analysis for Bondoc Peninsula

The Human Rights situation in Bondoc Peninsula remains critical up to date. The following individual cases of Human Rights violations as well as the description of the general Human Rights situation underline this assessment.

4.1. Individual Cases

A KMBP farmer leader living in the municipality of San Andres had to leave his village because he was threatened by members of the NPA. Earlier before the farmer leader had refused to join the armed group. He also refused to join in a rally to be held on the 25th of October in front of the hacienda of landowner Reyes. Because some of their members were arrested by the military, which was carrying out an operation in this area during the time of the rally, the NPA now alleges him as accomplice of the military. The farmer leader is no more able to live secure in his village and is still in hiding (Source: interview with affected farmer on 27th October 2006)

*"Everyone has the right of life, liberty and the security of person."*³

An armed employee of the landowner Matias threatened a KMBP farmer in the village of Nilantangan because he let one of the IPON observers sleep in his house on the night of the 5th to the 6th November. The employee told the farmer that he is no longer allowed to help on the farm of his father, who is working as a tenant of Matias⁴. On the same day, when the farmer passed by the house of the armed employee, which is on the boundary between Nilantangan and the Matias claimed property, someone who stayed at the house shouted at him: "The petitioners must go away, all of them must be killed". The next day the farmer tried to report against the perpetrator but the local policeman did not give him a

² Armed Maoist rebel group

³ Article 3 of the Universal Declaration of Human Rights

⁴ After a few weeks the farmer was allowed to help on the farm of his father again

receipt for the case he wanted to file. He is not sure whether the case is proceeded or not (Source: interview with affected farmer).

“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”⁵

On the 20th November 2006 11 KMBP members from the municipality of San Andres were arrested at the provincial court of Gumaca. Two IPON observers were able to visit the farmers in the provincial prison in Gumaca and conduct an interview. According to the farmers they wanted to attend a hearing on cases of “qualified theft of coconuts” filed against them by the landowner Reyes. As they entered the court they got informed that they had received warrants of arrest for “qualified theft of coconuts” concerning cases from the year 2003. The farmers told the observers that they were sure that these cases had already been dismissed. They had not been informed about the reopening of the cases and the warrants of arrest. One week after the unexpected arrest that was quite a shock for the farmers, their lawyer received the order of arrest from the court. It had been signed on the 20th November (Source: information handed over to IPON by QUARDDS⁶).

The farmers were able to get out of the overcrowded prison⁷ between the 17th and 24th December. Employees from QUARDDS finally reached the payment of the bail (30.000 Pesos for each count) by the Agrarian Justice Foundation.

“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”⁸

“Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him”⁹

“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge [...] and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, [...]”¹⁰

In the municipality of San Francisco the village of Nilantangan is fenced in. On the 28th December 2004 the landowner Matias ordered his personnel to build the

⁵ Article 7 of the Universal Declaration of Human Rights

⁶ Quezon Association for Rural Development and Democratization Services; an civil society organization supporting the farmers of the KMBP

⁷ According to the guard, the prison is designed for 80 inmates; 108 persons were imprisoned at the time and conditions were insufficient

⁸ Article 9 Point 1 of the International Covenant on Civil and Political Rights

⁹ Article 9 Point 2 of the International Covenant on Civil and Political Rights

¹⁰ Article 9 Point 3 of the International Covenant on Civil and Political Rights

fence in order to prohibit the KMBP farmers of Nilantangan to have access to the portions of land they petition for since 2001, but the landowner claims his own. Additionally to being ejected from the land they formerly worked on, the inhabitants of Nilantangan were not allowed to go fishing with a kind of fine nets¹¹ until December 2006, when the ban was lifted till March 2007. This makes the survival of the farmers in Nilantangan incomparably difficult (Source: information gathered through own observation and interviews with KMBP farmers)¹².

4.2. General Human Rights Situation

In the past the European public was informed about increasing cases of Human Rights violations in Bondoc Peninsula. Several Philippine and European civil society organizations¹³ documented and reported on cases showing that mostly petitioners for portions of land according to the CARP¹⁴ are affected. For thirteen years from January 1990 to June 2003 the German Government through the German Development Cooperation¹⁵ assisted tenants and farm workers to address their right for a piece of land according to the agrarian reform law. After the GTZ ended its program¹⁶ the Human Rights Situation deteriorated verifiably (Source: GTZ in der Verantwortung, FoodFirst Magazin 1/2005, Page 8, FIAN Germany). Since 1998 the killings of four local peasant leaders were reported to the local Philippine National Police (PNP) as well as to the Commission on Human Rights (CHR) of the Philippines¹⁷.

Farmers from KMBP have to face various forms of Human Rights violations in every day life:

The first point to be addressed is the difficulty for the farmers and their families to subsist. The farmers have to work as tenants under a 60%-40%, sometimes even 70%-30% sharing system in favor of the landowner, with them shouldering all of the expenses (seeds, seasonal workers, working gear). Most of the KMBP farmers are petitioning for a portion of land and very often boycott the sharing system. Therefore many of them have been ejected from these portions of land, that the landowners claim their own. Since most of the KMBP farmers have no other source of income but their land, they have no means of ensuring themselves adequate food. Furthermore the slow process of land distribution by government agencies contributes to the maintenance of this situation.

"[...] the fundamental right of everyone to be free from hunger, [...]"¹⁸

¹¹ These nets are said to be illegal

¹² Source also: "The Philippine Agrarian Reforms and their Impact on Rural Households", Page 49, Anne Lanfer, March 2006, Kiel, Germany

¹³ f. ex.: FIAN (Food First Information and Action Network), PEACE Foundation

¹⁴ Comprehensive Agrarian Reform Program; a governmental program

¹⁵ "Gesellschaft für Technische Zusammenarbeit", GTZ

¹⁶ Called Bondoc Development Program (BDP)

¹⁷ Compare "Running Amok: Landlord Lawlessness and Impunity in the Philippines", Final Report of the 2-15 June 2006 Fact-Finding Mission on Agrarian Reform Related Violations of Human Rights in the Philippines, 19 June 2006, Quezon City Philippines

¹⁸ Article 11 Point 2 of the International Covenant on Economic, Social and Cultural Rights

Not all of the KMBP farmers are able to send their children to school. Sometimes they don't have enough money to afford school fees and buy the necessary school materials. Some of the children need to help their families on the farms. Additionally some parents don't want to send their children to school out of fear that they might be harassed on the way (by armed personnel of the landowners, NPA or AFP) (Source: information gathered in numerous interviews with KMBP farmers and their families).

- “[...] *the right of everyone to education* [...]”¹⁹

Some of the farmers do not believe in the impartiality of the courts. Furthermore they can often not afford the court and lawyer costs, let alone the costs to attend hearings (transportation, accommodation, food) or post bail. The landowners take advantage of this situation and file numerous dubious criminal cases against the farmers for trespassing, qualified theft of coconuts, malicious mischief, libel and others. Lately there has been a significant increase in criminal cases filed by landowners against KMBP members (Source: IFFM 2006 Final Report, Page 18, see footnote 17). Many farmers have pending warrants of arrest, the current numbers being 202 cases against 240 farmers (Source: QUARDDS). Out of fear to be – in the past often violently - arrested, many of the farmers choose not to go to certain areas, limiting their liberty of movement.

*“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or his rights and obligation in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. [...]”*²⁰

The security of the KMBP farmers is very often jeopardized. During the night the farmers and their families mainly stay in their villages or even don't leave their houses because they fear to encounter armed personnel of the landowner or accidentally getting in-between the armed conflict of the NPA and the AFP (Source: information gathered in interviews with KMBP farmers)

*“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”*²¹

5. Conclusion

The present report shows that there are significant Human Rights violations in Bondoc Peninsula. The KMBP farmers, in terms of inadequate food supply, lack

¹⁹ Article 13 Point 1 of the Covenant on Economic, Social and Cultural Rights

²⁰ Article 14 Point 1 of the International Covenant of Civil and Political Rights

²¹ Article 12 of the Universal Declaration of Human Rights

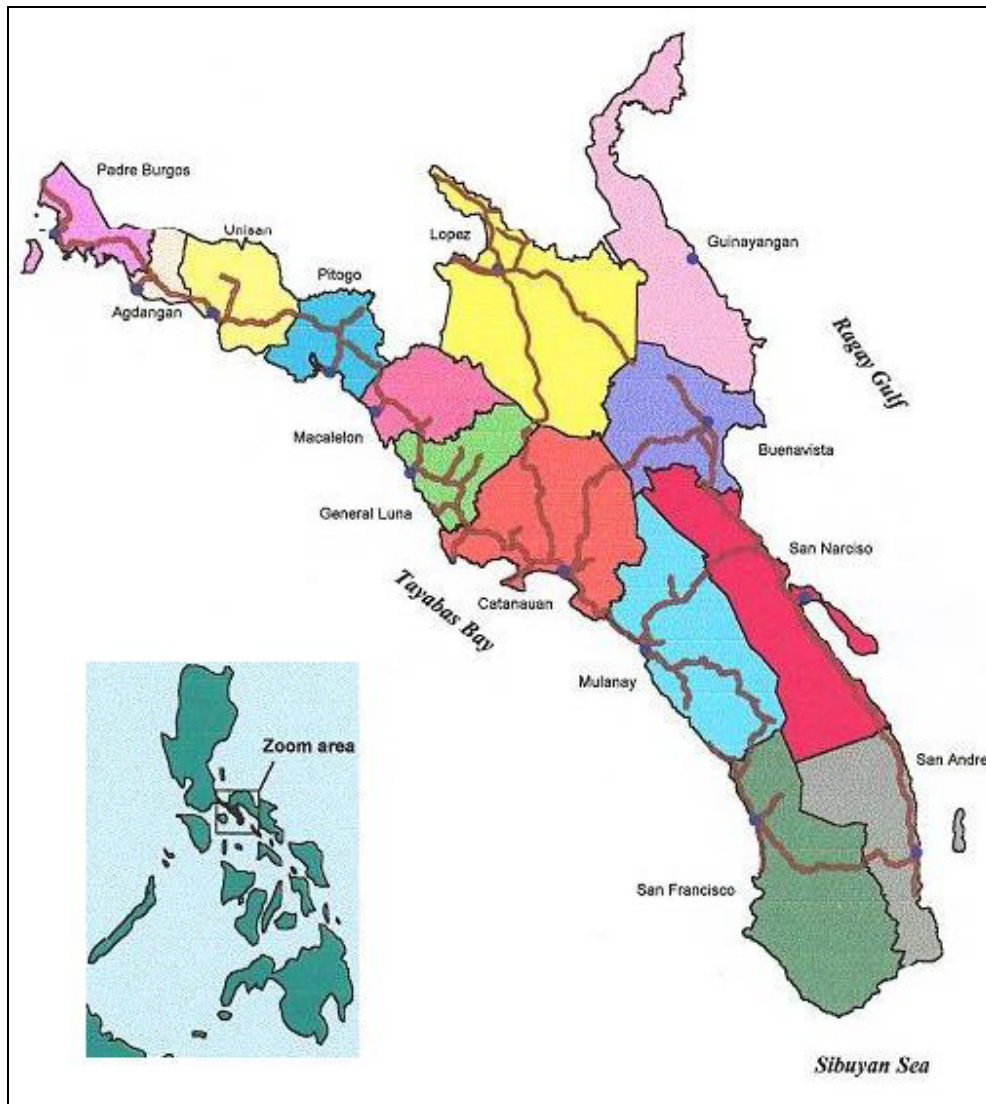
of access to basic education and a very low standard of living, are the victims of these violations. In addition to that, the KMBP farmers experience harassments by different perpetrators limiting many of the rights entitled to them by International Human Rights agreements.

IPON is concerned about the Human Rights situation of the KMBP farmers in Bondoc Peninsula. Members of IPON's supporter's network have also expressed concern about the current situation.

As the Human Rights situation remains tense this makes an observation and accompaniment of the KMBP farmers by IPON further on necessary. Starting mid-January, for a three-month period, the second IPON team is in the Philippines.

IPON is available for any questions, suggestions and criticism.

Appendix 1: Map of Bondoc Peninsula



Map of Bondoc Peninsula (Source: QUARDDS)

Appendix 2: IPON Principles, Objectives and Methodology

The International Peace Observers Network (IPON), based in Hamburg (Germany) is sending European volunteers to the Philippines to observe the Human Rights situation. IPON is independent from any government, political or religious groups and parties. The Observers are neutral and non-intervening in their work. They monitor and document the Human Rights Situation of the KMBP farmers²². IPON sticks to the principle of non-violence and wants to give the KMBP farmers space to campaign for a non-violent solution of their conflict.

KMBP sees its fundamental Human Rights violated and wants IPON to be present in their villages and observe the Human Rights situation. Therefore IPON Observers accompany KMBP members in their daily work and in meetings with various state and non-state actors. Additionally the Observers are collecting information about the Human Rights situation by conducting interviews with KMBP farmers.

The work of IPON is based on the International Bill of Human Rights composed of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and other conventions in international human rights law, that have also been signed by the Government of the Philippines. The state as signatory of these agreements is obligated to promote, respect, protect and fulfill these rights.

The objective of the International Peace Observers Network is to contribute to a lessening of Human Rights violations and an improvement of the Human Rights situation in Bondoc peninsula. IPON will therefore document all Human Rights violations against KMBP farmers, whomever the perpetrator.

²²"Kilusang Magbubukid ng Bondoc Peninsula", a local farmer's organization with approx. 3000 members active in the municipalities Sn. Andres, Sn. Narciso, Buenavista, Mullanay and Sn Francisco, campaigning for the implementation of the governmental Comprehensive Agrarian Reform Program (CARP)