



Working Paper

No. 603

Grabbing the 'clean slate'

**The politics of the intersection of land grabbing,
disasters and climate change – insights from a local
Philippine community in the aftermath of super
typhoon Haiyan**

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February 2015

* ISS MA Award winner for the academic year 2013-2014

ISSN 0921-0210

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Abstract

Land grabs in the wake of a disaster are nothing new. However this phenomenon gains certain particularities and interest when it happens within the current context of climate change policy initiatives and the global land rush. This nexus produces a new set of political processes containing new actors and alliances, legitimizations, and mechanisms of dispossession that set off a different pace for land grabs. This study explores this nexus which has the potential to swiftly reboot spatial, institutional and political land arrangements in poor communities on a large scale, globally.

The gap in the scholarly literature found in the disaster – global land rush – climate change nexus was examined from the perspective of a local community devastated by the 2013 super typhoon Haiyan in central Philippines. Using a political economy lens, the study revealed that along with the dynamics of the structural and institutional environment, the interaction between the pro-reform social and state actors determines the nature, pace, extent and trajectory of the land struggle. The ‘state-society interactive’ approach highlights the political agency of both the state and social actors, particularly how they exercise their autonomy and capacity, and maximize channels within and external to the state to advance their claim. How the interplay of different institutions of climate change mitigation, land grabs and disasters interacts with the political processes of current land grabs is the focus of this study.

Keywords

Land grabs, climate change, disasters, Philippines, small islands.

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Acronyms

ABD	accumulation by dispossession
CARL	Comprehensive Agrarian Reform Law
CARP	Comprehensive Agrarian Reform Program
CBFM	Community-based Forest Management
CC	climate change
CLUP	Comprehensive Land Use Plan
CRED	Centre for Research on the Epidemiology of Disasters
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
FESIFFA	Federation of Sicogon Fisherfolk and Farmers Association
FGD	focus group discussions
GDP	gross domestic product
HFA	Hyogo Framework for Action
IPCC	International Panel on Climate Change
NGO	nongovernment organizations
NIE	New Institutional Economics
OPARR	Office of the Presidential Assistant for Rehabilitation and Recovery
SIDECO	Sicogon Development Corporation
UNFCCC	United Nations Framework Convention on Climate Change

Chapter 1 Introduction

Land grabbing, disasters and climate change

The familiar narrative of land grabs shows how fears of a global crises on food, fuel, finance, and climate drive financially-rich but resource-poor states to acquire offshore lands. Transnational corporations have capitalized on these fears, turning it into profit-making ventures by forging one-sided land deals with states that perceive these as lucrative sources of employment and taxes. But land grabs do not necessarily and always involve foreign capital. For purposes of this study, the following definition of land grabs is used:

the capturing of control of relatively vast tracts of land and other natural resources through a variety of mechanisms and forms, carried out through extra-economic coercion that involves large-scale capital, which often shifts resource use orientation into extraction, whether for international or domestic purposes, as capital's response to the convergence of food, energy and financial crises, climate change mitigation imperatives, and demands for resources from newer hubs of global capital (Borras and Franco 2013:1725).

Although widely understood to be driven by these convergent global crises, land grabs are also triggered by initiatives blanketed by well-intentioned environmental agenda like the transformation of productive lands into protected areas, nature reserves, and ecotourism sites (Zoomers 2010). As a result, land and its associated resources (e.g., water) are constantly revaluated and commodified, drawing in non-conventional actors such as corporate entities into agrarian conflicts. With numerous groups and individuals scrambling for limited resources, politics around land has amplified in recent years and created different trajectories of property rights, values, and relations (Borras et al. 2011, Feldman and Geisler 2012, McCarthy et al. 2012). These trajectories include the eviction of rural poor families from their land or their subjection to unequal contract-farming arrangements and/or labour relations in the capitalist market in their own lands.

Land grabs and green grabs have been examined by numerous scholars (Edelman et al. 2013, Borras et al. 2011, Fairhead et al. 2012, White et al. 2012), yet new intersections around it continue to be uncovered including, among others, a nuanced understanding of how the interaction of climate change (CC) mitigation initiatives such as biofuel policies and REDD+¹ that hold the potential for a socially-inclusive growth can lead to land grabs (ISS 2014).² This study contributes to this intersection by investigating a correlated nexus

¹ Reducing Emissions from Deforestation and forest Degradation, and enhanced forest carbon stocks

² This fragment is one of the objectives of the MOSAIC project of the Institute of Social Studies, Den Haag, Netherlands. The project focuses on the interplay of CC mitigation policies and land grabbing, and its impact on conflict and cooperation in the fragile and post-conflict states of Myanmar and Cambodia (www.iss.nl/mosaic).

involving recurring events whose impact is devastating and large-scale and has the potential to swiftly reboot spatial, institutional, and political land arrangements in poor communities: climate change and disasters.

Stories of land dispossession and displacement are repeated in many disasters caused by extreme weather events, geophysical hazards, and man-made conflicts: Hurricane Katrina and Rita and the displacement of many New Orleans residents (Adams et al. 2009), extended drought in the mid-80s in Northern Sudan which forced off the Hawaweer nomadic group from their lands (Haug 2002 cited in Reale and Handmer 2011), Pakistan and India earthquake in 2005 when tenants in rural and urban areas were prohibited by landowners from re-establishing their rental rights (Reale and Handmer 2011).

In Sri Lanka, the 2004 Asian tsunami swept away homes of fishing communities who were forced to temporarily relocate to safer areas. This was the signal for the state to execute its market plan of converting the coastal fishing town into a high-end tourism area. This plan, designed with support from USAID, World Bank, and the Asian Development Bank, was part of the state's initiative to rebuild Sri Lanka's economy after the end of its civil war. Fishing communities were perceived as obstructions to the realization of the grand design. The state saw the tsunami as an opportunity to "clean" the beach of unauthorized establishments and pursue its previously foiled plans (Klein 2007). Within months it approved national policies establishing buffer zones along the beach area, implemented relocation programs for families, and ensconced security forces in what have become private areas, all done under the tenet of "people's safety and security" (Klein 2007).

In Afghanistan, after the international conflict that started in 2001, reconstruction of road infrastructure and reconstitution of land rights were top priority areas for peace building (Unruh and Shalaby 2012). Road reconstruction was intended to lead to economic and livelihood recovery, facilitate the return of dislocated families, and resolve territorial claims gained or lost during the war. The situation reversed when the country's weak customary and tenurial system intersected with increasing land values emerging from the reconstruction, prevalent corruption, and absentee landowners and their heirs who were displaced by the war. Post-disaster rehabilitation and mitigation efforts aiming to re-establish people's lives and property rights were thus used as channels to dispossess them of their land.

These cases show the politics underlying people's eviction from their lands in the context of CC and disasters. Yet in many instances there is a tendency to overlook this politics and perceive the movement as a natural by-product of disasters (Feldman and Geisler 2012). People affected by calamities who eventually fail to cope with the loss of their resource base are assumed to be 'rational agents' who will logically move out or migrate to other areas to find income (Feldman and Geisler 2012). The real forces behind the exodus are thus either ignored or tempered down in conversations (Feldman and Geisler 2012). The transformation of a short-term humanitarian problem into a long-term social crisis involving people's rights to their land is discarded or overlooked.

Klein (2007) dealt with this politics when she analysed how powerful alliances of states and corporations, backed up by international financing institutions, capitalize on catastrophes to take control of public spheres and use these as market opportunities. Disasters erase physical boundaries, destroy metaphysical land arrangements, and create “blank slates” out of previously occupied landscapes. Market-driven plans lying around, waiting for years to be accomplished, are *swiftly drawn* on these landscapes, creating permanent changes. As US Republican Congressman Richard Baker was overheard saying to a group of lobbyists after Hurricane Katrina struck New Orleans, “We finally cleaned up public housing in New Orleans. We couldn’t do it, but God did” (Klein 2007:4). His statement was supported by Joseph Canizaro, one of New Orleans’ wealthiest developers who said, “I think we have a clean sheet to start again. And with that clean sheet we have some very big opportunities” (Klein 2007:4). Whose plans are drawn, by who, how, and why are the objects of intense political and economic processes underlying disasters. Calling it “disaster capitalism”, Klein (2007) reveals how capitalist forces capitalize on the collective trauma of affected communities to impose rapid and irreversible social and economic reforms before the survivors are able to recover and regroup themselves. These forces operate under the guise of humanitarian aid and pillage local and national economies with privatization and state contracted debt. Disasters are thus transformed into new markets (Klein 2007) with lands of the displaced communities as one of the commodities up for sale.

Climate change mitigation policies and strategies have become sites of politics too as conversations around who should be responsible, why, and how are taken up (Compston and Bailey 2011). The implementation of CC adaptation strategies such as the relocation of community in low-lying and coastal areas is replete with these politics. These strategies and policies are generally built around principles of “do no harm”, “build back better”, and “safe and secure settlements”. However, when placed in the hands of powerful groups, the original intent of these strategies can be overturned to favour their interests.

These events affirm that disasters and CC are not accidental but are instead shaped by dominant forces as part of its design to maintain hegemony. Partly anthropogenic, these events become breeding grounds for land politics and power relations where resources are controlled and people’s vulnerabilities are intensified (Hannigan 2012, Ribot 2014). Addressing it goes beyond technocratic, infrastructure-focused interventions and entails unearthing the structural violence, analysing histories and extractive relations, and social causes of the vulnerabilities (Quarantelli 2005 and Barton 2005 cited in Perry 2007, Ribot 2014). It is therefore important that these incidents be read not as past histories but as the current norm and trajectories of future disasters (Adams et al. 2009).

What then happens to land and poor people when disasters hit sites of land struggle and create a sudden simultaneous crisis of resource scarcity and abundance of external capital in the form of humanitarian aid? How do the politics of CC interact with the ensuing land struggle and crisis? What happens to land when disasters traumatize communities and momentarily paralyze states, putting vulnerability and desire for survival at peak levels? What happens

to land when multiple actors in the international aid and CC arena bring with them multiple conflicting and complex objectives?

These questions show that while there is nothing new about disasters facilitating people's expulsion from their lands, this nexus gains certain particularities when it happens within the current context of CC policy initiatives *and* the global land rush. The latter taken here in its contemporary manifestation as explained in the beginning of this paper. The complex relationship between CC and disasters and dispossession is already complicated to study and tackle in policy terms – but situating this in the context of a raging global land grab has made it even more complicated and difficult to address in policy and political terms.

Given the magnitude and potentially far-reaching and irreversible impact of disasters, intensifying climate-related hazards and global rush for land, and continuous land dispossession and displacement of people, finding out what is happening, how and by who becomes urgent. Apart from offering fresh insights on the nexus, answering these questions can potentially contribute to *solidifying the relief-rehabilitation-development link* that humanitarian actors have been struggling to realize over the years. The gap in the scholarly literature found in the *disaster - global land rush – climate change nexus* is the one being addressed by this study. It examines this nexus from the perspective of a local community devastated by the 2013 super typhoon Haiyan in central Philippines.

Research Question

Tensions around land dispossession, CC adaptation strategies, and the constant threat of another disaster generate a pressing need to unpack the complexity of this nexus. This study helps elucidate this nexus by answering the question: How do land grabs shape and are shaped by climate change and disaster-related adaptation strategies, policies and principles?

Methods

The study takes the case of a small island in the Philippines that was hit by Typhoon Haiyan in 2013. The intersection of these concepts was analysed by probing into the island's history of agrarian land conflict, particularly how its institutional and political arrangements changed and were changed by CC adaptation strategies and disaster-related policies after the typhoon.

As the study aims to deepen knowledge on these links using the different actors' perspectives, the study gathered information that is pluralist which explores multiple competing causes, objectives, and interventions of the actors involved (Chambers 1983); processual which focuses on both the interaction and structure across time; and historical which looks into how these structures and context have evolved (Pettigrew 1990). Having this aim entailed using a variety of qualitative methods to complement each other's strengths and limitations and to validate its data. These methods consisted of focus groups discussions (FGD), informal community discussions, and key informant interviews that were complemented by information from official state documents, NGO

reports, documents of the farmers' federation, and annual reports of the private firms. These methods were used to gain insights into 1) the land tenure situation prior to and after the disaster (e.g., land ownership, existing tenurial instruments), 2) the Philippine agrarian policy environment, 3) the contending groups, their claims and strategies for advancing these, 4) the interaction of the state, powerful elite, and farmers, and 5) how these changed the results of the land conflict and the nature of CC and disaster-related policies.

In line with the pluralist view, the study interviewed all important actors involved in the conflict: from the Minister of Environment and Natural Resources, the external point person of Ayala Corp. (the corporate elite) for its typhoon Haiyan operations, the communications head of the Office of the Presidential Assistant for Rehabilitation and Recovery³, the vice-president of SIDERCO (private firm of local landowners) to local state officials, representatives of nongovernment organizations (NGO) supporting the community, and the local communities themselves (see Appendix A for the list of people interviewed). The Minister of Agrarian Reform, who is a key figure in this case as it involves the Comprehensive Agrarian Reform Program (CARP), begged off from being interviewed since the case is still being processed by his Department. Instead a copy of their latest decision on the matter was provided to the researcher. Similar to the study of Glick et al. (1990), having multiple informants in this study helped validate and resolve discrepancies in the information gathered across the interviews.

To help analyse the conceptual links, the study used different analytical variables such as institutions defined here as “the formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals in various units of the polity and economy” (Hall 1986). It also investigated the background (e.g. ideology, interests, and capacities) and interaction of three categories of actors involved in the conflict: social actors, state actors, and corporate elite. Social actors are defined as ‘groups of people who identify common interests and share ideas about how to pursue them’ (Fox 1992:23). State actors are defined as ‘groups of officials whose actions push or pull in the same political direction’ (Fox 1992:29). They are not to be treated as a single group but as composed of individuals that can form different groups depending on their goals and actions. Using state actors rather than agency as a unit of analysis highlights the importance of the variations in their autonomy and capacity that influence the state (Fox 1992: 19). The last category is the corporate elite, which refers to the business conglomerate that controls substantial economic resources in-country and offshore giving them a certain degree of influence over a country’s economic and political direction. Together, the interface of these institutions with the interaction of these groups provide the study’s main area of analysis.

The study was conducted in a site where the alliance of powerful elites and the state is dominant and where the local people are divided. Ensuring that all sides of the issue were heard thus proved to be challenging, especially as the

³ OPARR is the coordinating body assigned to put together an over-all strategic vision, coordinate, monitor and evaluate rehabilitation plans and programs of the local states for Typhoon Haiyan.

landowners initially prohibited the researcher from entering the island and interacting with the farmers. The landowners finally relented after the researcher gained their trust by giving them the space to express their views and by stating that the study will be used for academic purposes. The same strategy was used to gain the confidence of state actors and local communities. The novelty of the post-rehabilitation efforts of the Philippine state for Typhoon Haiyan was also a good invitation for the state agencies to share with the researcher their role in these initiatives and their perception of the conflict as it takes place within this context. It also helped that the researcher worked with PROGRESO, the nongovernment organization (NGO) that has been supporting the farmers, to obtain the latter's trust and to connect with other individuals and groups working on the issue.

Participatory observation was used to complement and validate data gathered from the interviews. This included living with host families in the island and joining their informal gatherings at night where candid stories about their land struggle incessantly flow. These gatherings were maximized to gain the trust of people, obtain insights that are not expressed in a big group and yet are valuable to the investigation, and verify previously gathered information. For the most part of the field research, the researcher lived at the office of PROGRESO which provided the space for in-depth discussions with the staff about the land struggle that helped contextualize data from the interviews. PROGRESO also had most of the pertinent documents on the case and knew key informants in the case which facilitated the fieldwork.

Scope and Limitations

The phenomena of disasters and land grabbing have each been investigated in numerous literature.⁴ However, new perspectives on how it interplays within the context of a political CC arena and the global land rush are still scant. The study does not attempt to give a comprehensive analysis of land dispossession cases in the country as it only concentrates on specific elements relevant to its main question. The study also takes place in a small island where conditions may differ from other areas. Notwithstanding these limitations, the study hopes that its results and lessons will be useful for future studies on this matter.

The study takes place in the Philippines, which is globally ranked by the Centre for Research on the Epidemiology of Disasters (CRED) as among the top five countries that have experienced the highest number of disasters caused by biophysical hazards over the last decade (Guha-Sapir et al. 2012). The 2008 Climate Risk Index ranked the Philippines on the top spot of countries most affected by extreme weather events in 2006 (Integrated Regional Information Networks. n.d.). In 2011, the country topped CRED's global list with 33 of the 332 natural disasters worldwide occurring in its shores (Guha-Sapir et al. 2012).

⁴ On disasters: (Guha-Sapir et al. 2012, Klein 2007, Middleton and O'Keefe 1998, Jayasuriya and McCawley 2010, Unruh and Shalaby 2012) among others. On land grabbing: (Scoones et al. 2013, Borras et al. 2011, Feldman and Geisler 2012, White et al. 2012) among others.

Chapter 2: Analytical Framework

A political economy approach to post-disaster economic investments and land struggles

Believing in the infallibility of the market and its auxiliary institutions to eradicate poverty, scholars of New Institutional Economics (NIE) assert that post-disaster interventions should focus on restoring institutions that will help poor people access these markets. This ideology has guided World Bank's (2000:19) response to addressing high levels of hazard vulnerability among emerging economies: "Indeed in addressing both hazard vulnerability and post-disaster response, more attention needs to be paid to economic activities, rather primarily to the protection of economic assets."

Its multi-billion post-disaster recovery loans are deemed to reduce the layers of complexity arising out of a disaster situation by rearranging market institutions that will induce investments and inject new capital (Deininger et al. 2010). This assumes that when capitalists take over the lands of disaster-affected communities, negative outcomes are not necessarily produced. Along the same ideological tradition albeit in a different context, Popkin (1980:482) succinctly puts it: these new arrangements are "generally not a last-gasp response to declining situations, *but a response to new opportunities*".

Yet despite the deluge of external aid, accounts of disaster survivors losing their lands and living worse than they were prior to the disaster are well documented. One is therefore left to ask: Why has the market and its auxiliary institutions failed to protect people's access to land and improve the living conditions of disaster survivors despite the overflowing capital from external aid?

The lens of agrarian political economy offers more compelling counter arguments against this dominant market-oriented ideology. It posits that markets and its institutions are not simply givens but have shaped, and are shaped by, past and present power relations among different classes. Resolving market's inability to respond to explicitly pro-poor processes and outcomes therefore requires more than adjusting market policies and programs. It entails a historical analysis of the wider social processes and power struggles in which positions of domination, subordination, and exploitation occur in between and among social classes. This lens is summarized into four fundamental questions that can be applied across different sites and scales of economic activity, and to different types of society at different historical moments: Who owns what? Who does what? Who gets what? What do they do with it? Bernstein (2010:22-24) explains the implicit sequence in these questions:

social relations of property shape social divisions of labour,
which shape social distributions of income, which in turn shape
the uses of the social product for consumption and reproduction
– which, in the case of capitalism, includes accumulation.

Land struggles are products of social relations of different classes. These are complex environments of competing interests and agenda defined not solely by

the class divisions but also by the class' experience of capital and oppression which produces a contrasting mix of constructions and attitudes towards their land and the struggle (Borras and Franco 2013). Recognizing the fluidity and complexity of class divisions and how these parallel or overlap with other social divisions to influence land struggles, the approach therefore also asks: What do they do to each other? As Bernstein (2010:117) succinctly puts it: "All such struggles are shaped universally but not exclusively by class dynamics, which combine in complex ways with structural sources and experiences of other social contradictions."

Accumulation by dispossession, green grabbing, and disaster capitalism

Spurred by the global crises and the crisis of capital overaccumulation, state and capitalists apply a "spatio-temporal" fix where an external "other" is created by capital to absorb its surplus and access cheaper inputs (Harvey 2003). New markets are thus opened and production systems and associated relations are reorganized (Harvey 2003). However instead of solving the crisis, it produces a wide range of violent and non-violent processes that lead to "accumulation by dispossession" (ABD) (Harvey 2003). These processes include the use of either or a combination of consent or coercion and non-market or market-driven strategies to control and profit from factors of production such as labour and land, and suppress people's rights to access these resources. According to Harvey (2003), consent seeks legitimacy for dominant class power by constructing hegemony anchored on higher order values (e.g. freedom, democracy, equality) and the need to restore a sense of moral order. But in cases when counter populist or social democratic movements attempt to subdue the dominant interests, coercion or the use of force and non-market based strategies are applied. In many cases, these two strategies work together with consent to provide a climate of legitimacy for coercive tactics (Harvey 2003).

Disasters facilitate the application of this spatio-temporal fix by creating 'blank slates' of land. Corporate elites and the state take over the land of rural poor inhabitants using new business models and different terms of exclusion (and inclusion) to create new enclosures. Capitalizing on disasters depends on how fast the dominant elites and the state can change the spatial, political, and institutional landscape, and execute its plans (Klein 2007). It depends on how far they can take advantage of people's trauma to overrule the latter's articulated needs and garner positive support for their corporate investments. According to Hilhorst and Jansen (2010), the humanitarian field is a political arena where different actors use its language and principles to legitimize their operations and interests in a crisis situation. These enable the actors to portray themselves as apolitical and fair, which helps conceal and yet advance their real intended and unintended purpose (Hilhorst and Jansen 2010). Hence, what appears as "land grabs" become "reimagined in mainstream discourse as necessary and 'responsible investment'" (Borras and Franco 2013:1724). Conversely, the principles are contextual whose meanings can change depending on how it is translated and used in everyday practice. Hence, these are seen as "socially negotiated and acquiring meaning in practice" (Hilhorst and Jansen 2010:1121).

Apart from the humanitarian field, growing narratives and representations of the green agenda are being used by dominant elites and the state to justify their claims and authority behind the accumulation and nullify the land rights and claims of previous land occupants (Corson and MacDonald 2012). These so-called “green grabs” involve a new range of unlikely actors such as environmental organizations, mining companies, and philanthropists that are embedded in capitalist networks and who form themselves into alliances (Fairhead et al. 2012). The strength of these new alliances allows it not only to enclose frontier lands but also reconstruct the lives of people living in the area (Fairhead et al. 2012). For instance, those who follow the prescribed logic and requirements of the market are labelled as environmental warriors while those who resist are excluded. This exclusivity partly becomes the breeding ground for inter-community conflicts that powerful alliances capitalize on using force, regulation, and legal and market mechanisms. With these newly formed partnerships, resource governance is thus restructured as power relations are realigned, new institutions are created, and different business models and new patterns of resource governance are followed (Corson and MacDonald 2012).

Recasting spatial and institutional arrangements

Inherent in land grabs is a reciprocal interplay between its political processes and institutions that shapes the spatial, institutional, and political configurations of current land conflicts. Spatial arrangements, for Harvey (2006), involve one’s organization of the material and tangible things in space. It also involves one’s representations of these material realities that in turn are shaped by their histories, ideologies, identity, and experiences over time. The interplay of these multiple dimensions of space accounts for the politics of resources. This politics emerges as incongruences in understanding of a particular phenomenon are forcedly fit into a unified endeavour.⁵ Resolving this therefore requires institutions such as state and non-state policies to accommodate context-specific dimensions of space and the dialectical tensions within it rather than be applied in absolute terms (Harvey 2006:123).

In as much as this land grab phenomenon rearrange space, its inherent political processes shape and are shaped by institutions. “Institutional dynamism” as it is called goes beyond mechanical, static accounts of change but explores the “political conditions under which particular institutions have specific consequences” (Steinmo and Thelen 1992:16). Steinmo and Thelen (1992: 16-17) identify four sources of institutional dynamism in which the impacts and consequences of institutions over time and within countries are explored. It is worthwhile to note these sources since the inherent political conflicts within the intersection of land grabs-climate change-disasters are strongly influenced by the links of old and new institutional arrangements of resource governance.

1. Broad changes in the socioeconomic or political context can produce a situation in which previously latent situations suddenly become salient, with implications for political outcomes

⁵ Scott (1998) demonstrates this as he describes how land conflicts emerge from the state’s tendency to simplify unwritten, dynamic, and fluid histories and customary resource regimes through a single record that it can fit into its administration grid.

2. Changes in the socioeconomic context or political balance of power can produce a situation in which old institutions are put in the service of different ends, as new actors come into play who pursue their (new) goals through existing institutions
3. Exogenous changes can produce a shift in the goals or strategies being pursued within existing institutions – that is, changes in outcomes as old actors adopt new goals within the old institutions
4. Dynamism can occur when political actors adjust their strategies to accommodate changes in the institutions themselves. This can occur in moments of dramatic change...but it can also be the result of more piecemeal change resulting from specific political battles or ongoing strategic manoeuvring within institutional constraints.

One institution playing a central role in land grabs is the state and non-state regulatory (e.g. religious laws, local customary laws) orders that co-exist and contend with each other - sometimes referred to as 'legal pluralism' (Franco 2011). In this situation, the relative importance of a set of rules to others varies over time and across locales as groups compete to make a set of norms, rules authoritative in a specific context (Franco 2011). The prevailing regulations will "define the power resources and options available to parties in conflict, influencing who will use which specific field of law, when, and how" (Franco 2011:9). Each of these overlapping and contending regulatory fields carries with it a specific set of norms and procedures that can advance or draw back either of the opposing group's claims. It can also produce shifts in power balance and change configurations of social forces. Its interplay thus creates the context where social and legal relations are obfuscated and conflicts occur (Franco 2011).

While institutions have an important role in constraining and refracting politics that produce land conflicts, it is not the sole cause and determinant of its outcomes as other socioeconomic variables can come into play (Steinmo and Thelen 1992). It is apparent from the sources of institutional dynamism that the political agency of contending groups and individuals influences these conflicts. Contending actors act on opportunities and manoeuvre their way within new institutional arrangements created by shifting conditions to advance their claims. In his work on social movements and conflicts, Tarrow (2011:33, 160) refers to these opportunities as "political opportunity structure" that groups take advantage of to advance their claims. These opportunities are created when contending groups are able to maximize changes in opportunities and decrease the levels of threats (e.g. availability of allies, rifts within elites, decline of state's capacity for repression). Such openings can produce contentious politics that in many cases can lead to changes in regimes. The political agency of these actors to manoeuvre within and around these new arrangements not only filter the impacts of institutions but also "influence the institutional parameters within which their interactions occur" (Steinmo and Thelen 1992). The overlapping legal fields therefore are not static as these shape and are shaped by interactions of contending groups (Franco 2011).

State-society interaction in land conflicts

Land conflicts are complex phenomena that can be understood by analysing why and how certain land reform policies succeed or fail in the context of political contestations between state and social forces. Fox (1992) explains this complexity using an approach that focuses on “the interaction between state and society, the institutions that mediate such interaction, and the factors that account for how those institutions are in turn transformed” (Fox 1992:39). This approach thus considers institutions as both objects and contexts of conflicts within and between the state and society. Unlike other approaches, it does not adopt a one-dimensional view of the state and society, where one is either weak or unified, passive or active. Rather, it recasts notions of state power by considering the *degree* to which it can set its own goals independent of external interference (autonomy) and its capacity to act on these goals (capacity) (Fox 1992:12). Social actors on the other hand are not mere spectators of changing contexts but, much like the state, have the autonomy and capacity to engage with these changes, and define and accomplish their goals (Fox 1992:24). In many instances, both autonomy and capacity may not be simultaneously present but the strategic interaction between state and society can change the context and account for unexpected political outcomes (Fox 1992).

To understand this interaction and the competing forces, it uses two concepts: access routes and policy currents. Access routes are internal divisions and contradictions within and among state actors and agencies that create opportunities for social actors to pursue their claims in the state (Fox 1992). Based on their location in the state structure and the constraints and opportunities provided by the institutional environment, state actors belonging to the same agency can have different conflicting perception and action towards land conflicts. These institutional parameters are borne out of the agency’s ideology, orientations and administrative tasks and the efforts of the state to balance its dual conflicting tasks of capital accumulation and preservation of political legitimacy (Fox 1992). Sometimes these divisions are simply borne out of individuals protecting their positions in the structure for career advancement.

“Policy currents” meanwhile are new alliances among social actors and sometimes the state that serve as channels for advancing or blocking land reform policies (Fox 1992). Similar to access routes, these alliances develop strategies to push the state to move towards the same direction as their cause. These strategies can include mobilization and negotiation to influence the state’s response and threats of withdrawal of a vital resource in the country (e.g. capital) to shape the state agenda (Fox 1992).

The presence of access routes and policy currents create pressure “from above” and “from below” that bring both state and social actors into an interactive relationship that can then “offset the power of entrenched authoritarian elites and may well account for rural reform dynamics across a wide range of political systems” (Fox 1992:8). Borras (1998) argued that while this approach does not automatically guarantee the success of reform policies, it increases the program’s chance of succeeding by weakening the resistance of anti-reform groups. For Borras and Fox, it is by looking into structural and institutional

factors *and* the interaction between pro-reformists social and state actors that one can understand why distributive policy reforms fail or succeed.

The emergence of these policy currents and access routes provide the opportunities for popular resistance to occur within formal and official channels. “Rightful resistance”, as it is called, is done in accordance with prevailing state structures and institutions. Therefore it does not subscribe to the view that state instruments are inaccessible to the marginalized but rather are sources of entitlement, inclusion, and empowerment (O'Brien 1996). Rightful resisters find their way to exploit and manoeuvre around these instruments to create disruptions and pressure those in power to adhere to promised legal commitments and established tenets. One such tenet is the “subsistence ethic”. This ethic expects society to respect the subsistence needs of peasant households living very close to the subsistence margin and that have very limited options for maximum gain (Scott 1976). Local communities are moved to resist when this ethic is violated and their notion of economic justice and exploitation (or “moral economy”, for short) has been challenged (Scott 1976). People will resist not based on how much was taken but on how much was left for them to subsist (Scott 1976). Working within the state legal system, they will not use unlawful force or other criminal behaviour which can weaken their standing and discourage supporters (O'Brien 1996). However, they will engage in noisy, public, and open acts to get the support of justice advocates and to proclaim their allegiance to ignored values.

Do local communities react and mobilize in a unified fashion? Borrás and Franco (2013) assert that the political decisions and actions of affected social groups over land deals are influenced by several factors. First, there are the overlaps and intersections between class and other identities, and their experience of capital and oppression. Second, it depends on whether they will have a place to transfer or relocate to and whether they are absorbed in other productive sectors of the economy. Third, they consider whether they will receive compensation for their expulsion and have formal or community-recognised rights to the land. Fourth, whether the situation threatens to lead them to a subsistence crisis. Fifth, the presence of political opportunity structures and their ability to maximize these. Institutional overlaps also influence how people would frame the struggle, the claims they will make, and the institutional frameworks they will use and challenge. These factors help explain what people do to each other (recall discussion on Bernstein) and reflect the different dimensions of space that Harvey asserts should be considered when implementing policies. Land deals, in sum, will affect members of the social groups differently depending on their space locations and can create cracks within social mobilizations from below (Borrás and Franco 2013).

In this chapter, I have introduced political economy as an analytical lens for studying contested politics inherent in land grabs occurring within a disaster and CC context. To understand this politics therefore is to unpack not only the structural and institutional arrangements but also the interaction of state and social actors. In the next chapter, we start investigating the institutional

arrangements within the study site by looking into the dynamic policy environment of the Philippines, an environment wrought with anti-reform obstacles while simultaneously providing opportunities for pro-reform groups to advance their land claims.

Chapter 3: Overview of Country Context

Drivers of the Philippine economy

Past and current state administrations recognize the significant contribution of the service and industry sectors to the country's gross domestic product (GDP) in the past decade. The service sector constituted half of the total GDP followed by the industry sector which consistently contributed around 30 percent (NSCB. 2014). In contrast, the agricultural sector's contribution has consistently declined from 29 percent in the late 1940s to 14 percent in 2000 and down to 12 percent in 2010 (NSCB 2014). The first two sectors, dominated mostly by elite capitalists, naturally garnered the policy support of the state. Public-private partnership is promoted. Energy and resources are spent to push corporate-led development of economic investment areas and set up investment locations, including conversion of agricultural lands to industrial and urban uses.

Tourism is one of the country's top service industries that have consistently contributed to the economy, making up six percent of the country's annual GDP from 2000-2011 (DOT 2011). Unsurprisingly, the aim of the Ministry of Tourism to have 10 million international visitors in 2016 has earned the support of the state administration, including the Minister of Environment and Natural Resources. In an interview with this author, the Minister said that prospects for income from tourism is high, especially if these tourism areas are transformed as timeshare properties of clients from the Global North.⁶ In fact, he supports opening forestlands for tourism purposes if good ecotourism plans are in place. Accompanying this growth of the tourism industry is the real estate industry whose gross value added from 2012 to 2013 alone rose to 18.3 percent.

The strong performance of both industries is straining the country's remaining frontier and agricultural areas which are being converted into leisure landscapes and industrial zones. These frontier areas include much-coveted small islands whose untapped forest and coastal areas, and accessibility to mainland and other small islands have been attracting foreign and local investors.

Conflicting land policies and mandates

The CARP is a program carved from the Comprehensive Agrarian Reform Law (CARL) of 1988 that aims to correct past inequalities between landlords and landless farmers and farmworkers by redistributing public and private agricultural lands to the latter.

Since its commencement in 1988, CARP claims to have redistributed about 6 million hectares (ha) of land to more than 3 million peasant households by 2006, an estimate below the optimistic estimates of its advocates but beyond

⁶ Personal interview with Minister Ramon Paje at the Department of Environment and Natural Resources office on 7 August 2014 (hereafter, *Paje* interview). Note: I apply the more commonly used term "Minister" in this paper – rather than the Philippine term of "Secretary".

the pessimistic estimates of its critics (Borras 2007). Although validly contested, Borras (2007) points out that this estimate already constitutes significant gains in redistributive reform. Still, CARP's implementation continues to be derailed by persistent property rights problems, slow resolutions of land cases by the courts and state agencies, fraudulent acts and politicized decision-making within state agencies, and overlapping and contradicting state land policies, among other reasons. In many cases, these state laws conflict with each other because these emerge from various social fields such as housing, water, agriculture, mining, all of which with different interpretations of land use and occupation. As noted by Franco (2011) earlier, this phenomenon inevitably produces conflicts because it renders opaque which law is authoritative. Consequently, this obscures whose claims and what rights to uphold, and how land should be appropriated and used in a particular context.

This complex scenario is confounded by the co-existence of state and non-state laws such as the *cacique* law, which bequeaths informal authority and control to powerful landed elites over wide tracts of land that they own (Franco 2011). According to Franco (2011), this informal law exists predominantly in the Philippine countryside and is a central feature of many land grabbing cases. In these lands, the elites' private authority undermines public authority and their rules are imposed through private armies and farm overseers. A close network of local public authority allies, including local litigation courts, protects their operations which oftentimes are obscured from the national media and state, especially those that happen in remote areas. While its control may not necessarily cover all aspects of people's lives, *cacique* law has made its mark on the state's land reform initiatives by disrupting many titling procedures. This law provides the powerful landed elites and their cohorts authority to use coercive and consent tactics (recall discussion on ABD). These tactics push farmworkers, voluntarily or involuntarily, to waive or sell their land titles and pressure some local agrarian state officials to delay the titling process. In some cases, the rural poor know more about the *cacique* law than the state law, which is often perceived as absent and distant (Franco 2011).

In recent years, the urgency to address CC and disasters has produced several international strategies, principles and agreements that states, international agencies, disaster experts, and many others have signed up to and are implementing. Some of these agreements and principles include the Hyogo Framework for Action (HFA), do-no-harm, strengthening resilience, reducing vulnerability, and building back better. These new sets of regulations bring with it a different assembly of norms, actors, legitimations, and ideologies that are applied in land conflicts bearing multiple overlapping land policies. Interacting with existing political land processes and legal fields, these new regulations make the outcomes and nature of land conflicts increasingly unpredictable and complex, as noted earlier by Franco (2011). For instance, the Conference of the Parties to the UNFCCC has accepted planned relocation as a CC adaptation strategy particularly to protect vulnerable coastal communities, low-lying areas, and small islands. This strategy though is double-edged. On the one hand, relocation may be inevitable in areas where it is physically impossible for communities to stay in their land. On the other, this strategy is being exploited by elite capitalists and some state actors to grab the lands of disaster-affected

communities (Adams et al. 2009, Klein 2007, Middleton and O'Keefe 1998, Reale and Handmer 2011).

In the process of designing these plans, it is not just the material space but also its representations that are being transformed. Behind the relocation strategy is the assumption that rural poor communities are vulnerable and can be “tragic victims” of climate change if they are not relocated to safer areas. Their resilience and responsiveness are set aside and attention from the root causes of vulnerability is diverted (Farbotko 2005). These images can facilitate land grabs depending on the actors involved in the crisis, their representation of the space, and the values they attach to it. These images can also be used as consent mechanisms that if left unchallenged can become “natural” and hegemonic (Farbotko 2005). This resonates Harvey’s earlier call (see Chap 2 on discussion about space) for policies to consider context-specific dimensions of space and the tensions within it. The complex interplay of these legal fields and spaces provides the context for the protracted land battle under CARP.

Adding to this complexity is the prevailing free market ideology which, Danny Carranza, National Coordinator of RIGHTS Network, says has buttressed the place of private property regime in its land policies and relegated social justice goals in the background:⁷

The prevailing philosophy is we need to create more wealth...The state therefore does not want to interfere with business because it needs them. And because they do not want to interfere, they cannot protect the rights of people.⁸

This regime manifested itself in the post-Haiyan situation of the country where the corporate elite was transformed into the state’s ‘co-shepherds’ helping to manage the massive funds coming from donors. The state, burdened by its bureaucratic processes, could not immediately release rehabilitation funds. With its political legitimacy at risk, the President had to call on the corporate elite to address this capacity gap given its relatively less bureaucratic procedures. In a document, entitled “Reconstruction Assistance on Yolanda” (RAY) (GOP 2013:19), the state facilitated this new role of the elite through different modalities such as the expansion of public-private partnership arrangements and through adopt-a-town partnerships.

This free market ideology strengthens the private property regime in the country and puts corporate elite interests over what should have been the state’s function of protecting people’s rights. Carranza says it is what triggers land grabs in the country: “The corporate elite in the Philippines has too much capital that it has to acquire lands and even get out of the country to invest.”⁹

⁷ RIGHTS network is a nationwide network of nongovernment organizations (NGO) in the Philippines supporting rural social movements.

⁸ Personal interview with Danny Carranza at the RIGHTS Network office on 12 Aug 2014 (hereafter, *Carranza* interview)

⁹ *Carranza*, interview

But while this structural and institutional environment may have partly created past imbalances of power and wealth, Fox (1992) cautioned us earlier against attributing the outcomes of policies (e.g. land grabs) on these factors alone. This attribution presents a one-dimensional view of the state and a bifurcated picture of its relationship with capitalists and society (i.e. weak-strong, subordinate-dominant), both of which do not explain unexpected outcomes of policy reforms. In administering land deals, the state becomes a calculating agency where it exercises its autonomy and capacity to balance its political legitimacy and capital accumulation (Fox 1992). It is not a single entity but rather is composed of individual actors who decide, react, and respond to land reform issues based on their current spatial location. As we shall see in the next chapters, these create internal contradictions within the state that have produced some of its strong yet silent reactions against the free market ideology. These became the access routes and part of the policy currents that not necessarily guaranteed the success of CARP but nonetheless determined its nature, pace, and trajectory.

More than land titles, land grabbing is about rights being violated.¹⁰ But the state, Carranza says, is conflicted to protect these rights, especially land rights, since this would mean exercising their eminent domain over the land and regulating private interests: a move that is unacceptable in the free market world.

Our state is not dependent but is being controlled by the corporate elite because of this ideology. The state cannot regulate the whole system that ensures the protection of rights. With this ideology, the state can sacrifice human rights in return for profits. And the profits do not necessarily have to go straight to its coffers for as long as these generate more profits.¹¹

Unless this ideology changes, he says, it would be difficult to find a common ground between the capitalist interests of the corporate elite and the rights of the people.¹² And for O'Brien (1996:55), "So long as a gap exists between rights promised and rights delivered, there is always room for rightful resistance to emerge."

Such is the political and institutional landscape that Sicogon island finds itself in.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

Chapter 4. The beginnings of the land battle

The previous chapters gave us the analytical tools to study land conflicts and a preview of how these conflicts emerge from the complex legal and political environment of the Philippines. Chapters 4 and 5 this time take us to the land conflict under study. These sections investigate the history of the struggle, specifically how its trajectory was influenced by the interaction of pro-reform forces as it shapes and is shaped by the institutional and political environment (See Annex B for a concise recount of the land struggle before and after the disaster).

Another island to be groomed

Sicogon island is one of the small islands lying along the central portion of the Philippines and the northeast section of Iloilo province as shown in Figure 1. The island, which belongs to the Municipality of Carles, is composed of three villages, namely Buaya, San Fernando, and Alipata. Sicogon is home to around 1,100 families, some of who have migrated to the island before the 1920s.¹³ A majority of the residents are artisanal fisherfolk. One or two own small passenger boats while a few work as public school teachers in the island or have menial contractual jobs in the mainland. There are no big landowners in the community. Most if not all remain dependent on artisanal fishing and backyard farming. Prior to the land dispute in the early 2000, the residents were able to farm their fields with domestic crops and gather driftwood in the forest. Since the dispute, they have been barred from going to their farms and had to live with planting fruit trees and vegetables in lands near their house.

Seventy percent of the island is privately titled while the other thirty percent is classified as public and forest land. Buaya village is located within the titled property while the other two villages are located in the public land. SIDECO is the private firm owned by the Sarrosa family, a local elite family from a nearby province who built their fortune through the sugarcane business. The family bought a portion of the island in the 1970s from another influential family and turned this into a prime high-end tourism destination in the mid-1970s. The island easily attracted European tourists and local elite families because of its long wide stretch of white sand, hidden coves, abundant spring water, primary growth forest, and accessibility from the mainland. Edmund Sarrosa, vice-president of SIDECO, said that the resort was profiting so much that it paid Php 30M (approx. €521T)¹⁴ worth of taxes to the municipality, a huge amount during that period.¹⁵ Its operation gradually stalled during and after the 1972 martial law when the security situation in the country became unstable (communist insurgency was quite active in this area during that time) and when the sugarcane industry collapsed in the 1980s. At that time, the Sarrosa family tried to save the business by asking the municipal office to reclassify the land

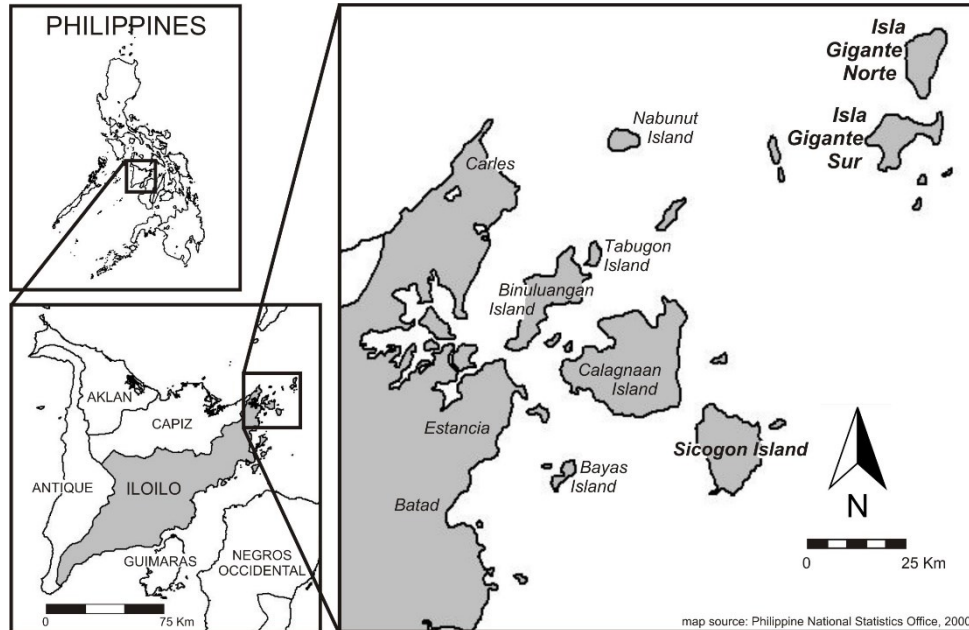
¹³ Data extrapolated using the Population count as of May 2010 by the Philippine Statistics Authority - National Statistical Coordination Board (www.census.gov.ph).

¹⁴ Exchange rate is €1= Php 57.53 (29 Aug 2014) (Source: Bangko Sentral ng Pilipinas; <http://www.bsp.gov.ph/>)

¹⁵ Personal interview with Edmund Sarrosa in Iloilo province on 23 July 2014 (hereafter, *Sarrosa* interview)

into agricultural, which requires lesser tax. The municipal office reassessed the land, discovered that it was being used for agricultural purposes by the local communities and thus reclassified it as agricultural land in 1979. This move however was not enough to maintain the resort. By 1983, the Sarrosa family officially closed the business, leaving behind tax arrears and unpaid salaries and benefits of the employees, some of whom are from the local communities.

Figure 1. Sketch map of Sicogon Island, Province of Iloilo, Philippines



The island's location among a cluster of other small islands makes it an attractive jump off point for building a multi-million dollar tourism complex. It is this potential that persuaded Ayala Corporation (Ayala Corp.) to forge a partnership with SIDECO to revive the island into a top tourist destination. Ayala Corp. is one of the top private holding companies based in the country's capital city. Established in 1834, it is the oldest and largest Philippine business conglomerate in the country with a diverse business portfolio in real estate, financial services, telecommunications, water services, electronics, manufacturing services, business process outsourcing, power, and transport infrastructure (Ayala Corporation 2013). Apart from the Philippines, it has multiple businesses in China, Mexico, United States, and Europe.

Ayala Corp. currently boasts of a market capital worth US\$ 7.9B (Forbes 2014) and in the past five years alone has invested nearly US\$ 11B across these business sectors, bringing their net value asset in the US and Asia alone to US\$ 211M (Ayala Corporation 2013). The company is the top real estate developer in the country. In an interview with the author, Marciano Paynor, external and media relations point person of Ayala for its Yolanda project,¹⁶ said that the company's foray into the tourism industry has just began through the

¹⁶ Personal interview with Marciano Paynor at the Ayala Corporation office on 19 August 2014 (hereafter, *Paynor* interview). Paynor was also a former ambassador of the Philippine government.

acquisition of hotels and development of resorts. Its plans in Sicogon is part of its aim of expanding its tourism portfolio (Benaning 2014), providing jobs, and supporting the national state's thrust of attracting 10 million foreign tourists to the country by 2016 (Yap 2014). Talks abound that other islands in this cluster have been targeted by Ayala Corp. to be part of the tourism business that it is planning not only in the province but in the region.

The familiar narrative of land grabs in which financially-rich but resource-poor foreign states and investors are involved is not happening in Sicogon. The land struggle instead involves an alliance of the state, a local elite, and a big business conglomerate. As we shall see later, the alliance is a perfect symbiotic relationship where the state provides the legal and administrative support; the business conglomerate and its international network, technology and large capital stocks for expanding its tourism portfolio; and the local elite with its local political influence and network.

Land struggle before typhoon Haiyan

Composed of titled private lands, forestland, public land, and coastal areas, Sicogon island would naturally fall under the jurisdiction of several state agencies, each of whom have different guidelines on how the land should be appropriated and used based on their agenda and function. Bring in the local communities with their state-bestowed land entitlements and the local elite landowners with their own land titles, the island has become a site of struggle among these contending parties.

The Department of Agrarian Reform (DAR) is the state agency in charge of implementing CARP. Its local office introduced CARP in Sicogon in 1994 when it was still classified as an agricultural land. This prompted the landowners to ask local state officials and local agrarian reform officials to reclassify the land back as tourism area to exempt it from the Program.¹⁷ Apart from claiming that the resort helped transform Carles into a 2nd class municipality, the landowners also used the following arguments to legitimize their claims: First, no agricultural activities are being done in the island since the land is not arable in the first place. Rice and corn have not been planted. Standard farming practice normally performed in farming operations are not done in Sicogon. Second, agriculture cannot support the livelihood of the people. Dividing the land into smaller parcels among the CARP beneficiaries and allowing cultivation of root crops will only destroy the forest cover and the ecosystem. Third, the main source of livelihood of the people is fishing, therefore, the people are fisherfolks and not farmers. Fourth, a landlord-tenant relationship does not exist since SIDECO is not a landlord. Fifth, the requirements of tourism for structures and facilities such as golf courses and sports clubs are inconsistent with agricultural development. Tourism in the area will only allow limited agricultural production. Farming will remain subordinate to the needs of tourism. Hence, lands with slope less than 18° will be used for recreational facilities. Sixth, that people earned their livelihood through the resort alone. Hence, there is a possibility that people will sell and not cultivate the land once

¹⁷ Under the law, only alienable and disposable lands, public lands, and private lands devoted or suitable to agricultural activity can be covered by CARP.

it was titled to them. Seventh, the answer to the development problem is not to transform the people into farmers with 3 ha of unarable land that they cannot develop but the development envisioned by SIDEKO.

State actors like the Minister of Tourism, together with the local business councils, supported the landowners' request probably because of the potential of the island to generate high tourism revenues. Successive municipal ordinances and resolutions declaring the island for tourism purposes were passed. The municipal office's latest Comprehensive Land Use Plan (CLUP) and Zoning Plan from 2013-2022 indicates that except for the timberland, the whole island of Sicogon is a high-end tourism zone.¹⁸ Land allocated for agriculture was notably missing. Cerena Villanueva, local planning and development officer, said that a study was conducted by the local DAR office indicating that the island is not suitable for agriculture because of its rocky soil.¹⁹ Francisco Canones, local agrarian reform officer, confirmed that such a study was indeed done, not at their level though, but by high level officials from their office. He disagrees with its results saying that the projection map that their office has of the island shows agricultural crops planted in the area.²⁰ Agreeing with him is Riza Lapinig, local state assessor, who conducted a similar team study based on the actual use of the land and found it being used for agricultural purposes.²¹ As part of the CARP titling procedures, a multi-state agency inspection was also carried out which found that 335 ha of the private land meet the requirements of the Program. It was based on these findings that the regional director of DAR issued a Notice of Coverage informing the landowner that 335 ha of their land will be placed under CARP.²²

The issuance of this Notice prompted the landowners to turn to the judiciary. One civil case over another was filed against the regional DAR director and other officials who executed the Notice on the grounds that they violated CARP procedures. The landowners also repeatedly applied to DAR for an exemption from the Program, supporting this with official state documents and unofficial state letters declaring the island as either a commercial or tourism zone. This strategy of "forum shopping" in which landowners file similar cases to various courts and agencies most likely to provide favourable judgments is prevalent in the Philippines and has been used to delay titling procedures (Franco 2011). But not to be intimidated, the regional DAR director remained steadfast and declared two Order of Finality, making his decision final and executory at the local level.²³ Sealing this decision is another Order of Finality

¹⁸ The CLUP is a long-term framework that directs public and private investments by identifying which areas can and cannot be developed. (DILG 2009).

¹⁹ Personal interview with Cerena Villanueva at the Municipal Planning and Development office on 21 July 2014 (hereafter, *Villanueva* interview).

²⁰ Personal interview with Francisco Canones at the Municipal Agrarian Reform office on 22 July 2014.

²¹ Personal interview with Riza Lapinig at the Municipal Assessor's office on 21 July 2014.

²² These Notices are issued for CARP-covered private agricultural lands informing the landowner the size and location of the land being acquired. Once the Notice has been served to the landowners, DAR initiates the land acquisition and distribution process.

²³ Based on the DAR Administrative Order No. 06-11, an Order of Finality is a resolution issued by the Regional Director or the Secretary of the DAR or the Office

issued by the Minister of Agrarian Reform in April 2014. As expected, the landowners filed an appeal which is currently being discussed in the DAR.

These incidents reflect the obscured parameters of juridical courts and state agencies, civil and legal laws that contending parties had to weave through to make their favoured policy authoritative. The elite landowners use local courts to threaten pro-reform state and social actors and to complicate the policy setting. It is a strategy to confuse the communities of the legal blitzkrieg, prolong the battle if necessary, exhaust people's capacity to remain in battle, and ultimately dissuade them from pursuing the titles. On the other side, these incidents show that there are state actors who act independently of landowners' influence but not necessarily independent of internal pressure from their agency. Following Fox's earlier assertions, it is the initiatives of these state actors or the "access routes", who do not necessarily come from one state agency or rank alone, that provide people their entry points to the state machinery. The Order of Finality is a huge feat for the people and the Program achieved with the help of these access routes.

The landowners knew they have to exploit the plural legal situation of the island if they were to establish their ownership of it. Manoeuvring their way around the legal system, they extended their claims beyond the farmlands to cover the island's public land and forestland. Through their local political network and influence, the landowners would be one step ahead of the people in obtaining management rights to these lands (see Appendices C and D for these accounts). This move again shows how overlapping policies produce conflicts and influence the decisions of contending groups regarding which state agency to engage with and institutional framework to invoke.

Not content with the legal blitzkrieg, the landowners resorted to harassment to weaken people's resolve. The harassment began in 2002 when PROGRESO, a nongovernment organization with expertise in militant community organizing and focus on agrarian reform initiatives, entered the community to assist the villagers to assert their land claims through the CARP framework. By 2003, there were 214 families that had applied as beneficiaries of the program. Some families failed to qualify either because their main source of livelihood was not farming or they were threatened by the landowners. Cases of illegal logging and notices of lawful eviction were filed against the farmer beneficiaries. Affidavits were executed by alleged program beneficiaries denying that they are bona fide tenants of the island and requesting the local DAR to cancel their names in the application. The harassment intensified in 2008 when the landowners declared "Huwes de Kutsilyo" (Justice by Knife) in the island. Two days after this declaration, an elderly woman was killed while gathering crops in her farm. The house of a leader was demolished by armed men. Firearms were planted outside the houses of farm leaders who were subsequently put to jail for alleged case of illegal possession of firearms. The people's training centre was destroyed, crops were uprooted, and a shanty was set on fire. Two houses were demolished when the people refused to leave.

of the President of the Philippines that contains the final decision of a court, quasi-judicial body, or tribunal on cases involving the implementation of the agrarian law. Enforcement of the decision is the next action.

This repeated use of coercion and consent (recall discussion on Harvey) is a prevailing strategy throughout the land struggle. Until this point, consent was applied by surfacing misconceptions about the agricultural sector and pitting these against the market-constructed profitability of the tourism industry to garner policy support at all state levels. The plural legal situation of the country was exploited by the landowners to wring out people's resources while abiding by the state's legal system. Consent was complemented by coercive tactics, particularly against the farmer leaders, to stifle their leadership and threaten the beneficiaries from pursuing their application.

If the story was to end here, these events would almost paint a bleak picture of the land struggle for the rural poor. But the conflict persists with local communities collectively mobilizing themselves to protest the harassments. Institutional policy reforms opened the space for landless rural poor farmers to claim ownership of lands they have tilled for years. But clearly an institutional opening does not automatically guarantee a pro-poor interpretation and implementation of the land law, as Franco (2011) reminds us. A collective legal and political action from below *and* above had to be done particularly in difficult and contentious situations (following the interactive approach). In early 2009, the people engaged in a 'rightful resistance' (recall discussion on O'Brien) by walking 140 km for six days towards the capital of the province to negotiate and demand their rights from state officials and expose their situation to the public. Shunning violent measures, the protest became a powerful act that revealed the tilted balance of power between the landowners and people, and the absence of state rule in the island. The name of their protest, "Exodus for Land, Life and Dignity," explicitly shows how this act was nurtured by the failed commitment and pronouncement of the state to grant farmers their land under CARP. It also shows the values of equality and human rights upon which the resistance is firmly grounded upon. It was an act powerful enough to deter three foreign investors from pursuing their partnership with SIDEKO.²⁴ This act was picked up by both local and national media and one that gained new allies from the church and other human rights and social justice advocates. Among them are a senator, representative of AKBAYAN,²⁵ and the Head of the National Anti-Poverty Commission (NAPC), and CBCP-NASSA²⁶ - the social development arm of the Philippine Catholic Church – all of whom will be the policy currents (recall discussion on Fox) that will help push people's demands within the new institutional arrangements.

Cacique law in Sicogon overshadows the state law in similar ways that this occurs in other parts of the country, as discussed by Franco (2011). But people knew, and as advised by their NGO allies, that despite its weakness it is important that they have the state law behind their cause. Continuing their rightful resistance, they countered every civil case filed against them by the landowners with other court charges. For every abuse inflicted on them, the

²⁴ *Sarrosa*, interview

²⁵ A political party which aims to pursue a progressive reform agenda and uphold democratic space in the country.

²⁶ Catholic Bishops' Conference of the Philippines (CBCP)- National Secretariat for Social Action-Justice and Peace (NASSA)

people reported to local police authorities and filed a case in local state courts. It was through this legal effort that they were granted a writ of amparo by the court which protected them from the harassments of the landowners – again, a significant feat for the farmers.²⁷ In every step of the titling process, people made sure they followed the law, albeit misled at times by anti-reform state actors. To counter this, people armed themselves with knowledge of the law with the support of NGO allies, and used this to prepare legal counter arguments against the landowners’ appeals. The allies they gained from the protest became channels for people’s claims to be discussed at the national level and to push local state officials in their direction. Going back to Fox’s assertion earlier about autonomy and capacity, the incidents above reflect the degree of independence that people have in crafting the framework of their campaign. They have constructed their claims and based on these determined which agency to pressure and which specific policies to uphold. They maximized the policy currents and access routes to access the state machinery and pursue their claims.

At this point, ownership of the farmland seems to be in favour of the people with the Order of Finality issued by the national DAR office. The forestland remains under the management of the landowners while the public land remains in contention. In the background, however, talks of a joint elite partnership venture between Ayala Corp. and SIDECO had started brewing, with the media sprawled with news of a Php 10 billion (approx. €173 million) planned tourism project in the island.

Then typhoon Haiyan hit the Philippines in November 2013 and changed the game.

²⁷ The writ of amparo “...is a remedy available to any person whose right to life, liberty and security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity (Philippines Supreme Court 2007).”

Chapter 5: The land battle changes

This chapter investigates how the institutional environment brought by disasters and CC intersected with pre-existing processes of the land conflict and how this interaction shapes and is shaped by the latter's spatial, institutional, and political arrangements. The discussion pivots around the sources of institutional dynamism and its impact on the space and interaction of the state, capital, and society.

Market-based, non-coercive strategies at play

Haiyan was one of the largest and strongest typhoons in recorded history of the planet. Thousands of people were left without food, shelter, and other basic necessities as extreme high speed winds of approximately 300 km/hour brought 5m high sea waters towards coastal communities. Except for very few cemented structures, most of the houses were either washed away or destroyed. More than 6,000 people perished in central Philippines, and thousands of houses, fishing equipment, farms, and infrastructures were destroyed. It was a massive disaster.

Burdened by its bureaucratic processes and structure and insufficient relief and rehabilitation funds, the state had to call on the corporate elite to serve as 'development sponsors' of areas hit by the typhoon. They were asked to help rehabilitate four sectors: education, health, shelter and livelihood in each area that they will sponsor. In asking for the corporate elite's support, the state made crucial calculations between 1) maintaining its political legitimacy to its people and the international humanitarian community by ensuring it immediately delivers the necessary humanitarian support and 2) continuing its capital accumulation especially after being touted as the fastest growing economy in Asia (Coface Group 2014, Mellor and Batino 2013). During the negotiations, Ayala Corp., one of the companies that pledged its support to the state, chose Iloilo since they have already targeted this province to be one of its future growth centres (Ayala 2012). According to Ayala's Paynor, "Rehabilitating the four sectors is logical if you want to help an area and if you want to approach it from a holistic perspective."²⁸

However, in Sicogon their plan is different. It will not receive support for the four sectors. In fact, their support in the area is merely coincidental as they happened to have business plans for it. Their ultimate plan is to remove the people and relocate them in the mainland where they had bought a land on which they built 200-300 houses for those who will choose to relocate.²⁹

The condition of the island after the typhoon was the "clean slate", the "external other" that the powerful local and corporate elites were waiting for (recall discussion on Klein). As one relocatee aptly puts it, "When SIDECO could not drive the people away from the island, Typhoon Haiyan gave them

²⁸ Paynor, interview

²⁹ Ibid.

that opportunity.³⁰ Their combined plans of transforming the island into a high-end tourism area, of becoming a prominent player in the tourism industry, and of developing the province into a growth centre have found what Harvey calls earlier as a ‘spatio-temporal fix’ after the disaster. The elite partnership knew that to succeed in their plans, they would have to immediately capitalize on the collective trauma of the people and the expressed incapacity of the state.

Relief goods arrived intermittently the first weeks after the typhoon. When it arrived, the packages were distributed with prejudice to some families and were not enough to sustain a family of six for a week. The village captain of Buaya said he travelled the day after the typhoon to ask for relief goods from the local social welfare agency of the municipality. But its official promptly told him that it would be the first and last support they would give since Ayala Corp. is already supporting the island. Fuelling their desperation was when people saw how the security forces of the company would block boats carrying relief goods to the island and asking them to return to the mainland. SIDECO also prohibited them from repairing and rebuilding their homes. Humanitarian organizations like Save the Children wanted to provide them with shelter materials but were only allowed by SIDECO to provide school materials to the children. A British naval group was asked to leave the island by “3 big men” after providing tarpaulin and other relief assistance to the island for two days, without permission from the company. The people could not fish after their boats were carried away by seawater. ICCO Cooperation, a Dutch development organization, was able to provide 70 fishing boats a few months after the disaster. By then, people’s vulnerability and desire for survival were at peak levels.

This paradoxical situation of scarcity and abundance was an opportune time for the dominant groups to apply non-coercive mechanisms. Merely offering cash support to remove people from the island was not an option as this would have placed the corporate elite’s image in a bad light and may not be sufficient to convince people to leave their lands. But by taking advantage of the disaster, the elite partnership created a condition of pressing need for survival, one that would force people to decide to leave the land without holding the elites responsible for their decision (recall discussion on Hilhorst and Jansen). It was a condition in which the options for negotiations are limited or an “all or nothing” situation.

A week after the typhoon, a general assembly in each village was held by I-Serve, the NGO hired by Ayala Corp.,³¹ to discuss the business conglomerate’s two offers to the villagers. Acceptance of either offer, according to the people, determined whether I-Serve will provide them with immediate relief goods or not. Looking at the nature of these offers, we are reminded of the factors

³⁰ Personal interview with relocatees in Jolog village on 27 July 2014 (hereafter, Jolog relocatees interview).

³¹ I-Serve indirectly operated in the island in early 2013 when they conducted community surveys. When asked by the people whether they are affiliated with Ayala, they gave a negative response. However, according to Ayala’s 2012 annual report, I-Serve was the same NGO it contracted to conduct stakeholder mapping for one of its suburban community projects. (Ayala 2012).

identified earlier as affecting people's calculations over land deals. The offers are as follows:

- First option: The household will receive Php 150,000 (€2,607) only if they will waive their rights to their land, destroy their house, and permanently leave the island. If they have another family sharing their home, this family will receive Php 30,000 (€521).
- Second option: The household will move to Jolog village where they will receive a house and lot at no cost. Along with these, they can also choose to receive either a start-up money of Php 5,000 (€87) or materials for a banca (fishing boat). Titles to the house and lot will be given after three years, depending on how fast the state can process the title. Ayala Corp. will provide community facilities such as a fish landing, market, and school, and livelihood programs. Job opportunities either as construction workers or administration staff in the relocation site will be provided. They will receive a daily salary of Php 200-300 (€3-5).

The relocatees said that those who took the offers will be selected for employment in the resort, depending on the skills that they have. Those who refuse to take either of the offer and prefer to stay in the island will be litigated in court and will neither get cash nor a house and lot from Ayala Corp.

As people's desire for survival was stretched, a number of them relented and accepted the corporate elite's offer. Permanently sealing the deal is an agreement between the company and the household which states that: 1) SIDECO is the registered owner of the 809 ha, 2) an admission by the household that they have no right to stay on the land, 3) the household has decided to relocate to the mainland after getting financial support from the landowners because of the damages sustained by their house from Typhoon Haiyan, 4) the household agreed to remove all structures in their lot, 5) waive all their cases and claims against the landowners and their company, and 6) withdraw their CARP application and membership in FESIFFA (the network of people's organizations in the island in which the land claim makers are part of; in turn it is a member of a national militant peasant movement, *Katarungan*). In addition, the agreement stated that the household signed on their own volition and will not reclaim ownership of their property in the island.

Challenging social mobilization from below

With the agreement, the people found themselves thrust in business with the powerful actors under different terms of exclusion and inclusion. Those who signed the agreement gained the favour of the powerful elites and perceived their life now as "better". Excluded from this "better" life are those who remained in the struggle (recall discussion on green grabs). The introduction of these market offers produced a mix of constructions of the land and challenged social mobilization from below.

A majority of the households who accepted the offers perceived the struggle as futile since they do not have titles to the land, are not eligible applicants of CARP, and share the belief that they are opposing a powerful group.³² They are relatively the more vulnerable families and therefore may choose the “better” option, that is, to receive the material and financial offers and hold on to the promise of employment (or incorporation into the business) (recall discussion on mobilizations from below). Land used to be an important asset for them. But without capital to revive farming, its utility is reduced, making its value easily replaceable by available cash aid. One household head said she wants to escape the conflict and have a quiet life with her family. Thus small inconveniences like paying for electricity and water which they consumed at no cost back in the island were seen as part of their share to have a better life.

The often-heard remark on the obsolescence and antediluvian life in an island resurfaced and was highlighted in the remarks of relocatees in Jolog. Apart from changes in the material space, these remarks show the changes created by market-based incentives on people’s representation of their island and the experiences, values or the “lived” dimension they attach to it (recall discussion on space):³³

They told us, your children should not grow up like you who are dependent on just fishing. This is why they offered us other sources of livelihood.

I do not want myself and my children to be ignorant in the island all my life.

These negative perceptions of the struggle and the people involved in it may have been present before the typhoon. But with the changes in their space caused by the disaster and the introduction of new institutions and its “entitlements”, these negative perceptions were reinforced and resurfaced.³⁴

Some of those staying in the forestland are relatively well-off. Yet they prefer to stay in the dilapidated tents. It is just a pretence to get other people’s support.

Their views of the harassment cases also changed, claiming these are all false.³⁵

A number of residents who had decided otherwise either stayed in their villages or set up temporary tents near the timberland where they cannot easily be evicted by SIDERCO and Ayala Corp. as it is state property. This group is composed of CARP beneficiaries and non-beneficiaries. They were also pushed to a subsistence crisis level, but instead of choosing the path of avoidance, they

³² The exact figure of people who took the offer cannot be established as of this writing. The records of I-Serve showed that there are 711 families that accepted the offer, which includes those families who shared house with another family. But this number has to be verified because, according to PROGRESO, this may include families that are not residents of the island or are relatives of I-Serve staff themselves.

³³ *Jolog relocatees*, interview

³⁴ Ibid.

³⁵ Ibid.

chose to struggle against expulsion. Their land rights are legally-backed up by the state (recall their significant legal victories). For the non-beneficiaries, they held on to their informal land rights and the promise of land sharing arrangements by the Program beneficiaries. Explaining their actions, they said:³⁶

We are not against development. We are even willing to surrender the 22 ha so that development of the airstrip can proceed in the island. What we want is to be allowed to stay in the island, continue our livelihood, and be part of the island's development plans.

We are already content with fishing and farming. It is all right if we are not employed by the resort.

We learned to fight back not because the NGOs are telling us to fight. SIDECO and AYALA are not leaving anything for us and yet they want more from us.

By applying consent and coercive tactics, the elites helped create cleavages within the community. Their differentiated reactions reflected the factors that influenced their political calculation of land deals. Those who took the offer felt they are close to the subsistence crisis level and the market offers became their means to remain above this level. Relocating to the mainland will protect them from SIDECO's continuous harassment and legal retaliations. Their political opportunity structure would have been limited had they stayed in the island and continued with the struggle. For them, the island presented more threats than opportunities.

On the other side, those who did not take the offer and continued their resistance framed their struggle differently. Their policy current has broadened and they have the Order of Finality to support their claims. Their political opportunity structure has more opportunities than threats. The struggle therefore was not perceived as futile but as potentially strengthening. They continue the struggle not only because their physical subsistence was threatened but also because their subsistence ethic and moral economy were challenged (recall discussion on Scott). Higher ideals and promised rights were broken and disrespected. And as shown in the previous chapter, it was in these ideals that people's "rightful resistance" were grounded upon.

Because the powerful elites have been encroaching on their space, the resisters set up an "independent" space where the cacique law is not honoured and one where they have full control over. The tent camp was set up in the forestland to protect themselves from the harassments of the dominant elites. The village captain of Buaya told me that he would rather sleep in the camp than at his home where he feels threatened.³⁷ Local environment state officials have been forcing them to leave the forestland, using the Forestry Law as justification. But these were simply ignored by the people. More than a material space for

³⁶ Personal interview with community members of Alipata on 24 July and Buaya and San Fernando on 25 July 2014.

³⁷ Ibid.

securing their lives, the tent camp became representations of people's resistance to and freedom from the encroachment. It is their space for collective thinking and mobilization, where dialogues with national state officials, international and local support groups, and families take place. The camp is their manifestation of their autonomy and capacity. Thus, any attempts of encroachment from the despotic landlords and corporate elite were met by threats from the people.

Maximizing the plural-legal setting of the country, their growing policy currents, and their additional identity as disaster survivors, the people applied for a presidential proclamation that will declare their temporary domain in the forestland as a permanent resettlement site. They called on the representatives of NAPC and AKBAYAN to facilitate the proclamation at the national level. They also tapped the Philippine Fisheries Code which supports the establishment of fisherfolk settlement areas near fishing grounds to support their claim. Together with their policy currents of state actors, they continued their negotiations with the corporate elite to produce an agreeable situation.

The powerful elites meanwhile challenged the people's struggle by resorting to the classic divide and rule tactic. They organized those who received the market offers and backed them up with material and financial support to file court cases against the other group. The Sicogon case therefore is not just a struggle between capitalists and people or state versus the people, as often depicted in popular literature on land deals. But it is these contentions *plus* the struggle *within* communities brought about by different configurations of the actors and impact on their space that comprise land conflicts in the island (this crystallizes earlier assertion of Borras and Franco 2013, and Harvey 2003).

The humanitarian field was transformed by the land conflict. The swiftness of the disaster and the time the options were laid out enabled the powerful elites to use humanitarian principles and actions to justify their market incentives. Humanitarian aid and economic payoffs were perceived as one. Despotic landlords and corporate elites became people's benefactors. On the other hand, those who did not take the offer perceived the 'humanitarian support' (based on the agreement) as compensation for their expulsion. This was evident in their description of those who received the offer: "*mga nagpabayad*" or those who got paid. Alterations of humanitarian instruments and CC policies continue to be done by the corporate elite as we will see in the next section.

Reworking spaces and institutions: A safe island for the privileged

Weeks after the typhoon, the state implemented a no-dwelling zone policy which prohibits residents from setting up their homes within 40m from the high-water mark to the coastline. When strictly implemented, this policy would have rendered about 1,000 families in the island homeless. State agencies have contrasting views on this policy. For OPARR, it is not necessary that a blanket implementation of this law be done. In an official communication by the state, the Minister of Environment and Natural Resources states otherwise.

On the 40m easement, that's all in the water code. We didn't put that policy in. In fact for us it doesn't make sense, we find that in the water code and it's supposed to be an easement but for us it's not necessarily unsafe if you're in the easement. – Karen Jimeno, Head of Communications, OPARR³⁸

It is clear in the law that we cannot allow people to build houses in areas for mangroves and beach forest... (This) necessitates a display of political will from their local government officials to restore their mangrove areas and beach forests... Had the mangroves in Leyte and Eastern Samar not been decimated, the storm surge in those areas would have been dissipated by 70 to 80 percent of its strength. – Ramon Paje, Minister of Environment and Natural Resources (GOP 2013)

This policy has been latent for years but was resurfaced not only because of the risks posed by extreme weather related events but also because of the demands of the new institutional environment the state finds itself in (recall discussion on institutional dynamism). As an archipelagic country constantly hit by no less than 20 typhoons per year, there is internal and external pressure for the state to address people's vulnerability. Its political legitimacy not only to its people but also to international bodies as a signatory to the HFA is at stake. The state is obliged to accomplish the HFA's five priorities for action, one of which is "reducing underlying disaster risk factors, whether social, economic, environmental or land use" (UNISDR 2013:3). Thus, as a knee-jerk reaction to the disaster, the state ordered the relocation of high-risk areas such as low-lying and coastal communities to safe zones. In its Php 160 billion (approx. €2.6B) masterplan³⁹ for rebuilding the typhoon-hit areas, the state plans to relocate around 1million people living in coastal zones considered as high-risk areas (Gabieta et.al 2014). It is worthwhile to note though that while relocation is internationally recognized as an adaptation strategy, the IPCC (2007) recommends this with caution stating the need to study several uncertainties (e.g. political instability) that can interact with these CC policy responses and reverse its intended impact. In the same breath, it also recognizes that CC drivers and impacts are shaped by existing socioeconomic conditions and institutional settings.

Often, settlements exist in a splintered political landscape that makes coherent collaborative adaptation strategies difficult to contemplate. (IPCC 2007:382)

It is this reciprocal relationship between CC policies and the political processes occurring in land conflicts that some state actors failed to consider when they executed this policy and the relocation strategy. Balancing capital accumulation and political legitimacy, and influenced by their current sociopolitical location,

³⁸ Personal interview Karen Jimeno at the OPARR office on 6 August 2014 (hereafter, *Jimeno* interview)

³⁹ Eight months after the typhoon hit the country, OPARR came up with a Comprehensive Yolanda Rehabilitation and Recovery Plan for areas hit by Typhoon Haiyan. This plan, according to Jimeno, took a long time to finish because OPARR decided to combine the assessments at the national and local levels of the state.

these state actors conceive and execute policies as if these occur in a political vacuum where only its intended outcomes are produced.

IPCC's stance on relocation is supported by Efren Godilano, a CC expert hired by OPARR to help put CC projections in the multi-hazard map for Sicogon island. For him, relocation is always the last resort.⁴⁰ The multi-hazard risk map (see Figure 2) shows that it is not a safe area since all portions of it have different levels of risks.⁴¹ A big portion of the island has risk levels running from high to extremely high. However, he quickly points out that this does not mean relocation is the only solution for the communities.⁴²

We can still have fisherfolk settlements and a tourism industry in the island provided that appropriate mitigation structures corresponding to the risks involved are installed. This will entail costs. The higher you go up the risk level, the higher the costs. We can always do something about it. The question is who will shoulder the costs?

This question was answered in my interview with Ayala's Paynor:⁴³

There are mitigating factors. You can build but you have to do this, which the people don't have the money for but which a resort can do. So if you put a high-rise building there, even if you have a storm surge of two-storeys high but you have an eight-storey high building, then you're okay. There are many ways of in a sense skinning the cat. But if left on its own and people who don't know exactly what this means just want a piece of land to put in their flimsy homes, when the rains come and they're washed away guess whose fault it is.

But as Godilano remarked, "The maps indicate that there are no safe areas in the island. But it does not mean that it cannot be made safe. Appropriate interventions can be constructed based on the hazard and risk involved. We only have to look at Japan to say that it is possible to do this."⁴⁴ And yet, a one-track market-led decision to relocate people is often imposed by the state in favour of the corporate elite.

⁴⁰ Personal interview with Efren Godilano at the OPARR office on 18 August 2014 (hereafter, *Godilano* interview).

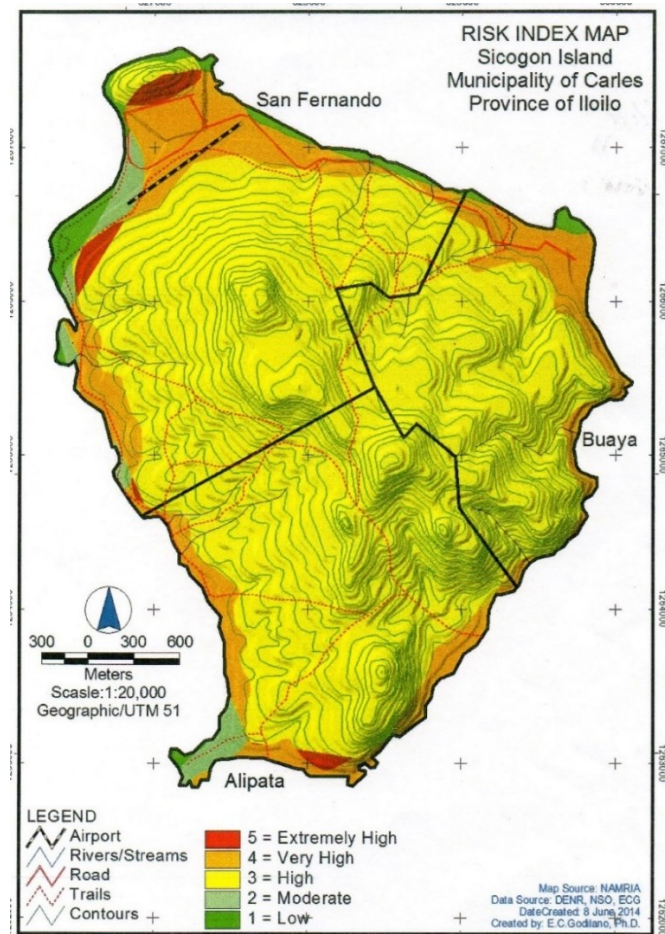
⁴¹ According to Godilano, the probability of extreme weather related events like typhoon Haiyan occurring in the future can already be estimated through CC projections. These projections should be included in existing multi-hazard maps since these events are now considered the 'new' normal. He says that these projections were not included in the multi-hazard maps produced by the DENR for identifying the relocation sites in typhoon Haiyan areas. This implies that these sites may be safe from the other hazards but not from extreme weather events.

⁴² *Godilano*, interview

⁴³ *Paynor*, interview

⁴⁴ *Godilano*, interview

Figure 2. Risk map of Sicogon Island



Source: Efrén Godilano, consultant, OPARR

Hazard maps and the 40m easement policy are some of the state instruments originally intended to ensure that populations are kept safe from coastal flooding. These instruments become focal points of negotiations particularly when applied by new actors in land conflicts and their new goals. From its primary intention of saving lives, these “old” institutions are now used for other ends by dominant actors and given different meanings when applied in land conflicts (recall Steinmo and Thelen). International and national calls for “building back better”, “safe and secure settlements”, and other narratives of legitimation around DRM and CC justified the powerful elites’ argument for relocation: local communities do not have the means to keep themselves safe in the island while the corporate elite has the capital to abide by these calls by making the island safe for everyone (recall discussion on “green grabs”). These events show the dynamic relationship among the institutions of CC, disaster and land grabs. As these institutions recast the space and political arrangements of land conflicts so do the politics of land grabs reconfigure the meanings and intent of CC and disaster-related institutions.

No state in a private island

Franco (2011) writes about ‘laws’ in private plantations and haciendas, and refers to ‘batas ng hacienda’ (law of the hacienda) where the state exercises less

authority inside private spaces controlled by despotic landlords. It is similar in Sicogon – only that the entire island seems to be governed by private elites. It is a key political setting for how land conflicts intersect with disaster responses and CC adaptation strategies. Referring to Carranza’s point earlier, it is the private property regime that has held back the state from fully supporting typhoon-affected communities like Sicogon that are located in private areas. The absence of a rehabilitation plan for the island explicitly demonstrates this.

We do not have a rehabilitation plan for Sicogon because it is a private land. The one who should do it is SIDEKO, the private firm that owns the land. What we do is we wait for their plans so that we can include it in the municipality’s overall rehabilitation plan. That’s the time we can monitor it.⁴⁵

The same dilemma was expressed by Jimeno in an interview with the author.⁴⁶

This goes beyond rehabilitation. You have here property rights issues. To the extent that this is private property, we really cannot build back there regardless of any issues. It is beyond OPARR’s mandate....So their problem is that if they are already occupying this (land) and this is private property they really cannot rebuild there not because of any policy related to rehabilitation but because of property law. We cannot advocate for them because it’s beyond our control. This remains private property unless there are expropriation proceedings.

The state’s mandate therefore can cover the residents of Sicogon if they are part of the comprehensive recovery plan that OPARR will monitor and evaluate. Unfortunately, the reverse is true for Sicogon. Without the mandated agency and local state officials to look after the condition of the farmers, where does this put the political legitimacy of the state? Which group is responsible for ensuring that people’s rights are upheld?

In a disaster situation where needs swiftly change and funds for rehabilitation and recovery had to be immediately released, the state calculates the best move to balance its dual functions. By calling on the corporate elites’ support, the state assumed that it had this balance. While the state may refute this, such an arrangement has put its control over the rehabilitation agenda in a flux. If the corporate elites retract from their commitments for some reason, this disrupts the rehabilitation efforts and possibly jeopardizes both state functions (recall discussion on Fox). With capital in the hands of the corporate elite, to what extent then can the state exercise its sovereignty over lands “adopted” by the corporate elite while balancing its dual albeit contradictory functions? In the case of Sicogon, the island has become “untouchable” to the state simply because it is a private land with supposedly private sponsors. But when post-disaster situation deals with people’s lives at risk, how can the state step in, exercise its eminent domain over the land, and uphold the rights of the

⁴⁵ Villanueva, interview

⁴⁶ Jimeno, interview

communities? How does it calculate its move? How does it tame monopolistic power over its people and natural resources?

A compromised deal: the outcome of a protracted battle

In 8 November 2014, the four-decade old battle between SIDECO and the farmers came to a resolution as both parties together with Ayala Corp. and state officials arrived at a compromise. The negotiation was mediated by the farmers' policy currents: NAPC, AKBAYAN, CBCP-NASSA, PROGRESO and ICCO. The agreement provides the farmers with P50M (approx. €833T) for its livelihood projects, a 30 ha resettlement site for the 784 household members of FESIFFA, 40 ha agricultural lands for the CARP beneficiaries, 10 ha for the fish shelter in the current site of the tent camp, and homelots measuring 150 sqm for non-beneficiaries of CARP and 250 sqm for the beneficiaries. A collective title will be granted to the Program beneficiaries for the 40 ha agricultural land and a collective tenurial title will be given to the homeowners' association that will be set up by the people to discourage land selling. NAPC will provide the houses for the people.

Though fractured but not weakened, the farmers knew a compromise is the 'second best' option having fought a protracted battle while remaining hopeful that they will benefit from the tourism business. The agreement was a compromise for all groups: the people had to withdraw its application under CARP (except those specified in the agreement) while the dominant elites also had to surrender some of the land for the people to use. All of them lost but gained parts of their claim. Ultimately, Ayala and SIDECO got what they wanted: land – not entirely, but largely.

Chapter 6. Conclusion

The study began with this question: How do land grabs shape and are shaped by climate change and disaster-related adaptation strategies, policies and principles? Its answer is this: When the new institutional environment around climate change and disaster intersect with the prevailing political processes of land grabs, the political, institutional and spatial arrangements embedded in the conflict are reconfigured. Conversely, the institutions of CC and disasters are recast and used for different ends as it interacts with the politics of land grabs. Powerful capitalists, together with their allies within the state, attempt to grab the clean slate as a result of the disaster. But this is not a one-way political dynamic. While not all people resist land grabbing, some do. Those who resisted land grabs forge alliance with groups of supports from within the state and in society. The political contestations that ensued are then largely conditioned by pre-existing social structures as well as existing institutions – some of which facilitate, others hinder, efforts of poor people to resist. It is the actual balance of power between these two contending factions of state-societal forces that determine the character of policy process and shape outcomes. In this particular case, a successful land grab for the capitalist, and a partial victory for the resisters.

Climate change and disasters introduced the crucial element of time. The local landowners engaged the people in a long legal and violent struggle. But it is the political influence and introduction of massive amounts of capital at an opportune time by the business conglomerate that shifted the momentum of the struggle. It should be remembered that this time of scarcity was triggered by the typhoon but was created by the powerful elites (e.g. slow and infrequent delivery of relief, apt timing for introducing market offers). It was a situation that the poor people and their allies were not able to predict and prepare for. And yet it was a time that the capitalists were prepared to create and exploit. By the time they had regrouped, the capitalists have tilted the balance of power that in turn influenced the outcome of the struggle. In just a year after the typhoon occurred, the four-decade long struggle reached a decision.

The reconstruction of humanitarian principles and CC adaptation strategies by corporate elites further complicates land conflicts as subjectivities emerge and are debated on. Land grab in this case was facilitated by these subjectivities by subsuming it under the broader humanitarian and climate change fields. This threatens not only the integrity of these fields but also challenges the operations of rural social movement organizations and humanitarian and development NGOs. In many cases the operation of these groups is limited to either the development, climate change, or humanitarian field. And yet, the case of Sicogon shows that all fields can be present in one site. Additionally, the four agrarian political economy questions earlier cited generate new dynamics and multi-scalar complexities when applied to the elements of the nexus. As noted above, the Sicogon case shows the swift transformation of institutions as they intersect. It also shows how these are swiftly changed by interactions of state, society and capital. The capitalists were able to immediately adapt to and maximize to these changes. Social reform and humanitarian groups should be able to do the same. Concurrent rework will have to be done to the institutional

parameters and strategies of these groups to adapt to these dynamics and grasp and address the new challenges it brings.

Climate change and disasters brought in new actors like CC experts and the field of CC science into the land conflict. However their role and recommendations remain external to negotiations around it. Only those tools and recommendations that work in favour of dominant groups are taken up and accepted. As the study shows, capitalists take advantage of these tools to reinforce the vulnerability of the poor people while legitimizing their presence and operations. These tools and recommendations of science will continue to acquire different interpretations and used for ends other than it was originally intended for in sites of land conflict.

Within the state, the contradictions and political dynamics among state agencies (e.g. the weather bureau and the DENR) and state actors largely influence whether CC science will be included in policy design and implementation. But as earlier revealed, CC science was not considered in the state's multi-billion rehabilitation plan, making it vulnerable to the impacts of climate change. The 1M people targeted to be relocated by the state and the 205,000 new homes that will be constructed may thus be safe from earthquakes and other hazards, but not to extreme weather events like typhoon Haiyan. Located within the nexus, the relocation sites of these families can potentially become sites of future land grabs if not addressed.

The notions on political legitimacy and capital accumulation both highlighted in Fox (1992) and Harvey (2003) have been traditionally applied to studying the state. However, the actions of the corporate elite in Sicogon show that these contradictory tasks also confront capital. It is inconceivable to see capital just going for accumulation unmindful of legitimacy considerations. We see this dilemma by capital at play in this case. Ayala Corp. is a huge business conglomerate that is known for its promotion of 'corporate social responsibility'.⁴⁷ Maintaining this political legitimacy to the public, its shareholders, and to the larger business community is therefore important, lest it experiences the fate of SIDECO (when investors pulled out after the people's well-publicized resistance). Simultaneously, it has to keep accumulating capital and creating an "external" other to maintain its stature. In balancing these functions, it does not operate on its own but rather taps into its political network and transforms the humanitarian principles to legitimize its operations and weaken ground resistance. Ultimately, the Sicogon case is a clear case of land grabbing made legitimate with the concession given to the poor people who were driven from their land – but land grabbing just the same.

Incidents of land grabs continue to rise, worldwide. These have become even more alarming as it intersects with climate change-related hazards that are increasing not only in numbers but in intensity as well, as evidenced by typhoon Haiyan. CC discourse brings with it a new institutional environment that is highly subjective and value-driven, and therefore easy to manipulate to favour an interest. In central Philippines alone, the government talks about relocating 1 million people from their traditional coastal residence. We just studied a small

⁴⁷ *Paynor*, interview

community involving a few hundred people. It is not difficult to extrapolate possible similar scenarios – just in central Philippines and just those linked to typhoon Haiyan. If we assume that climate change is here to stay with humanity for a while, and global land rush is not slowing down, then the critical intersection examined in this study will be a central development challenge internationally.

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Appendix A

List of People Interviewed

NAME	OFFICE	DATE
Bong Baltazar	PROGRESO	July 21
Lirio Cordova	PROGRESO	July 21
Riza Lapinig	Municipal Assessor Municipality of Carles	July 21
Cerena Villanueva	Municipal Planning Division Officer Municipality of Carles	July 21
Dr. Warlito Abad III	Municipal Disaster Risk Reduction Management Officer Municipality of Carles	July 21
Luis Casiple	Staff DENR Region VI	July 21
Francisco Canones	Municipal Agrarian Officer Municipality of Carles	July 22
Salvador Manglinong	Officer-in-charge CENRO Office	July 23
Edmund Sarrosa	Vice-president SIDEKO	July 23
Community members	Alipata village	July 24
Community members	San Fernando village	July 25
Community members	Buaya village	July 25
Raul Ramos	President FESIFFA	July 25
Sicogon relocatees	Jolog village	July 27
Karen Jimeno	Head of Communications OPARR	Aug 6
Billy dela Rosa	Program Officer ICCO	Aug 4
Mary Ann Manahan	Program Officer Focus on the Global South	July 31
Clarissa Militante	Coordinator, Philippines Program FOCUS on the Global South	July 31
Ramon Paje	Minister DENR	Aug 7
Jim Sampulna	Regional Director DENR Region VI	Aug 8
Danny Carranza	National Coordinator RIGHTS Network	Aug 12
Marciano Paynor	External and Media Relations Yolanda project Ayala Corp.	Aug 19
Alex Lorayes	Vice-president LandBank	Aug 15
Romulo Sumacolob (phone interview)	Engineer DENR Region VI	Aug 15
Efren Godilano	climate change specialist OPARR	Aug 18

Appendix B

Chronology of Events

PERIOD	EVENTS
1896	Aniceto Lacson acquired the title to the island from Ramon Fontanet.
1914	A cadastral survey was done stating that the island is 1,094 ha, composed of 809 ha private land plus 282 ha public timberland.
1970	A second cadastral survey was done by the DENR indicating that the island is 1,163 ha, composed of 72 ha public land, 809 ha private land, and 282 ha timberland.
1972	Aniceto Lacson transferred the land title to the Sarrosa brothers, owners of sugarcane plantations in the region.
1976	SIDECO started its tourism business. Residents of San Fernando village were forced to relocate to Alipata village to give way to the construction of the airstrip and the resort.
1977	A marginal note in a letter written by former Pres. Marcos approved SIDECO's request for the island to be included in the list of Tourism Priority Areas under PD 535.
1978	The municipal government of Carles declared the island as a tourism / commercial / residential area.
1979	To cope with the collapse of the sugarcane industry, the Sarrosa family asked the municipal government to reclassify their land from tourism to agricultural zone to lower the tax requirements.
1983	The resort officially closed.
1988	The Philippine government enacted the Comprehensive Agrarian Reform Program on 15 June 1988.
1989	SIDECO was granted management rights to the 282 ha forestland by the DENR Region VI.
1994	The SIDECO property was placed under Compulsory Acquisition of the Comprehensive Agrarian Reform Program. Two hundred farmers were identified as beneficiaries. The Sarrosa brothers requested the DAR to reclassify the island back into a tourism area to exempt it from the Program.
1996-1998	A series of cases involving illegal logging and ejection were filed by SIDECO against the Program beneficiaries.
2002	PROGRESO entered the island to help the government implement CARP.
2003	A Notice of Coverage from Municipal DAR was sent to SIDECO informing them that 335 ha of the private land will be placed under CARP.
2004	<p>Harassment against the people by the landowners escalated.</p> <p>An investigation by a multi-agency government team concluded that the 335 ha meets the requirements of CARP.</p> <p>A letter was sent to the DENR Provincial office by the Department of Tourism Regional office stating that Sicogon is classified as a tourism priority area.</p> <p>Affidavits of Denial were allegedly executed by farmer-beneficiaries denying that they are bona fide tenants of the island and requested DAR to cancel their names in the applicants' list.</p> <p>SIDECO opposed the inclusion of their land in CARP through a formal communication addressed to the DAR regional office.</p>
2005	SIDECO filed an Application for Exemption/Exclusion to DAR Region VI stating that the land is devoted for tourism.
2006	Houses of farmer leaders were raided by security forces of SIDECO.

	<p>The farmers applied for the CBFM program. It was disapproved by the DENR because SIDEKO still had management rights over the forestland.</p> <p>Successive inspections were conducted by the local DAR office, all of which concluded that the 335 ha of land is eligible under CARP.</p> <p>SIDEKO filed a civil case against the local DAR staff and asked for the nullification of the Notice of Coverage.</p>
2008	<p>SIDEKO declared “Huwes de Kutsilyo” (Justice by Knife) in the island. Harassment and a series of court cases were filed against the farmers. They were also prohibited to farm their lands and to collect forest products from the forest. People retaliated by filing a case of qualified theft and robbery against SIDEKO.</p> <p>Management rights of SIDEKO to the forestland were revoked by DENR Central Office on 24 April 2008.</p> <p>DENR conducted another survey. Results of the survey stated that 72 ha of public land exist. The local DENR office advised people to comply with necessary requirements for free patents. A Regional Trial Court Certification requested by the local DAR also stated that the 22 ha exists within the public land. Twenty-four farmers applied at the DENR Reg VI for free patents to the 22 ha.</p>
2009	<p>SIDEKO issued an ‘Eviction Notice’ to the farmers. People were given 15 days to vacate their areas. When they refused to leave, two houses were demolished.</p> <p>The farmers travelled on foot for 140 km from the island to the main city of the province to protest the harassments of SIDEKO and demand for their land under the CARP program.</p> <p>An Order of Finality was issued by DAR Region VI officially placing 335 ha of land under CARP.</p> <p>SIDEKO opposed the DAR’s Order of Finality.</p> <p>The municipal government of Carles passed another resolution allocating the island for tourism purposes and giving SIDEKO the co-management rights to the watershed of the island.</p> <p>The DENR Region VI issued free patents to the 22 ha to 16 claimants. These claimants are not residents of the place and are employees of SIDEKO.</p>
2010	<p>DAR Reg VI declared the Order of Finality as final and executory.</p> <p>The local municipal government of Carles approved an ordinance declaring the 809 ha as a tourism zone. It also approved its Forest and Land Use Plan.</p> <p>DENR Reg VI granted SIDEKO management rights to the 282 ha timberland under its Adopt-A-Mountain Program.</p>
2011	<p>The League of Governors of the region endorsed Sicogon as a tourism priority zone.</p> <p>The Regional Trial Court denied all the petitions of SIDEKO and maintained the Order of Finality by DAR declaring 335 ha of land under CARP.</p> <p>The head of DENR Reg VI sent a position-letter to the Minister of Agrarian Reform recommending the exemption of Sicogon island from CARP because it is the focus of several foreign-assisted projects of the DENR and it serves as the reintroduction site for the Philippine Spotted Deer.</p> <p>A certification from the Municipal Zoning Office was released confirming that Sicogon has been used for commercial purposes since 1972.</p>
2013	<p>Early 2013. Negotiations between Ayala and SIDEKO for a partnership venture begins.</p> <p>I-serve started operating in the area indirectly by hiring local people to do community surveys. People asked them whether they were affiliated with Ayala. They denied this.</p> <p>The local government of Carles approved its Comprehensive Land Use Plan and Zoning Plan 2013-2022 which shows that the island is a high-end tourism area. Agricultural land in Sicogon is notably absent.</p>

	<p>Oct 2013. A writ of amparo was issued against SIDEKO to stop the harassment of Sicogon residents. Cases of harassment decreased.</p> <p>Nov 2013. Typhoon Haiyan hit the Philippines. Ayala offered two market incentives to the farmers.</p>
2014	<p>The Government of the Philippines declared a 40-meter “no dwelling zone” policy in typhoon-hit areas.</p> <p>1st quarter of 2014. Ayala and SIDEKO’s partnership was forged. I-Serve officially established an office in the island to process the documents of those who accepted the market offers. SIDEKO applied for an exemption from CARP for its 809 ha of land. This was subsequently dismissed by the Minister of DAR.</p> <p>The residents of Buaya village set up tents in the timberland. They also re-applied for CBFM.</p> <p>The local DENR office ordered the people to vacate the timberland as it violates the country’s Forestry Code. The letter stated that the people’s CBFM application may be affected by their unlawful act.</p> <p>June 2014. The DENR Reg VI office declared that the 72ha does not exist and the previous cadastral survey results were erroneous. They said that they will revoke the free patents issued earlier by their Department.</p> <p>July 2014. Buaya village issued a resolution requesting the DENR to declare the 30 ha forestland that they are occupying as permanent fisherfolk settlement area for the affected families of typhoon Haiyan and for an appropriate tenorial instrument to be issued to them</p> <p>Nov 2014 The four-decade long land struggle ended with the people as represented by FESIFFA, Ayala Corp., SIDEKO, and representative state officials signing a compromise agreement.</p>

Appendix C

Where did the 72 hectares of public land go?

As the conflict persists and trust for fair negotiation thins out, the powerful elites, much like the social actors, have been exhausting all access routes and manoeuvring their way around state instrumentalities using their political influence to take hold of the remaining portions of the island.

The ownership of 72 ha of public land where two villages lie is one of those portions. In April 2008, 24 community members applied to the local environmental office for emancipation patents on 22 ha of land located within the 72 ha. These patents are land titles granted to tenant farmers on 3 to 5 hectares of private agricultural lands that they are tilling (GOP 1972). As part of the standard procedures, the local environment office conducted an ocular survey of the area the following month where they confirmed the existence of the public land. The applicants were advised by the local environment officer to complete the requirements of the free patent application. But to the applicants' surprise, they discovered that the local environment office issued the following year free patents to 16 claimants who were not among the 24 applicants. It turns out that those who got the patents are not residents of the island but are employees of SIDEKO. This was confirmed in my interview with Sarrosa who said that they did this to prevent the state and the people from taking the 72 ha and claiming it under CARP. The people protested by filing complaints to the regional environment office, which ironically was the office that issued the free patents.

In a multistate agency dialogue four years after, this issue was again taken up, once more with surprising results favouring the private elites. The people requested the DENR to survey the 72 ha piece of land where the free patents have been issued to contest the titles. But they were surprised when they saw the survey results. In my interview with Romulo Sumacolob, one of the members of the DENR team that conducted the survey of the island, the map they used as basis for doing the 2014 survey was the one produced from the second and last cadastral survey of the island in 1970. The first survey was done in 1914 which declared the area as 1,094 ha composed of 809 ha of alienable and disposable land and 284 ha of timberland. The confusion emerged after the 1970 map came out where an additional 72 ha was cited, thus increasing the island's size to 1,163 ha. According to Sumacolob, it turns out that the coordinates of the cadastral survey marker shown in the 1970 map are different from the actual location of the markers in the island cited in the 1914 survey. Sumacolob and his team discovered that the coordinates of the markers in the 1970 map actually lie in the waters of the Sicogon channel whereas the actual markers produced by the 1914 survey are still located in the same place in the island. This discovery led his team to conclude that the 72 ha does not exist and that the size of the island is only 1,092 ha, as stated in the 1914 survey.

Given these findings, Sumacolob and his regional director said that they will revoke the free patents issued by their Department to the 16 claimants – a conclusion countered by the Minister of the same department who, in my

interview with him, said that only the Supreme Court and not a state agency can cancel the free patents.

This finding has two important implications. First, the state actors have varying degrees of autonomy and capacity, and range of interests that affected the agency's management of the forestland. Second, the tenurial security of two villages which the recent survey says are actually located within the titled property of SIDECO and not in a public land is at risk.

Appendix D

Fire in the forest

The last piece of land under contention is the 282 ha public forestland. In 1989 SIDECA was granted management rights to this land for an indefinite time period by the regional environment office under Department Administrative Order (DAO) 5 Series of 1989. Because of the existence of these rights, this office did not approve the application of the people to be part of the Community-based Forest Management (CBFM) Program in 2006. This program would have given the people co-management rights to use, develop, and protect the forestland and resources for 25 years. In April 2008, SIDECA's management rights were revoked by the national environment office. Two years after, the local state approved its Forest and Land Use Plan, where local communities are eligible to pursue their application for CBFM. However, in the same year, instead of processing the CBFM application of the people, the regional environment office once more granted SIDECA with management rights over the forestland through its Adopt-A-Mountain program. This Program of the DENR has similar goals as the CBFM, that is, to restore denuded forestlands by involving local communities in developing, maintaining and protecting forest plantations (DENR 1998). Why these overlapping programs are allowed to co-exist within and across state agencies have been subjects of several studies (Franco 2011, Prill-Brett 1994, Prill-Brett 2007, Borrás 2007). In the end, the people's application for co-management of the forestland once more was set aside.