



Executive Summary Report Of The International Fact Finding Mission May 30th - June 3rd 2011 San Mariano, Isabela

Introduction

The People's Coalition on Food Sovereignty (PCFS), IBON International, Asian Peasant Coalition (APC), Kilusang Magbubukid ng Pilipinas (KMP), and Danggayang Dagiti Mannalon ti Isabela (DAGAMI) are conducting research about foreign land grabbing acquisitions and the impact on food security and self-sufficiency. The five organizations are reaching out to marginalized communities in the northern Philippine barangay of San Mariano, Isabela, to document and analyze their concerns about patterns of land grabbing, including in relation to the bioethanol project of the Japanese-Filipino corporate consortium known as Green Future Innovations, Inc. (GFII).

Mission Objectives and Background

This fact finding mission was organized with a main objective of launching an in-depth study into the impact of the bioethanol project on the small farming communities of San Mariano, drawing upon the different fields of expertise of the mission participants. These fields of expertise include: land rights; peasant livelihoods; human rights; international human rights law; women's rights; conservation and sustainable use of agricultural biodiversity; legal aspects of land tenure; forests and climate change; and food security. This international fact finding mission was initiated as a follow-up to the national fact finding and solidarity mission conducted in February 2011. Although the original intention was to focus primarily on the concerns of local affected communities in relation to the biofuel project, the fact finding mission participants found that in each community visited, residents conveyed with urgency the distressing realities they experience, including multiple forms of denial of land rights, worsening and increasing land grabbing schemes, and the complete lack of redistributive justice in relation to land tenure in San Mariano. The members of the mission found that the establishment of the biofuel project will exacerbate the current problems faced by the small-scale food producers.

Global Context

For the poor throughout the Global South, including in the Philippines, the denial of the right to land is the denial of the right to life and food. Particularly in light of major food price fluctuation in recent years, the ability to produce sufficient food for one's family is vitally important in shielding those who are poor from hunger and malnutrition. Due to prejudices against traditional food and in favour of "modern" processed, packaged foods, and availability, the transition from self-produced to purchased food often has negative nutritional impacts. This is particularly true for families subsisting on a small

income, and relying on limited options with regards to transportation and selection of foods available in local sari-sari stores.

The UN Special Rapporteur on the Right to Food, Olivier de Schutter, has stated that states should “refrain from taking measures that may deprive individuals of access to productive resources on which they may depend when they produce food for themselves” and should also “protect such access from encroachment by other private parties.” This includes the protection of common lands (such as forests) used for hunting, fishing, grazing livestock, and gathering of wild foods.

Internationally, biofuels have been one of the major drivers in the recent and ongoing “global land grab.” Industrialized countries and agro-investors/speculators are securing food or energy supplies from poorer countries, taking advantage of cheap land resources for profit. These land grabs take place in the context of a more hostile climate, and diminishing oil and natural resources.

Local Context

San Mariano is a remote agricultural town in east Isabela, about 400 km north of Metro Manila. It has the largest municipal land area in the country and it is endowed with rich natural resources (prime agricultural lands, water resources, forest and mineral resources). The municipality has a population of 44,718 people in 7,796 households. Composed of 36 barrios, San Mariano has a total area of 1,469.5 square kilometers or 146,950 hectares. The main crops cultivated are corn, rice and banana.

Approximately four years ago (between 2006-2007), the local government entered into an agreement with a Japanese-Filipino Consortium, Green Future Innovations, Inc to process ethanol from sugarcane feedstock. Green Futures Innovations Inc., which is a joint venture among Japanese engineering giants ITOCHU Corporation and JGC, the Taiwanese Corporation GCO, and the Philippine Bioethanol and Energy Investment Corporations, is responsible for the bioethanol production and power plant operation in San Mariano. The consortium will be producing ethanol from sugar cane feedstocks and it intends to sell electricity produced from the by-products of processing.

Plantation growing is contracted to ECOFUEL Land Development, Inc. GFII is also seeking to obtain support from the Clean Development Mechanism (CDM) for the scheme. The plantation will cover roughly 11,000 hectares in 17 barangays in Isabela province and it is projected to supply 125,000 litres of ethanol daily or 54 million liters/year. At that size, it would be the biggest producer of bioethanol in the country. It is planned to be completed by March 2012 and it is currently promoted as an environmentally responsible industry that will bring an economic boom to the region and decrease the Philippines’ current reliance on imported biofuels.

A large percentage of the 11, 000 hectares targeted for the plantation were previously and currently occupied and tilled by thousands of farmers in San Mariano and neighboring towns. The farmers who are threatened by the sugarcane plantation include beneficiaries of the Comprehensive Agrarian Reform Program (CARP), Indigenous People with claims to ancestral domain, and land patent holders. The lands targeted are currently used for small-scale agriculture by subsistence farmers. They are the primary source of livelihood for resident families, providing harvests of vegetables, bananas, pineapples, indigenous rice crops, and corn varieties. The region is marked by historical complexities of shifting land tenure over generations and a large number of conflicting claims over ownership. It is incorrect to classify the land as idle or unpopulated.

The presence of military detachments has significantly increased in the area, becoming a visible presence near community centers, elementary schools and residential areas in barrios where opposition to the project is growing.

Genuine Agrarian Reform and Social Justice

Farmers and indigenous peoples of San Mariano are faced with long-standing land problems signifying a denial of their historical, legal and moral rights to the land despite decades of cultivating the land to make it productive. It became apparent to the IFFM team that these farmer and Indigenous occupant-tillers have already applied for patents but most applications have been denied. Unscrupulous persons in connivance with government officials are evidently taking advantage of the farmers' and Indigenous Peoples' lack of knowledge about land titling laws by engaging in fraudulent titling schemes.

With the entry of the bioethanol project, the experiences of these communities with land grabbing and land speculation have intensified.

Land Use and agricultural biodiversity

The project claims to target only "idle and abandoned" lands but, in reality, most of the current sugarcane plantation is located on agricultural lands which were - until recently - cultivated by small holder farmers. Many of these lands are relatively accessible due to their proximity to roads, making them more attractive to the ethanol operation. As far as the project will target so-called "idle and abandoned lands," this will cause significant negative impacts on climate change, biodiversity and food sovereignty. Indeed, many of these regions include SIFMA (socialized industrial forestry management agreement) areas and other forest regeneration areas, which are actively used for such purposes as fruit and wood production.

Green Futures Innovations affirmed that the reason for selecting this project site in Isabela was the presence of ample "marginal land." Their definition of "marginal land" is ambiguous, because in reality, the area covers a rolling mosaic landscape of forest, abandoned land and cropland.

It is evident to the fact finding mission members - as international and national experts in forest biodiversity and agroecology issues - that the conversion of SIFMAs and adjacent lands will lead to significant carbon emissions and biodiversity loss. The conversion of SIFMAs and other areas with natural vegetation cover will also increase the risk of landslides and floods, causing significant risks to the local residents and agricultural lands of the San Mariano communities.

Prior to the launching of the bioethanol project, a significant decline in area used for food production has been recorded (a reduction of approximately 4,000 hectares in 6 years). The targeted project area of 11,000 hectares has a potential crop yield of 80-90 cavans/hectares of rice for irrigated lands and 60 cavans/hectares for upland rice. If the project pushes through, it will significantly reduce the food production capacity of the community. It will also cause further encroachment of forest areas as farmers will clear new lands to farm for food. In addition, the practices of sugarcane monocropping will have a negative impact on biodiversity. While traditional seed varieties need little, if any, fertilizers and they are better adapted to climate change, commercial seeds require continuous application of fertilizers and they are less resilient to climate change. Yet, there is a visible decline in availability of traditional rice and corn varieties, resulting from a combination of factors including lack of steady supply and continued cultivation of these varieties, aggressive information dissemination campaigns promoting seed varieties

sold and patented by multinational seed corporations, and state support for distribution of commercial seeds.

Farmers' Livelihoods

Fact finding members concluded that the lease amount offered by the bioethanol project (5,000 to 10,000 pesos/ha/year) is inappropriate given the farmers current levels of income.

For example, based on interviews, farmers reported the following incomes:

- Rice = 22,400 to 52,800 pesos/ha/year;
- White Corn = 9,300 to 14,000 pesos/ha/year;
- BT-corn = 5,000 to 11,740 pesos/ha/year
- Bananas = 34,000 to 47,850 pesos/ha/year

Most of the farmers cultivate a variety of crops, allowing farmers and their families to rely on a more varied diet and providing some degree of insurance in case one crop fails.

Workers report highly exploitative conditions and experiences of rights violations in sugarcane plantations, including low wages based on a 'pakyaw' system. Notably, all wages reported during the interviews were below the mandated legal minimum wage for agricultural workers (233 pesos per day)

Other conditions include:

- having some wages withheld on a 3 day alternating basis to ensure 'loyalty' to the job;
- being paid only if a combination of tasks of harvesting and loading is done and not being paid when they completed harvesting but no truck was present to load the harvest;
- being required to bring own equipment for any on-site duties;
- being required to spray toxic fertilizers and pesticides without proper safety equipment; resulting in rashes and headaches as well as contaminated work clothes;
- working 6 days per week without a contract and without short term assurances of employment;
- frequent occupational health problems, including severe limb injuries (medical costs related to these work-related injuries often have to be borne by the victims themselves);
- not receiving Social Security System or PhilHealth benefits, even when these have been promised.

Intimidation and General Human Rights Violations

There is an increasing presence of soldiers and military camps in areas where there is growing opposition to the project. Residents who are vocal against the bioethanol project are victims of human rights abuses at the hands of local authorities and military detachments, including intimidation, coercion, attempted shooting, death threats, false accusations as members of the NPA and unsubstantiated forms of criminalization.

RECOMMENDATIONS

Based on the concerns as raised by the affected farmers and indigenous people, the recommendations of the IFFM are as follows:

Concerning the Green Futures Investment Inc Bioethanol Project and other Biofuel Schemes

- Immediately halt the further development of the bioethanol project in San Mariano given the many social, economic and environmental problems that are already exacerbated by the scheme and will become worse as more land is devoted to sugarcane and the plant begins production;
- The National Government of the Philippines should cease its support for the bioethanol project in Isabela, including its support for CDM registration of the project
- The National Government of the Philippines should immediately review its biofuel legislation in light of the serious impacts the current legislative target is having on food security, land grabbing and other land disputes, Indigenous Peoples' rights, farm workers' rights, agricultural biodiversity, nutrition, forests, biodiversity as well as climate change mitigation and resilience.

Concerning Farmers' Rights

- Immediately embark on a program of genuine agrarian reform program that will:
 - give land to the farmer who has been tilling the land for several decades (as per customary law)
 - provide adequate support and protection to farmers and Indigenous Peoples, and
 - encourage cooperativization and sustainable, appropriate farming technologies towards attaining self-sufficiency in rice, staple foods and raw materials needed for agro-industrial development;
- Lands which have been grabbed from farmers and indigenous peoples must be returned to the original tiller of the land;
- Conduct an investigation on the reported involvement of DAR, DENR, Registry of Deeds and LBP in anomalous land titling that leads to the displacement of farmers and Indigenous Peoples;
- Stop foreclosure of land deeds; investigate and prosecute those who are the main perpetrators and involved in anomalous land titling;
- Initiate proceedings to reverse and cancel land titles acquired through fraudulent means and misrepresentation.

Concerning Repression and Human Rights Violations

- Withdraw all military detachments and camps from the populated centres of the barrios in San Mariano, in compliance with the provisions of the Comprehensive Agreement for the Respect of Human Rights and International Humanitarian Law (CAHRIHL)
- Stop harassment by military, paramilitary and security forces of community members and allies opposing the biofuel project and other large scale developments;
- Stop harassment by military, paramilitary and security forces of farm workers who demand respect and dignified labor conditions;
- End the criminalisation experienced by peasant and Indigenous Peoples' rights advocates;
- Immediate withdrawal of the 502nd Brigade from Del Pilar and de-militarization of all neighbouring residential areas.

Concerning Farm Workers' Rights

- Provide a dignified living wage and benefits for all agricultural workers working at the current time in San Mariano and neighbouring towns;
- Farm worker employers must provide necessary safety equipment for spraying and other on-site duties (with instructions in local languages);
- Farm worker employers must provide hospitalization and associated medical fees for all current and future on-site occupational health injuries;
- Farm worker employers must respect minimum health and safety labor standards as outlined in national law and the standards of the International Labor Organization (as ratified by the Philippine government).

Concerning People-Centred Development and Inclusive Land Use Decision-Making Processes

- Respect and uphold the rights of all people to food and to the highest possible standard of health;
- Prioritize food security and food self-sufficiency for all communities in Isabela, taking full advantage of the rich and fertile lands of the region by advancing the cultivation of crops for local peoples' consumption rather than the production of crops for export or industrial processing;
- Develop programs for conservation and sustainable use of agricultural biodiversity, particularly farmers' traditional varieties, farmers' exchanges and participatory plant breeding to ensure food production and land productivity (for local consumption);
- Prioritization of farmers' traditional varieties for rice and corn, as well as other crops in government-sponsored programs;
- Prohibit pressure tactics imposed on small scale food producers to convert existing land holdings into sites for biofuel production;
- Focus the land use plan of San Mariano on supporting small farmers to develop agricultural areas for food self-sufficiency and simultaneously preserve as well as defend the diverse, unique wealth provided by forests and other natural ecosystems, which are a precious source of wood, non-timber forest products, and clean water;
- Ensure climate change resilience by maintaining natural vegetation on steep slopes and banning the production of crops like sugarcane that might cause erosion and landslides on these slopes;
- Respect the collective rights to land ownership with regards to ancestral domain, including respect for all provisions within the UN Declaration on the Rights of Indigenous Peoples;
- Ensure accessible, comprehensive public consultations, hearings and information dissemination in the communities affected by the biofuel project and any other future 'development' project affecting the region. Consultations for land division must meet the stringent legal standards outlined in Philippine and international law pertaining to Free, Prior and Informed Consent.

Local Resistance to Large Scale Agro-Industrial and Demands for Genuine Agrarian Reform

Drawing lessons from the strong campaign against coal mining in 1999, affected local residents in Isabela are determined to oppose the similar effects related to loss of their rights to land, livelihood and life which will be caused by the bioethanol project. Women of San Mariano are also actively leading the protest movement against the project and against the grabbing of lands used for subsistence farming, as

they are particularly concerned about the daily needs and immediate security of their families as well as the increasing levels of militarization (in violation of CAHRIHL). Meanwhile, Indigenous Peoples are actively struggling for the protection of their traditional knowledge systems and heritage, customary land tenure rights and recognition of collective governance, all of which are threatened by the pending encroachment of bioethanol project onto lands designated as ancestral domain. It is therefore the conclusion of the IFFM that the perspectives and demands of these small scale farmers and Indigenous Peoples must be heeded, and that all national and local governance bodies implicated above must take immediate, urgent steps towards fulfilling the IFFM's recommendations.

For more information, please contact:

Peoples Coalition on Food Sovereignty (PCFS)

3/F IBON Center

114 Timog Avenue, Quezon City 1103

Philippines

Phone: +632 9277060 to 62 loc 203

Email: secretariat@foodsov.org

Website: www.foodsov.org

Asian Peasant Coalition (APC)

Room 2, 2nd Floor

25-B Matiyaga St. Bgy. Central, Quezon City, Philippines

Telephone: +632-4352383

E-mail: apc_secretariat@yahoo.com

Website: www.asianpeasant.org