



FIAN
AUSTRIA

GEMEINDE SARIAYA:

OBERSTER GERICHTSHOF DER PHILIPPINEN

VERWEIGERT BAUERN UND BÄUERINNEN ZUGANG ZU LAND

In den Philippinen wird der 10. Juni als Tag der Agrarreform gefeiert: vor 33 Jahren, im Jahr 1988, wurde das Comprehensive Agrarian Reform Program (CARP) zur Förderung von Gleichheit und sozialer Gerechtigkeit erlassen. Mittels Umverteilung von Land soll das in der Verfassung verankerte Prinzip „Land in Bauernhand“ verwirklicht werden. Bis heute wurden 4,8 Millionen Hektar Land an rund drei Millionen Begünstigte verteilt.

Es gibt jedoch keine Untersuchungen, wie viele Bäuerinnen und Bauern das neu erhaltene Land später wieder verloren haben. Die Kleinbauern in Sariaya sind ein solcher Fall: Sariaya in der Provinz Quezon ist eine landwirtschaftlich geprägte Gemeinde mit einer Gesamtfläche von 24.631 Hektar. Nach Angaben des Ministeriums für Agrarreform wurden dort 6.263 Hektar an 5.073 Familien verteilt. Dies entspricht mehr als 98 Prozent der Planung im Rahmen des CARP. Die Landverteilung in Sariaya wurde durch den Bau von Straßen, Lagerhäusern, Solartrocknern für Reisbauern und einem Handelsposten komplementiert. Hinzu kamen Schulungen zur Nutzung des Landes.

Im Lauf der Zeit wandelte sich Sariaya erfolgreich zu einer „Kornkammer“, die nicht nur die Provinz Quezon, sondern auch den Bezirk Southern Tagalog, die Region Bicol und den Großraum Manila versorgt. In den zehn Jahren nach der Umverteilung sank die Armutsrate drastisch. Sariaya wurde zu einer Erfolgsgeschichte, die vielen, die um Zugang zu Land kämpfen, Hoffnung gibt. Dennoch sind die Erfolge ständig bedroht. Mittels veralteter Bebauungspläne, welche landwirtschaftliche in nicht-landwirtschaftliche Nutzungen umwidmen, soll die Landverteilung rückgängig gemacht werden.

Zwei Fälle von Aufhebungen der Landverteilung – einer bereits im Jahr 2004, ein weiterer 2013 – betrafen rund 100 Bauernfamilien. Im jüngsten Fall hat der Oberste Gerichtshof im November 2020 einen Antrag von 255 Bäuer*innen endgültig abgelehnt. Diese hatten beantragt, den Beschluss einer unteren Instanz vom Juni 2018 zugunsten eines ehemaligen Landbesitzers zurückzunehmen, der bereits vergebenes Land vom CARP ausnehmen möchte. Die Entscheidung des Obersten Gerichtshofs bedroht das Recht auf Nahrung von 255 Familien sowie vieler anderer, deren Gerichtsverfahren zu CLOA-Annullierung (Certificate of Land Ownership Award) derzeit auf verschiedenen Ebenen anhängig sind. Bis heute wurden insgesamt 349 Bauernfamilien, die insgesamt 680 Hektar Land bewirtschaften, durch Urteile, mit denen bereits vergebene Flächen aus dem Programm genommen wurden, ihrer Landtitel beraubt.

Aufgrund der Corona-bedingten Ausgangssperren und der Verwüstungen durch eine Reihe starker Taifune sind Ernährungsunsicherheit und Hunger auf ein Rekordhoch von 20 Prozent gestiegen. Die Rücknahme der Agrarreform in Gebieten wie Sariaya, die Millionen von Menschen mit Nahrungsmitteln versorgen, wird die Fähigkeit des Landes, sich in den kommenden Jahren selbst zu ernähren, weiter untergraben.

Bitte senden Sie einen Brief an:

His Excellency Rodrigo Roa Duterte
President of the Republic of the Philippines
Malacañan Palace
J.P. Laurel Street
San Miguel, Manila
1005
Philippinen
oder per Email:
pcc@malacanang.gov.ph

Bitte senden Sie eine Kopie des Schreibens an die philippinische Botschaft in Wien:

Botschaft der Republik der Philippinen
Botschafterin
Maria Cleofe R. Natividad
ARES Tower, 20/21. Etage
Donau-City-Strasse 11
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Ein Standardbrief (20 g) in die Philippinen kostet 1,80 €. Ein Brief innerhalb von Österreich kostet 0,85 €.

Bitte senden Sie uns eine Nachricht, wenn Sie sich an die philippinische Regierung wenden:

Tina Wirnsberger,
tina.wirnsberger@fian.at

✂ **KOPIE DES BRIEFES FÜR IHRE UNTERLAGEN**

His Excellency Rodrigo Roa Duterte
President of the Republic of the Philippines
Malacañan Palace
J.P. Laurel Street
San Miguel, Manila
1005
Philippinen

Dear President Rodrigo Roa Duterte,

recently I learned about the ongoing attempts by former landowners to reverse agrarian reform, using an outdated zoning ordinance which reclassifies agricultural into non-agricultural land. As per information I received, there have been two cases of reversals in the municipality of Sariaya, Quezon Province, one as early as 2004 and another case in 2013, affecting close to 100 farming families. The Comprehensive Agrarian Reform Program (CARP) implemented in Sariaya was considered a success story. Not only did Sariaya become a foodbasket in the Philippines, the CARP in Sariaya was aided by the necessary support services such as farm-to-market roads, warehouses, and required training for agrarian reform beneficiaries, which truly provided the basis for peasants to utilize their land and realize their right to food and nutrition. Within 10 years of land distribution, people have been lifted out of poverty.

In the latest case, In November 2020, the Supreme Court denied a motion filed by 255 peasants to reconsider a lower court resolution dated June 2018, which favoured the former landowner to exempt already reformed land from the CARP. The decision of the Supreme Court will gravely threaten the right to food and nutrition of 255 peasants and their families, as well as many others whose cases of CLOA (Certificate of Land Ownership Award) cancellation are currently pending at various levels of legal processes.

As a state party to the International Covenant on Economic, Social, and Cultural Rights, the Philippines is obliged to respect and fulfil the right to food and nutrition of its population, including the smallholder families in Sariaya. The right to land is indispensable for the realisation of the right to food and nutrition of rural population and is recognized in Articles 5 and 17 of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Article 17 (6) reaffirms the importance of states to carry out agrarian reform to “facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land taking into account its social function.” By denying a motion filed by 255 peasants in Sariaya to reconsider a lower court resolution, the Philippines has breached the state obligation under international human rights law because the decision embodies a regressive measure and jeopardizes the realisation of Sariaya peasant families’ right to food and nutrition as well as millions other Filipinos who benefit directly from Sariaya’s agricultural production. Also, this decision of the Supreme Court is ill-timed, as more than 5,3 million people are suffering starvation due to the COVID-19 pandemic.

In considering the above, I would like to kindly request you to:

- Create a high-level inter-agency committee on agrarian reform, agriculture and food security under the Office of the President to investigate the impact of taking away reformed lands of thousands of agrarian reform beneficiaries in Sariaya and its impact on peasants’ livelihood in the town of Sariaya, on the food security of the town, and the country in general and recommend policies to protect the right to food and nutrition, land and livelihoods of Sariaya farmers based on such investigation;
- Review the court decisions on the cancellation of CLOAs of peasants in Sariaya by virtue of pre-Comprehensive Agrarian Reform Program zoning ordinance that reclassified agriculturally productive lands into non-agricultural uses especially in situations where CLOAs were issued long ago and where public investments continued in favour of agrarian reform and agriculture development, such as in the case of Sariaya;
- Make the right to food and nutrition of Filipino citizens a key policy measure in the era of climate emergency and the food crises by guaranteeing continued, unhampered and uninterrupted access right to land of peasants for their sustainable livelihoods and food production and food security of the country.

Please keep me informed of the action you plan to take in this regard.

✂ Yours sincerely,

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