

Empirical Analysis of Models on Good Governance in Land Administration: Basis for Philippine Poverty Alleviation

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Abstract

Land governance plays a central position in diminishing the societal problem called poverty. Notwithstanding the enormous efforts by the Philippine government in the implementation of World Bank's "Land Governance Assessment Framework" - policy issues are innate and the related proposed actions, as well as the monitoring criteria in deterrence of these issues are even now in constant struggle to be effective. The study highlights several models on good governance in land administration that the Philippines may use as benchmarks. Good practice method of assessment is based on interrelated case studies from developed and developing nations. As a result, the study develops policy recommendations from all critical areas analyzed. The paper conveys the considerable differences in existing policy models across countries with reference to land governance and how each country responds effectively to the coupled policy issues.

I. Introduction

Land governance plays a central position in diminishing the societal problem called poverty. Notwithstanding the enormous efforts by the Philippine government in the implementation of the World Bank’s “Land Governance Assessment Framework” - policy issues are innate and the related proposed actions, as well as the monitoring criteria in deterrence of these issues are even now in constant struggle to be effective.

The Land Governance Assessment Framework (LGAF) was developed by World Bank and its partners to provide a tool for diagnosis of land governance issues, establishment of benchmarks and monitoring progress over time. The scope of the Philippines LGAF covered seven (7) modules: Legal and Institutional Framework, Land Use Planning, Management and Taxation, Management of Public Land, Public Provision of Land Information and Dispute Resolution & Conflict Management – as the core modules; while the Large-Scale Acquisition of Land Rights and Forestry – as optional modules (Eleazar, Garcia, Guiang, Herrera, Isorena, Ravanera and Serote, 2013). The figure depicted next, shows the LGAF, as implemented in the Philippines:

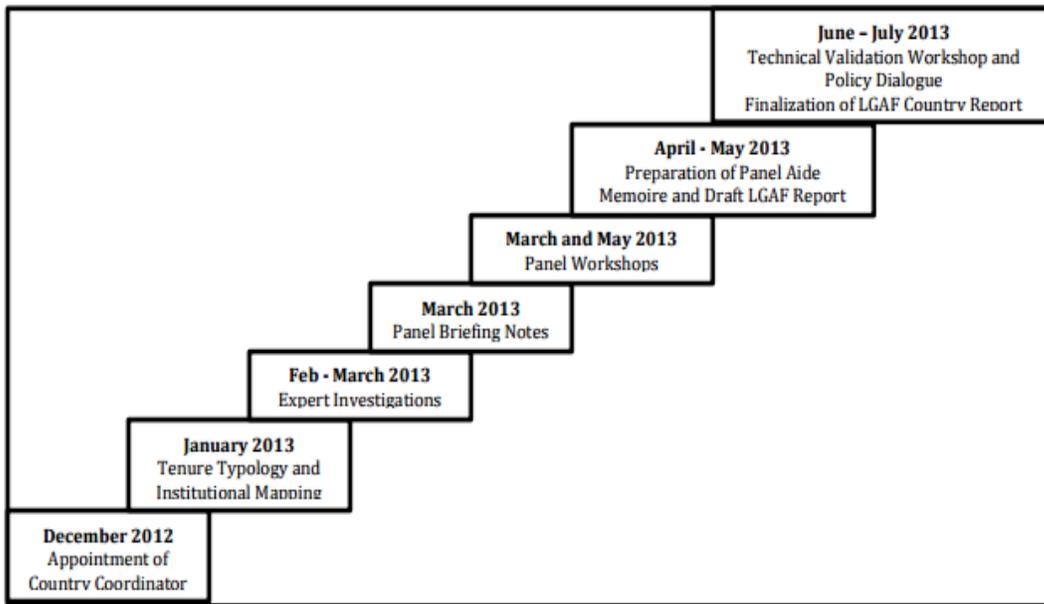


Figure1: LGAF Implementation Process in the Philippines (Source: LGAF Philippines Final Report, 2013).

Based on the LGAF Final Report (2013): *Overall, the ratings reflect the strong legal and policy framework for land in the Philippines, backed up by centuries old legislations and program to recognize long held rights and the Constitutional provision for recognition of indigenous peoples' customary rights. The assessment also showed elements of best practice in policies related to land redistribution, land use planning, housing provision, partnerships between investors and communities, and LGU authorities on land use and zoning; and taxation. Key constraints to realizing their full potential include weaknesses in implementation, institutional overlaps, gaps in operational procedures, lack of policies in, for example, fair compensation for expropriated properties; and absence of systematic monitoring of sector performance.*

Because of the aforesaid 'constraints' in realizing the full potential of land governance in the Philippines, the paper aims to emphasize a number of models on good governance in land administration that the Philippines may use as yardsticks.

II. Sources of Data, Limitation and Methodology

The study highlights several models on good governance in land administration that the Philippines may use as benchmarks. Although a good number of reputable institutions (the World Bank and the International Monetary Fund, among others) published their own 'global economic outlook', the paper made use of the world economic projections published by PricewaterhouseCoopers (PwC) in 2015 - because of its valiant effort to provide long-term world economic forecasts. This aforementioned world economic outlook is until year 2050. Table 1 (presented next), shows pertinent details.

The study is limited to nine (9) Asian Countries – two (2) of which are partly European and partly Asian (Eurasia). These countries have been projected to show better economic performance than the Philippines in year 2050, according to PwC (Table 1). These countries are: from Asia - China, India, Indonesia, Japan, Saudi Arabia, Pakistan and South Korea; and from Eurasia - Russia and Turkey.

Good practice method of assessment (Joshi, 2014) is based on interrelated case studies from developed and developing nations, that is - from the nine (9) countries mentioned, beforehand. Accordingly, based on 'The World Factbook', published by the United States of America's Central Intelligence Agency [CIA] - the countries identified as 'developed' include Japan and South Korea – from Asia; and Turkey and USSR (Russia) – from Eurasia. On the other hand, based from the same source, the nations identified as 'developing countries' (from Asia) include: China, India, Indonesia, Pakistan and Saudi Arabia. Figure 2 portrays an excerpt from the CIA's 'The World Factbook'.

Table 1: The World in year 2050

| PPP rank | 2014 | | 2030 | | 2050 | |
|----------|----------------|--------------------------|----------------|------------------------------------|----------------|------------------------------------|
| | Country | GDP at PPP (2014 US\$bn) | Country | Projected GDP at PPP (2014 US\$bn) | Country | Projected GDP at PPP (2014 US\$bn) |
| 1 | China | 17,632 | China | 36,112 | China | 61,079 |
| 2 | United States | 17,416 | United States | 25,451 | India | 42,205 |
| 3 | India | 7,277 | India | 17,138 | United States | 41,384 |
| 4 | Japan | 4,788 | Japan | 6,006 | Indonesia | 12,210 |
| 5 | Germany | 3,621 | Indonesia | 5,486 | Brazil | 9,164 |
| 6 | Russia | 3,559 | Brazil | 4,996 | Mexico | 8,014 |
| 7 | Brazil | 3,073 | Russia | 4,854 | Japan | 7,914 |
| 8 | France | 2,587 | Germany | 4,590 | Russia | 7,575 |
| 9 | Indonesia | 2,554 | Mexico | 3,985 | Nigeria | 7,345 |
| 10 | United Kingdom | 2,435 | United Kingdom | 3,586 | Germany | 6,338 |
| 11 | Mexico | 2,143 | France | 3,418 | United Kingdom | 5,744 |
| 12 | Italy | 2,096 | Saudi Arabia | 3,212 | Saudi Arabia | 5,488 |
| 13 | South Korea | 1,790 | South Korea | 2,818 | France | 5,207 |
| 14 | Saudi Arabia | 1,652 | Turkey | 2,714 | Turkey | 5,102 |
| 15 | Canada | 1,579 | Italy | 2,591 | Pakistan | 4,253 |
| 16 | Spain | 1,534 | Nigeria | 2,566 | Egypt | 4,239 |
| 17 | Turkey | 1,512 | Canada | 2,219 | South Korea | 4,142 |
| 18 | Iran | 1,284 | Spain | 2,175 | Italy | 3,617 |
| 19 | Australia | 1,100 | Iran | 1,914 | Canada | 3,583 |
| 20 | Nigeria | 1,058 | Egypt | 1,854 | Philippines | 3,516 |
| 21 | Thailand | 990 | Thailand | 1,847 | Thailand | 3,510 |
| 22 | Egypt | 945 | Pakistan | 1,832 | Vietnam | 3,430 |
| 23 | Poland | 941 | Australia | 1,707 | Bangladesh | 3,367 |
| 24 | Argentina | 927 | Malaysia | 1,554 | Malaysia | 3,327 |
| 25 | Pakistan | 884 | Poland | 1,515 | Iran | 3,224 |
| 26 | Netherlands | 798 | Philippines | 1,508 | Spain | 3,099 |
| 27 | Malaysia | 747 | Argentina | 1,362 | South Africa | 3,026 |
| 28 | Philippines | 695 | Vietnam | 1,313 | Australia | 2,903 |
| 29 | South Africa | 683 | Bangladesh | 1,291 | Colombia | 2,785 |
| 30 | Colombia | 642 | Colombia | 1,255 | Argentina | 2,455 |
| 31 | Bangladesh | 536 | South Africa | 1,249 | Poland | 2,422 |
| 32 | Vietnam | 509 | Netherlands | 1,066 | Netherlands | 1,581 |

Source: IMF WED database (October 2014) for 2014 estimates, PwC projections for 2030 and 2050

And as proof of the association of GDP and purchasing power parity (PPP) - the Organization for Economic Co-operation and Development (OECD), states (in part): *The direct link between corruption and per capita GDP at purchasing power parity growth is difficult to assess, corruption does have significant negative effects on a host of key transmission channels, such as investment (including Foreign Direct Investment), competition, entrepreneurship, government efficiency, including with regards to*

government expenditures and revenues, and human capital formation. Furthermore, corruption affects other important indicators of economic development such as the quality of the environment, personal health and safety status, equity (income distribution), and various types of social or civic capital (“trust”) - which impact significantly on economic welfare and, in the case of trust, also a country’s development potential. OECD further states that: *However, it has also been observed that FDI (Foreign Direct Investment) may be a major cause of corruption, especially in resource-rich poor countries, if international investors try to gain access to deposits of natural resources (e.g. minerals, forests, and agricultural land) by paying bribes to government officials controlling the access (Leite and Weidmann, 1999; Pinto and Zhu, 2013). Where such corruption is successful in circumventing government restrictions designed to protect the environment, it may entail the contradictory effects of raising the country’s GDP, but lowering its overall welfare by damaging the environment and public health.* Based on these assertions – it is implied that land governance is a factor that could not be simply ignored when referring to GDP.

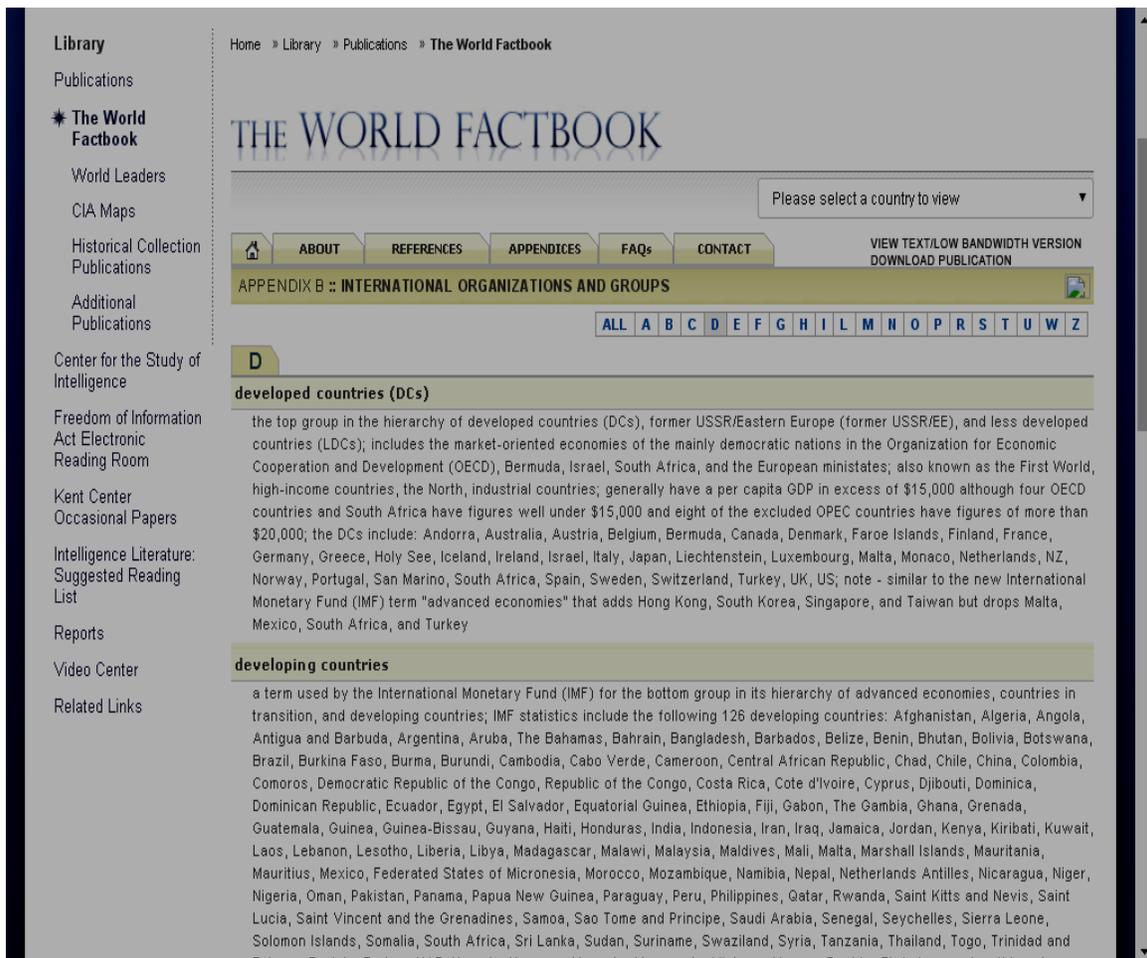


Figure 2: An Excerpt, Developed and Developing Countries – nine (9) of which are included within the study. [Source: The World Factbook (Appendix B) (<https://www.cia.gov>)].

The Case of China

Based on the paper, Land Governance in China (Zhao, Wen, Yan, Sit, Yang and Xia, 2014): *Overall, considering China's national situation, the current strategy calls for market-oriented policies and for institutions to focus on the strengthening of individual farmers' land rights through land transfer and mortgaging, in a market system to be trailed in the future. However, the land market must be set up in a sound political environment conducive to sustainable land use planning and the improvement of governance. Improving land governance is of crucial importance, as the government currently has control of planning and thus calls the shots in land development. In the legal system of a market economy, this power should be restricted to some extent. Based on in-depth analysis and systematic design, implementation of such a system must be taken step by step according to priorities and ultimately promoted at full scale. Lastly, it is necessary to conduct pilot programs through more coordinated efforts by government departments to involve the public in collectively tackling the existing institutional constraints to sustainable land governance in policy implementation processes.*

Refer to supplementary information (The Case of Japan, *infra*).

The Case of India

According to the Land Governance Assessment Framework [LGAF] - Karnataka School of Policy and Governance Bangalore, India State Report (2014): *Multiplicity of laws with a lack of legal clarity on several crucial issues; an overburdened land administration infrastructure; mismatch between textual and spatial records and a poor land information system have affected the effectiveness of land governance in the State. As a result, despite the state's pioneering efforts of digitizing land records management and land registration system, fraudulent duplicate and overlapping land titles continue to dog the system, especially in urban areas, leading to conflicts and litigation in private land and unabated grabbing of public land. Land use planning is a matter of serious concern both in rural and urban areas. In urban areas, while there is planning machinery in place although the plan stipulations are routinely flouted, in smaller towns and rural areas, there is virtually no land use planning in practice. There is no clear policy to guide the use of land for the state's overall development by striking a balance between the competing claims of economic development, equity and environmental concerns. Indiscriminate diversion of common land for housing and commercial purposes and a highly discretionary system of allocation of land for private investment are too glaring to miss. The absence of a centralized land information system to assist in decision-making and in monitoring compliance of regulations is another deficiency in the land governance system. Moreover, the State has taken up several progressive reforms in the land sector but they address the problems in isolation rather than providing an integrated solution to the myriad inter-related problems of the land governance. In this context, three broad priority areas, which would pave the way for implementing several other policy recommendations are apparent. These three priority areas are: (1) Lack of Capacity seems to be the single-most important area of concern. Unless proper capacity is built into the system, no effective and sustained reform is possible. One of the major steps that*

can be taken in this regard is to separate out the land administration and general administration function on the lines of West Bengal land administration department. It will also be helpful to bring all non-forest-land-related responsibilities that are now spread over several departments and agencies. (2) The comprehensive re-survey that has been taken up on a pilot basis should be scaled up and finished as early as possible. Without re-building the entire land information system based on a fresh survey, the existing anomalies in the land records cannot be plugged effectively. (3) Finally, land use planning in both urban and rural areas is in a state of crisis and urgent attention needs to be paid to this problem before it assumes totally unmanageable proportions. While the existing programs need scaling up, an integrated approach to solving the problems of land governance starting with a comprehensive survey of land using modern technological tools and eventually moving towards an absolute titling system in the place for current presumptive titling is recommended.

The Case of Indonesia

Lindsey (1998) and Bakker (2008) asserted that: Many Indonesians practice hak ulayat ('hak' means right, power, competence; 'ulayat' means guardianship) and other forms of adat (meaning: custom, accepted practice); yet while this may be observed as binding within communities, it is not recognized by the state. While Rhee, Steve, Kitchener and Brown (2004) asserted that: The selective interpretation of legislation and policy suiting the state needs ahead of smallholders is a major issue. Often referred to as "sectoral laws," the Laws on Forestry and the 1967 Law on Mining eliminated even the weak protections contained in the BAL (the Basic Agrarian Law) as regards land rights of customary law (adat) communities living in forested areas or on lands granted by the state to mining corporations.

And based from the Indonesia: Food Security and Land Governance Factsheet (2014): The "Land governance Assessment Framework" was applied recently in Indonesia. It concluded that Indonesia faces challenges with land management issues regarding its significant forest and natural resources, and the problems associated with legal pluralism. In this context, there are many opportunities for Indonesia to overcome obstacles that currently prevent economic actors from gaining more secure rights to land and thus for society to fully benefit from the advantages of land as a safety net and respond to incentives for sustainable management and investment.

The Indonesia: Food Security and Land Governance Factsheet (2014) asserted further that: After the fall of Suharto in 1998, agrarian reform and resistance movements started emerging of farmers and landless people demanding access to land and other resources. There was pressure to decentralize state authority, while simultaneously, occupations of land controlled by the state and to a lesser extent corporations took place all over Indonesia (estimated in 2000 at 118,830 hectares of national estate land and 48,051 hectares of private estate lands). Presidential decrees on land reform were passed in 2005 and 2003, which led to the opportunity of farmers' movements to talk directly to district administrations about agrarian issues. These decrees have become legal tools, which helped to legitimize the idea of land and agrarian reform but were resisted by part

of government (like the Ministry of Forestry) have obstructed efforts to implement the decree. There is growing attention of the government to land reform and the opinion of farmer movements.

The Case of Japan (with citations pertinent to China, South Korea and Saudi Arabia)

According to Quizon (2013): *The countries that are often cited as successful examples of land reform are Japan, South Korea and Taiwan (all located in Asia).*

Quizon (2013) likewise asserted the following:

U.S. occupation forces provided advice and financial support for land reforms in Japan, Taiwan, and South Korea from 1945 to the early 1950s;

In Japan, land reform was pushed by a foreign occupation force (the U.S.) to break down the power base of the feudal elite and militaristic class. In Korea, land reform was implemented in response to a communist threat from the North. In Taiwan, land reform was implemented by an outside force – the Kuomintang party, which had fled from the Communists in mainland China;

The early successes of land reforms in Japan, South Korea, and Taiwan in the late 1940s were heralded as “models” for reforms elsewhere. However, they were implemented under very particular conditions after World War II, thereby limiting their replicability (Hayami, Quisumbing, and Adriano 1990);

In the period after World War II, five Asian countries implemented successful land reforms that resulted in widespread land redistribution – Japan, Taiwan, South Korea, China, and Vietnam. These countries followed two different paths based on opposing capitalist and socialist ideologies. Japan, South Korea, and Taiwan redistributed land to households on a policy of “land to the tiller”, while China and Vietnam undertook radical land reforms after expropriating landowners;

Both Taiwan and Korea served as food production colonies for Japan leading up to the war. The seizure of Japanese properties after the war brought considerable lands under the control of the state (as much as 20% of all cultivated land), and the distribution of these public lands played a vital role in the reforms;

With its defeat in World War II, Japan lost its colonies in Taiwan and Korea, which were sources of grains and food crops. With land reform, the Japanese government’s objective was to address worsening domestic food shortages. However, the U.S. Occupation Forces supported land reform in Japan more for its political objective – to break down the power of the large landowners, who were the pillars of the country’s militaristic class;

Within four years (1946–1950), about 1.7 million hectares were purchased from 2.1 million landowners and transferred to 4.5 million tenants. Large landlords were not

dominant in Japan: of the 2.1 million landowners, only about 1,000 had more than 50 hectares (Ogura 1967). In addition, the government opened up 1.8 million hectares of pasture land, forests, and uncultivated areas for resale or redistribution. A decade after land reform, Japan emerged as an industrial power, and industrialization put an end to feudalism;

As an alternative to state-led land reforms, in the late 1990s the World Bank introduced a new “free market” approach. The main criticism of state-led land reforms was that they were often hostile and involved coercion and expropriation. Reforms were rarely peaceful, as they were often the outcome of wars and revolutions. Moreover, each reform programme was designed to address specific conditions, and even the commonly cited successful models (Japan, Taiwan, South Korea) were due largely to unique historical conditions. The high political and social costs of past state-led land reforms meant that they were no longer feasible, and so there was a need for new approaches;

In recent years, wealthy food-importing countries and private investors have begun acquiring farmlands overseas for the large-scale production of food, biofuels, livestock, and other products. About 1 million hectares of land in Cambodia were acquired between 1988 and 2006, for both agriculture and forestry projects, and more than 415,000 hectares were acquired in two provinces of Lao PDR (Cotula, 2011). In Asia, these land acquisitions have been led by capital-rich Arab Gulf states and the prosperous countries of East Asia. By one estimate, China, South Korea, the United Arab Emirates, Japan, and Saudi Arabia controlled over 7.6 million cultivable hectares overseas by the end of 2008 (Kugelman and Levenstein, 2009).

Refer to complementary information (The Case of China, *supra*).

The Case of Saudi Arabia

According to the United Nations Common Country Strategic Framework (UNCCSF) - Kingdom of Saudi Arabia (2012): *Issues of natural resources use and environmental sustainability are also in focus. In 2011 the Kingdom completed its Second National Communication to the UN on Climate Change highlighting the serious challenges from rising energy intensity of growth, alongside increased vulnerabilities from growing scarcity of arable land and naturally available freshwater. With most power still produced by oil-burning facilities, the Kingdom’s local oil consumption has grown steadily and now outpaces GDP growth. This causes concern among some Government entities as to the future of the oil-export based development model, and the lost opportunity of future export revenues which have thus far served as the foundation of the country’s human development results. Thus great attention and new policies are being issued with regards energy efficiency and renewable energy which are critical to sustaining development. Water resource scarcity is also of concern, with groundwater resources under pressure from growing industrial uses, pollution loads and rapid urbanization, all exacerbated by climate change trends. The latter has also been cause of concern in coastal areas in recent times, with major flood crises experienced along the Red Sea coast in 2011. Public awareness of energy and environmental sustainability will*

also need to be addressed simultaneously to improving livelihoods and economic conditions. Furthermore, tipping points exist with regard to natural resources such as arable land and freshwater both of which are very scarce in the Kingdom. Risks of unsustainable policies and practices include reduced agricultural productivity, heightened water scarcity, increased exposure to extreme weather and flood events, collapse of ecosystems, increased health risks, and increased economic and social vulnerability, all of which could imperil gains toward achievement of development goals. Already, urbanization and industrialization, high density of land, sea and air transport, and increased volume of waste of all types have increased the country's pollution levels, negatively affecting various ecosystem services and indicators. UN cooperation will include a move to sustainable agriculture including transfer of technology, sustainable management of agricultural resources including land and water, sustainable crop production and protection, management of animal and fisheries resources, animal health, capacity building and the strengthening of rural institutions. The cooperation also aims to benefit small-scale agricultural producers and fishers who will be able to increase and diversify food production.

Figure 3, depicts CCSF (Common Country Strategic Framework) Results and Resources Framework 2012-16 (Kingdom of Saudi Arabia). Outcome 4.2 (Figure 3) exemplifies land governance implications. Refer to complementary information (The Case of Japan, *supra*).

| National Priority: Develop, conserve and ensure rational utilization of natural resources, particularly water, protect the environment and develop environmental systems within the context of sustainable development | | | |
|--|--|---|---|
| CCSF Outcome 4: Sustainability of Natural Resources & the Environment | | | |
| Relevant MDGs: MDG 7: Ensure environmental sustainability | | | |
| Outcome | Outputs | Role of Partners | Resources |
| Outcome 4.1 By 2016, enhanced policies and capacities for energy conservation and renewable energy, and combating climate change through mitigation and adaptation (UNDP, UNDESA) | 4.1.1 Design/launch flagship National Energy Efficiency Programme, develop capacities of Saudi Energy Efficiency Center, first ever Energy Conservation Law and sector action plans, raising awareness on over-use of energy 4.1.2 Design Green Economy strategy to engage benefits of clean technology as engine of investment/growth, and as a knowledge economy sector. 4.1.3. Capacities for Renewable Energy 4.1.4 Enhanced alignment with global policies linked to post-2015 climate policy 4.1.5. Capacities to prevent extreme flood impacts and assess climate risks | Ministry of Economy & Planning <i>Coordination for analytic research on green economy</i> King Abdul-Aziz City for Science & Technology and the Saudi Energy Efficiency Center <i>Coordination for energy conservation policy and coordination for implementation by industry</i> Ministry of Petroleum & Minerals <i>Coordination for oil and mining policy and coordination for implementation by Government and industry</i> Presidency of Meteorology & Environment <i>Coordination for climate change, EIA and waste policy</i> King Abdullah City for Atomic & Renewable Energy <i>Coordination for renewable energy policy and coordination for implementation by industry</i> | UNDP: US\$7,000,000 (Gov cost-sharing) |
| Outcome 4.2 By 2016, protection of biodiversity and ecosystem services, and more sustainable use of natural resources, especially agriculture, water and minerals (UNDP, FAO, UNEP) | 4.2.1 Capacities for Integrated Water Management and innovative market approaches to implement water policies 4.2.2. Enhanced efficiency in production of agriculture products and food security. 4.2.3. Transfer of technology, sustainable management of agricultural resources, sustainable crop production/protection, management animal resources and health, capacity rural institutions 4.2.4 Enhanced levels of food safety including safe use of pesticides 4.2.5. Design and implement Biodiversity Action Plan | Ministry of Water & Electricity <i>Coordination for water policy and coordination for implementation by Government and industry</i> Ministry of Agriculture <i>Coordination for food security policy and implementation</i> Saudi Food and Drug Authority <i>Coordination for food safety and pesticide policy</i> Ministry of Municipal & Rural Affairs <i>Coordination, policy review for land use planning</i> Saudi Commission for Wildlife <i>Coordination for biodiversity policy and implementation</i> | UNDP: US\$18,000,000 (Gov cost-sharing) FAO: US\$66,000,000 (Gov cost-sharing) |
| CCSF OUTCOME 4 TOTAL | | | US\$96,000,000 |

Figure 3: An Excerpt, CCSF Results and Resources Framework 2012-16 [Source: <http://www.unep.org>].

The Case of Pakistan

According to the Department for International Development [DFID] (2002): *Land ownership in Pakistan is extremely unequal. Landlessness has been estimated at around fifty (50) percent in rural areas. Just four percent of land holdings make up more than half the total area owned. Legislation that sets a ceiling on ownership is widely considered to have been ineffective. In the large irrigated areas of Sindh and Punjab the majority of the poor depend on sharecropping or leasing. Sharecroppers' rights are highly insecure and they frequently become indebted to landlords. Non-Governmental Organizations (NGOs) have begun to lease large areas from landlords for sub-letting to poor and landless farmers. These organizations also offer services to support farmers. Also, land owning elites have circumvented ceilings on holding size and a dysfunctional land administration system has blocked distribution of public land and the functioning of the land market.*

As a result DFID (2002) asserted that: *The importance of land institutions is increasingly recognized – a recognition that reflects the perspectives of poor people themselves. A better understanding of the linkages between land and property rights, economic growth, inequality, poverty and sustainability is emerging. The governance of land resources has emerged as an overarching theme; the process that not only determines access to land, affecting livelihoods in the short term, but that also plays a critical role in dispelling social conflict and ensuring environmentally sustainable development in the longer term. Pro-poor land policies offer social, economic and political advantages. Governments should take a lead in protecting the land rights of the poor, engaging with civil society on land issues, and identifying how land reform should form part of a coherent poverty reduction strategy. Poverty reduction strategy processes offer a real opportunity to tackle land reform in order to improve the livelihoods of the poor, both rural and urban. Ideological debates still overshadow a growing consensus on land policy. These differences must be overcome if national strategies are to be both appropriate and widely owned. Greater experience is also needed on how the state, civil society and the private sector can work together to protect the rights of the poor and mobilize their assets and skills in development. The international community has an important role in supporting developing countries to address land reform thereby helping achievement of the millennium development goals.*

The Case of South Korea

According to You (2014): *South Korea, Taiwan and the Philippines shared similar conditions at the time of independence. Success and failure of land reform, which was little affected by corruption but largely determined by exogenous factors such as external communist threats and U.S. pressures for reform, produced different levels of inequality, which in turn influenced subsequent levels of corruption (note: this assertion is beyond the scope of the paper) through capture and clientelism [relationship between individuals with unequal economic and social status (“the boss” and his “clients”) that entails the reciprocal exchange of goods and services based on a personal link that is generally perceived in terms of moral obligation]. In the Philippines, failed land reform*

maintained high inequality and domination of the landed elite in both politics and economy, which led to persistent political clientelism, increasing patronage in bureaucracy, and policy capture by the powerful elite. In contrast, successful land reform in South Korea and Taiwan dissolved the landed class and produced egalitarian (a belief in human equality) socioeconomic structure, which helped to maintain state autonomy, contain clientelism, promote meritocratic (a social system, society, or organization in which people have power because of their abilities, not because of their money or social position) bureaucracy, and develop programmatic politics over time.

Refer to complementary information (The Case of Japan, *supra*).

The Case of Russia

According to Visser & Mamonova (2015): The post-Soviet land reforms that allowed private ownership of land in Russia and Ukraine, and the recent rise in global interest for land resources have made the fertile land of these countries an object for investment and a cause of disputes among land investors, peasants, and government. In similar circumstances in other agricultural countries, social movements rose to the defense of rural dwellers' interests. However, until now, rural social movements in the former Soviet countries are considered to be among the weakest ones globally (Sanukov, 1993). Nevertheless, on the wave of recent land conflicts and rising interests for land and agriculture, collective actions of rural dwellers are emerging in Russia and Ukraine. Rural social movements are getting more power and claiming to take a role in land (grab) issues. Also, the lower frequency of collective protests in Russia might be explained by different state policies towards open forms of protests, activities of civil associations and social movements in Russia and Ukraine. In Russia the state attention is focused on NGOs. With Russia's "regeneration", the Putin administration increased government funds for non-oppositional NGOs, pushed through a variety of legislative acts that impact NGOs' activities and citizens' abilities to organize, and increased state oversight of NGOs. Moreover, the Russian government tries to avoid the creation of a pro-European civil society, a tendency led to hostility against Western interference in Russia's social life. In Ukraine, on the opposite, foreign funds and donors are more than welcome. Finally, it is clear that despite the weakness of rural social movements, as in many countries of the former Soviet Union, the situation certainly cannot be described as stagnation. Whereas in the 1990s and 2000s rural movements (especially in Russia) were virtually non-existent, in the second part of the 2000s various rural social movements have sprung up. Even if some of them are a kind of 'phantom movements', in the course of less than a decade the situation has markedly changed. Although, their role in addressing land conflicts is still limited, they have become a new actor, with growing influence in the post-Soviet landscape of large-scale land deals.

The Case of Turkey

According to the World Bank: *In 1950, only about 25 percent of Turkey's population lived in cities. During the early 1980s and over the ensuing three decades, the country's average annual urban growth rate of over 4 percent placed it among the fastest urbanizing countries in the world, and today, over 77 percent of its population now resides in urban areas. However, the land and property value generated through this rapid urbanization has not been fully or accurately captured by means of a realistic taxation system, creating a significant challenge for municipalities in their effort to finance huge infrastructure and social service needs. The Turkish cadastre system (a register of property showing the extent, value, and ownership of land for taxation), with a history going back some 165 years, was reasonably effective, and property registration transactions were done relatively quickly. However, the system was in serious need of modernization to upgrade it to the same service standards found in the European Union (EU), which presented numerous challenges. The manual systems in several cadastral and registry offices needed to be computerized and paper documents digitized to improve accuracy, consistency, efficiency, and linkage to a national network that can support e-government applications. Property valuation methodologies for taxation purposes also needed to be upgraded toward similar systems in the EU, requiring a clarification of institutional responsibilities in order to provide a framework for property valuation guidelines and grievance procedures in line with international standards.*

Moreover, the World Bank asserted that: *Since its inception in 2008, the Land Registry and Cadastre Modernization Project followed a comprehensive approach that combined detailed technical work, such as cadastral surveys, mapping, and digitization, with "softer" elements such as the improvement of human resource capacity. All of these components were put in place with the establishment of a model cadastral office in the city of Bursa, which now serves as an example to the remaining Land Registry and Cadastre Offices around the country. Under a second component known as Property Valuation, an innovative policy analysis and pilot implementation are being done to develop a mass valuation system for property taxation purposes. This will not only help increase government property tax revenues at the national and local levels, but also enable Turkey to better capture the prosperity generated by the rapid urbanization and allow that prosperity to be more evenly shared. This will be a significant step forward for Turkey in overall land governance. Accordingly, between April 2008 and October 2013, the land registry project in Turkey achieved the following key results: Customer satisfaction with land registry and cadastre services improved from 40 to 85 percent; Cadastre disputes in courts declined from 4 to 0.3 percent of the total renovated parcels (end-of-project target was 2 percent); The time to deliver cadastral data decreased from seven days to two hours, reaching the project target; 100 external users from 42 different organizations in the country now have online/offline access to registry and cadastre data, which exceeded the project target of 50 external users; 30 million information requests have been received over the Internet, exceeding the project target of 9 million; About 1.5 million parcels have been renovated or upgraded into a digital format; The base mapping of 144,000 square kilometers [including orthophotos (aerial photograph or*

image)] has already been completed, exceeding the increased target of 140,000 square kilometers (the original target was 40,000).

Finally, the World Bank acknowledged that: *Despite the project's achievements, much remains to be done in order to have a functional property valuation system in Turkey going forward. With the adoption of a new Metropolitan Municipality Law, fourteen new metropolitan municipalities will be established immediately after local elections, expanding the municipal boundaries to match provincial boundaries in all metropolitan cities. As a result, significantly more urban land will be available in all of the thirty metropolitan cities. A well-functioning property valuation system is necessary to support this transformation.*

III. Discussions and Results

Applying 'good practice method of assessment', the following (Box 1) may be culled from the countries included within the study, for policy development pertinent to land governance in the Philippines:

Box 1: Good Practices (in-place/recommended) in Land Governance – China and India, Indonesia, Japan, Saudi Arabia, Pakistan, South Korea, Russia and Turkey.

Lessons from China's Case

Market-oriented policies and for institutions to focus on the strengthening of individual farmers' land rights through land transfer and mortgaging;

On the legal system of a market economy, this power should be restricted to some extent. Implementation of such a system must be taken step by step according to priorities and ultimately promoted at full scale;

Pilot programs through more coordinated efforts by government departments to involve the public in collectively tackling the existing institutional constraints to sustainable land governance in policy implementation processes.

Lesson from India's Case

While the existing programs need scaling up, an integrated approach to solving the problems of land governance starting with a comprehensive survey of land using modern technological tools and eventually moving towards an absolute titling system in the place for current presumptive titling is recommended.

Lesson from Indonesia's Case

Presidential decrees on land reform were passed in 2005 and 2003, which led to the opportunity of farmers' movements to talk directly to district administrations about agrarian issues. These decrees have become legal tools, which helped to legitimize the idea of land and agrarian reform [but were resisted by part of government (like the Ministry of Forestry) have obstructed efforts to implement the decree]. Finally, there is growing attention of the government to land reform and the opinion of farmer movements.

Lessons from Japan's Case

Wealthy food-importing countries (including Japan) and private investors have begun acquiring farmlands overseas for the large-scale production of food, biofuels, livestock, and other products;

Within four years (1946–1950), about 1.7 million hectares were purchased from 2.1 million landowners and transferred to 4.5 million tenants. Large landlords were not dominant in Japan: of the 2.1 million landowners, only about 1,000 had more than 50 hectares. In addition, the government opened up 1.8 million hectares of pasture land, forests, and uncultivated areas for resale or redistribution. As a result - a decade after land reform, Japan emerged as an industrial power, and industrialization put an end to feudalism.

Lessons from Saudi Arabia's Case

Public awareness of energy and environmental sustainability will also need to be addressed simultaneously to improving livelihoods and economic conditions;

International partnership such as: UN cooperation will include a move to sustainable agriculture including transfer of technology, sustainable management of agricultural resources including land and water, sustainable crop production and protection, management of animal and fisheries resources, animal health, capacity building and the strengthening of rural institutions. The cooperation also aims to benefit small-scale agricultural producers and fishers who will be able to increase and diversify food production.

Lessons from Pakistan's Case

Non-Governmental Organizations (NGOs) have begun to lease large areas from landlords for sub-letting to poor and landless farmers. These organizations also offer services to support farmers. Also, land owning elites have circumvented ceilings on holding size and a dysfunctional land administration system has blocked distribution of public land and the functioning of the land market;

Governments should take a lead in protecting the land rights of the poor, engaging with civil society on land issues, and identifying how land reform should form part of a coherent poverty reduction strategy;

Ideological debates still overshadow a growing consensus on land policy. These differences must be overcome if national strategies are to be both appropriate and widely owned. Greater experience is also needed on how the state, civil society and the private sector can work together to protect the rights of the poor and mobilize their assets and skills in development. The international community has an important role in supporting developing countries to address land reform thereby helping achievement of the millennium development goals.

Lesson from South Korea's Case

Successful land reform in South Korea (and also in Taiwan) dissolved the landed class and produced egalitarian (a belief in human equality) socioeconomic structure, which helped to maintain state autonomy, contain clientelism, promote meritocratic (a social system, society, or organization in which people have power because of their abilities, not because of their money or social position) bureaucracy, and develop programmatic politics over time.

Lessons from Russia's Case

Putin administration increased government funds for non-oppositional NGOs, pushed through a variety of legislative acts that impact NGOs' activities and citizens' abilities to organize, and increased state oversight of NGOs;

In Ukraine, on the opposite, foreign funds and donors are more than welcome;

Finally, it is clear that despite the weakness of rural social movements, as in many countries of the former Soviet Union, the situation certainly cannot be described as stagnation. Whereas in the 1990s and 2000s rural movements (especially in Russia) were virtually non-existent, in the second part of the 2000s various rural social movements have sprung up. Even if some of them are a kind of 'phantom movements', in the course of less than a decade the situation has markedly changed. Although, their role in addressing land conflicts is still limited, they have become a new actor, with growing influence in the post-Soviet landscape of large-scale land deals.

Lesson from Turkey's Case

An innovative policy analysis and pilot implementation are being done to develop a mass valuation system for property taxation purposes. This will not only help increase government property tax revenues at the national and local levels, but also enable Turkey to better capture the prosperity generated by the rapid urbanization and allow that prosperity to be more evenly shared.

The lesson/s articulated for each country case - some were currently in place (construed as 'good practice') and some are recommendations by other researchers (*supra*).

It is commendable because according to LGAF Philippines (2013) Final Report: A strong legal and policy framework for land in the Philippines, backed up by centuries old legislations and program to recognize long held rights and the Constitutional provision for recognition of indigenous peoples' customary rights. The assessment also showed elements of best practice in policies related to land redistribution, land use planning, housing provision, partnerships between investors and communities, and LGU authorities on land use and zoning; and taxation. Table 2 (shown next), give a picture of Philippine policies and legislations on the governance of tenure over land, water and forests.

Table 2: Major Philippine policies and legislations on land governance [Source: Quizon, Pagsanghan (2014). *Review of Selected Land Laws and Governance of Tenure in the Philippines*. Retrieved from: <http://www.fao.org>].

| | |
|--|--|
| <i>Overall framework</i> | 1. Philippine Constitution of 1987 |
| <i>Sectoral tenure reforms (rural sector)</i> | 2. Indigenous Peoples Rights Act of 1997 (RA8371) 3. Philippine Fisheries Code of 1998 (RA 8550) 4. Comprehensive Agrarian Reform Program of 1988 (RA 6657) as amended by CARPER (RA9700) |
| <i>Natural resource management, protection and use</i> | 5. Agriculture and Fisheries Modernization Act of 1997 (RA 8435) 6. National Integrated Protected Areas System Act of 1992 (RA 7586) 7. Forestry Code of the Philippines (PD 305) 8. Philippine Mining Act of 1995 (RA 7942) 9. Public Land Act of 1936 (CA 141, as amended) |
| <i>Climate change and risks</i> | 10. Climate Change Act of 2009 (RA9729) 11. Philippine Disaster Risk Reduction and Management Act of 2010 (RA 10121) |

IV. Conclusion and Policy Implications

The paper conveys the considerable differences in existing policy models across countries with reference to land governance and how each country responds effectively to the coupled policy issues. From the country cases, it may be deduced that each country has its distinctive history, culture and political conditions. Thereby, no particular country model/s (on land governance is/are applicable) to the Philippines.

On the other side of the story - based on the same report (LGAF 2013 Final Report, *supra*) - Key constraints (on land governance) to realizing their full potential include weaknesses in implementation, institutional overlaps, gaps in operational procedures, lack of policies in, for example, fair compensation for expropriated properties; and absence of systematic monitoring of sector performance. And as a result, the study develops policy recommendations from all critical areas analyzed – that is, for the aforesaid constraints, only (and if practical, the lessons from country cases be adopted).

Table 3 (below), depicts the key constraints identified and the suggested resolution/s to mitigate (if not totally eliminate) the aforementioned constraints:

Table 3: Policy Implications (Land Governance)

| Key Constraints - Based from LGAF (2013) Final Report | Recommendations / Policy Implications |
|---|--|
| Weaknesses in implementation | <p>None, except the case of China (in part), of the lesson/s from countries within the study may resolve the issue;</p> <p>Working with government officials to make better the enforcement of existing laws; and</p> <p>Increasing accountability of high-ranking public servants.</p> |
| Institutional overlaps | <p>The case of China (in apart) – that is, coordinated efforts by government departments to involve the public in collectively tackling the existing institutional constraints;</p> <p>Working with government officials to streamline institutional procedures/requirements.</p> |
| Gaps in operational procedures | <p>The case of China (in apart) – that is, coordinated efforts by government departments to involve the public in collectively tackling the existing institutional constraints;</p> <p>Working with government officials to streamline institutional procedures/requirements.</p> |
| Lack of policies [for example, fair compensation for expropriated properties] | The case of Pakistan and Ukraine – NGOs, foreign donors (of funds) play a vital role (for the poor). |
| Absence of systematic monitoring of sector performance | <p>Based from the case of China (even Russia) demonstrate a strong political will of their leaders, and this political will may serve as a helpful thought for Philippine (public) leaders to resolve monitoring gaps;</p> <p>May delegate such monitoring of performance as part of the systematic audit function (operational audit) of the Commission of Audit (COA);</p> <p>Increasing accountability of high-ranking public servants, whose performance have been audited as not in conformity with the prescribed standards.</p> |

On Weaknesses in Implementation

Implementation weaknesses in each country will require diverse answers and have to be adapted to individual conditions in order to be successful. As such, none of the lesson/s from countries within the study may resolve such an issue in the Philippines. Implementation weaknesses may be mitigated by: working with government officials to make better the enforcement of existing laws – as an example creating ‘one stop shops’ for licenses and tax payments; and increasing accountability of high-ranking public servants (having them sign a voluntary code of ethics being examined/monitored by the public, is a good start).

And taken from China’s case, wherein: *Pilot programs through more coordinated efforts by government departments to involve the public in collectively tackling the existing institutional constraints to sustainable land governance in policy implementation processes is suggested.*

On Institutional Overlaps and Gaps in Operational Procedures

The case of China (in apart) – that is, coordinated efforts by government departments to involve the public in collectively tackling the existing institutional constraints, may be thought-out. Thus, working with government officials to streamline institutional procedures/requirements is imperative.

On Lack of policies [for example, fair compensation for expropriated properties]

This may be present because of the government’s scarcity of monetary resources to satisfy what is known as ‘just compensation’ in the exercise of the state’s ‘right of eminent domain’.

To obtain monetary resources to be appropriated for expropriated properties (thru eminent domain) – NGOs/foreign fund donors may be encouraged to step-in (Pakistan and Ukraine case, *supra*).

On the Absence of Systematic Monitoring of Sector Performance

Also, in China (even Russia’s case) – these countries impliedly demonstrate as having a strong political will (of their leaders), and this political will, may serve as a helpful thought for Philippine (public) leaders to resolve monitoring gaps. As such, the state may delegate such ‘monitoring of performance’, exclusively as part of the systematic audit function (operational audit) of the Philippine Commission of Audit (COA). And also, increasing the accountability of high-ranking public servants, whose performance have been audited as not in conformity with the prescribed standards/expected results.

Other Considerations

Adopting Strategies of Japan, Saudi Arabia, South Korea, China and also (United Arab Emirates), as follows:

Whereas in Japan: *Within four years (1946–1950), about 1.7 million hectares were purchased from 2.1 million landowners and transferred to 4.5 million tenants. Large landlords were not dominant in Japan: of the 2.1 million landowners, only about 1,000 had more than 50 hectares. In addition, the government opened up 1.8 million hectares of pasture land, forests, and uncultivated areas for resale or redistribution;*

In Saudi Arabia: *Entering into international partnership such as: the UN cooperation - will include a move to sustainable agriculture including transfer of technology, sustainable management of agricultural resources including land and water, sustainable crop production and protection, management of animal and fisheries resources, animal health, capacity building and the strengthening of rural institutions. The cooperation also aims to benefit small-scale agricultural producers and fishers who will be able to increase and diversify food production;*

And finally: *In recent years, wealthy food-importing countries and private investors have begun acquiring farmlands overseas for the large-scale production of food, biofuels, livestock, and other products. In Asia, these land acquisitions have been led by capital-rich Arab Gulf states and the prosperous countries of East Asia. Case-in-point: China, South Korea, the United Arab Emirates, Japan, and Saudi Arabia controlled over 7.6 million cultivable hectares overseas by the end of 2008 (supra).*

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