AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

PROPERTY RIGHTS AND DEVELOPMENT IN SOUTHEAST ASIA

HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

AUGUST 21, 2015

Serial No. 114–94

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PUBLISHING OFFICE

95–991PDF WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
DANA ROHRABACHER, California
STEVE CHABOT, Ohio
JOE WILSON, South Carolina
MICHAEL T. McCAUL, Texas
TED POE, Texas
MATT SALMON, Arizona
DARRELL E. ISSA, California
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
MO BROOKS, Alabama
PAUL COOK, California
RANDY K. WEBER SR., Texas
SCOTT PERRY, Pennsylvania
RON DeSANTIS, Florida
MARK MEADOWS, North Carolina
TED S. YOHO, Florida
CURT CLAWSON, Florida
SCOTT DesJARLAIS, Tennessee
REID J. RIBBLE, Wisconsin
DAVID A. TROTT, Michigan
LEE M. ZELDIN, New York
DANIEL DONOVAN, New York

ELIOT L. ENGEL, New York
BRAD SHERMAN, California
GREGORY W. MEEKS, New York
ALBIO SIRES, New Jersey
GERALD E. CONNOLLY, Virginia
THEODORE E. DEUTCH, Florida
BRIAN HIGGINS, New York
KAREN BASS, California
WILLIAM KEATING, Massachusetts
DAVID CICILLINE, Rhode Island
ALAN GRAYSON, Florida
AMI BERA, California
ALAN S. LOWENTHAL, California
GRACE MENG, New York
LOIS FRANKEL, Florida
TULSI GABBARD, Hawaii
JOAQUIN CASTRO, Texas
ROBIN L. KELLY, Illinois
BRENDAN F. BOYLE, Pennsylvania

AMY PORTER, *Chief of Staff* THOMAS SHEEHY, *Staff Director*
JASON STEINBAUM, *Democratic Staff Director*

SUBCOMMITTEE ON ASIA AND THE PACIFIC

MATT SALMON, Arizona *Chairman*

DANA ROHRABACHER, California
STEVE CHABOT, Ohio
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
MO BROOKS, Alabama
SCOTT PERRY, Pennsylvania
SCOTT DesJARLAIS, Tennessee

BRAD SHERMAN, California
AMI BERA, California
TULSI GABBARD, Hawaii
ALAN S. LOWENTHAL, California
GERALD E. CONNOLLY, Virginia
GRACE MENG, New York

CONTENTS

Page

WITNESSES

Mr. James Carouso, Acting Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, U.S. Department of State 10
The Honorable Jonathan Stivers, Assistant Administrator, Bureau for Asia, U.S. Agency for International Development 18
Ms. Faith Bautista, president and chief executive officer, National Asian American Coalition 37
Mr. Joey Quinto, publisher, California Journal for Filipino Americans 41
Mr. Zosimo Laurel Contreras (litigant in Philippines property dispute) 76
Mr. Richard J. Rogers, partner, Global Diligence LLP (attorney representing Cambodian victims before the International Criminal Court) 80

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Mr. James Carouso: Prepared statement 13
The Honorable Jonathan Stivers: Prepared statement 21
Ms. Faith Bautista: Prepared statement 39
Mr. Joey Quinto: Prepared statement 43
Mr. Zosimo Laurel Contreras: Prepared statement 78
Mr. Richard J. Rogers: Prepared statement 82

APPENDIX

Hearing notice 106
Hearing minutes 107
The Honorable Edward R. Royce, a Representative in Congress from the State of California, and chairman, Committee on Foreign Affairs: Material submitted for the record 108

PROPERTY RIGHTS AND DEVELOPMENT IN SOUTHEAST ASIA

FRIDAY, AUGUST 21, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:04 a.m., in the Ursa Major Suite, Cal Poly Pomona University, 3801 West Temple Avenue, Pomona, California, Hon. Matt Salmon (chairman of the subcommittee) presiding.

Mr. SALMON. This committee will come to order.

Chairman Royce, I welcome the opportunity to convene this subcommittee hearing with you today on Property Rights and Development in Southeast Asia.

I always enjoy coming to California, and the Cal Poly Pomona campus is truly a beautiful backdrop.

Mr. Chairman, you are very lucky to represent such a beautiful piece of our country, and I would like to thank our distinguished witnesses for their participation in the hearing.

Today I look forward to hearing about the progress that Southeast Asian countries have made in developing rule of law and protections for property rights. Given varying structures of governance and levels of development among Southeast Asian countries, we know that large challenges remain for countries, for individuals, and for businesses. I hope to learn more about these obstacles as well.

We are concerned about the abuse of power and gross violations of property rights in Cambodia. Private property rights were greatly impaired under the Khmer Rouge, though Cambodian law does not recognize private, state, and collective ownership by private individuals and indigenous communities.

Despite this, land-grabbing by the government for their political cronies and businesses has escalated significantly over the years. Up to ½ million Cambodians have been reported to be displaced by forced land seizures. Poor and vulnerable populations have been identified as most harmed by forced evictions and lack of compensation for their land. Due to high court costs and lack of resources for many of those adversely affected, many disputes never make it to court. Those that do, end up facing an ineffective system to seek redress for violations and unfair treatment.

I know that USAID has funded programs to train lawyers and judges and support NGOs with legal aid and property rights edu-

cation, and the World Bank and other donors have funded similar projects. I welcome additional solutions to the tragic condition of property rights in Cambodia.

The Philippines' 1987 constitution includes many provisions which protect private property rights, and efforts have been made to protect landowners from squatters and unfair land takings. The Philippine Government has attempted the execution of land reform programs for many years, with varying degrees of success and failure.

Despite efforts, much of the vulnerable rural population of the Philippines remain landless, and the population living in informal settlements with no enforceable legal basis to their claims continues to grow. Inconsistencies in Philippine land and property policies, exacerbated by a weak legal system and political or business interference, have stoked competition over land ownership claims and privileges. Overlapping or fraudulent land titles can fuel conflict, contribute greatly to instances of squatting or land grabbing, and hinder greater economic development.

A tradition of government corruption in the Philippines has made these issues harder to address. USAID and other international organizations and NGOs have worked to improve the land rights in the Philippines, such as supporting the development of the Residential Free Patent Act of 2010 that streamlines titling of residential lands. These efforts advance governance and advocacy for the Filipino population and help those without a voice.

Similarly, I look to our distinguished witnesses for insight on how we can catalyze more positive momentum in the Philippines. Land grabbing and insufficient protection of property rights exists elsewhere in Southeast Asia, and I welcome discussion about efforts to address issues in other countries as well. For instance, in Burma, citizens and organizations cannot own any land, since it all belongs to the state. Forcible and uncompensated land confiscation is rampant in Burma, and its drive for economic growth has stifled progress on the issue. I would be interested to hear from the State Department and USAID on what work we have done in Burma to aid in reversing this injustice.

Similarly in Indonesia, property rights are inconsistent, and the land rights of the vulnerable and the poor are insecure. Capacity to interpret laws fairly and unambiguously is limited. In Vietnam and Laos, the land, as they say, belongs to all, but it is administered poorly and inefficiently. Here, Thailand has been a model for Southeast Asian nations, boasting a transparent land administration system that has issued title deeds to much of the population.

The United States strives to be a voice of reason and to help galvanize necessary reform throughout the region. We will seek to promote and protect fundamental rights that are inconsistently enforced and poorly upheld in Southeast Asia. Furthermore, we will work with our allies to encourage the development of transparent, enforceable, and equitable laws that will benefit all members of these diverse countries.

Members present will be permitted to submit written statements to be included in the official hearing record. And without objection, the hearing record will remain open for 5 calendar days to allow

statements, questions, and extraneous materials for the record, subject to the length limitation in the rules.

I now yield to Chairman Royce for his opening statement.

Mr. ROYCE. Thank you, Mr. Salmon.

I think we should start by thanking Cal Poly Pomona for opening up this hall to so many people here today. We had an opportunity not too long ago to have the director of USAID out here in this very hall, and Cal Poly Pomona gave us a forum to talk about the challenges about rebuilding after Tacloban, and specifically about legislation that this committee, my committee had passed that I had authored that allowed aid to go immediately, and food to be purchased locally with respect to our USAID efforts in the Philippines.

But today I am particularly appreciative of my colleagues here from Congress, and the State Department and USAID being here again. Director Shaw I thought did a great job. We had a town hall meeting here last time. This time we are doing this in the form of a hearing in order to get into an issue that I think is very, very important, and that is what can we do to help change this phenomenon of land grabbing and the dislocation of people that are being pushed off of their land by government policy around the world, and specifically some of the new programs that USAID is championing in the Philippines and elsewhere in order to achieve this goal.

I did want to mention my wife Marie used to be a professor here at Cal Poly Pomona, so I have had the opportunity to be up on the campus a number of times for international programs. But in this case, we are looking at how we can best promote not just the rights of people in parts of the Philippines right now where, because of the Marcos legacy, they do not really have a tradition of land title. This was one of the things that President Aquino was trying to change and is trying to change. But locally, as you go into certain parts of the Philippines, Marcos' practices of seizing land and transferring that land into the hands of people who are well connected locally, has created an environment where, you can see by the concern of the community here, you can see that people, frankly, are losing their property.

Land title reform is a big part of the solution here, and that is what we are going to talk about today, and we are going to hear from witnesses.

We had had some successes, but as we aim, frankly, to deepen our engagement in Southeast Asia and transform our aid so that it supports sustainable economic growth, we have got to consider whether the underlying conditions exist to realize that growth. In countries where citizens are denied basic protections under the law, including the right to secure property and the right to basically have title, those conditions don't exist.

So if I could just speak to Cambodia for a minute, Chairman Salmon, over half of land holdings are held informally there, without legal title. It would help enormously if we could put into effect a change that would give land title to those who are farming that land, because as the Cambodian economy has developed, many Cambodians have been displaced by the Hun Sen government. The government and domestic and foreign businesses are responsible for seizing much of this land. The government has appropriated

lands and homes forcibly, often for agricultural use or mining or logging.

According to testimony that I am going to submit for the record here, the Cambodian Government of Hun Sen maintains its political and economic power, and I am going to quote Meach Sovannara here, his words. He is a U.S. citizen who is being held in prison right now in Cambodia for speaking out about land reform and other issues like this. I am going to quote him:

> "They maintain economic power through the control and harsh repression of anyone who stands in the way of their economic enrichment and political control, and anyone criticizing their policies and actions."

His family is with us today, Jamie Meach, who is with us, and her children, their children.

Chairman, could I ask if they could stand in the front row?

Mr. SALMON. Absolutely.

Mr. ROYCE. Jamie, could you and your family stand? I am going to put your husband's statement in the record here today with the support of Chairman Salmon.

Mr. SALMON. Without objection.

Mr. ROYCE. Thank you.

So he has been imprisoned. We are also going to be talking with the State Department about doing what you can to get those American citizens back who are held overseas because they are speaking out specifically about human dignity and freedom and this issue of land grabbing.

According to the Cambodian League for the Promotion of the Defense of Human Rights, three-fifths of arable land in Cambodia is controlled by foreign agribusiness companies. Foreign investment—it can be beneficial—but it has to be rules based. It has to be above board. These large plantations fail to provide stable employment and adequate income for local residents who formally farm that land.

In some areas of the Philippines, land ownership is informal and narrowly disputed among local elites and clans. Tens of millions of Filipinos work as lease holders or rent-paying sharecroppers. Outdated land administration laws and an inefficient land administration system have resulted in fraudulent, overlapping land titles and widespread land grabbing. The perpetrators are politicians and foreign investors. Besides insecure land rights, over 12 million families in the Philippines do not own the rights to their own homes. So there is a desperate need for proper titling, which would unlock vast wealth for Filipinos, as noted economist Hernando de Soto has testified before our committee.

President Aquino has made considerable efforts to reform and clean up politics in the Philippines, but his few years in office cannot undo the years of damage done by President Marcos and the legacy President Marcos left, especially in some regions in the Philippines.

Last February I led a bipartisan congressional delegation to the Philippines where we were able to observe the destruction done by Typhoon Yolanda. Several members of this committee were there with me, and I appreciate very much, Brad, you and Matt, and all

the engagement in the Philippines. I was glad to see such a strong U.S. humanitarian effort. In the aftermath of natural disasters like this, on top of losing their homes, victims can also find themselves without a shred of proof to the rights to their property.

In the Antipolo region, I was personally prevented, at gunpoint—and this was on a trip I took prior to last year. It was 2 years ago. We took a delegation out there. I was prevented, at gunpoint, from accessing the property of a constituent by what appeared to be a member of a local security force. He had closed off the road. He closed off access of a public road to people in that area that owned their property. In my meeting with President Aquino I pressed him on the importance of protecting property rights. Filipinos as well as Cambodians have great economic potential. We should be working to unlock that potential.

President Aquino is working to unlock that potential, but USAID needs to help us find a way at the local level to make sure that local governments do this as well.

Today we will hear from victims of land grabbing. Because property rights are essential to stability and economic growth, we have to do all we can to encourage nations to offer these protections to their citizens. This would dramatically improve the lives of Filipinos, Cambodians and others in Asia, while improving our economic well-being and security.

So again, I thank you, Mr. Salmon, and I thank our ranking member here as well.

Mr. SALMON. Thank you. [Applause.]

Before I recognize the ranking member, I do need to talk about some of the etiquette issues associated with congressional hearings. As Mr. Royce said, he did this before in a town hall. A hearing is very, very different. In fact, in a hearing, the only people that will be speaking will be the distinguished panel members. We have two panels today. The other people that will be speaking are Members of Congress up here on the dais that will be making opening statements and asking questions. There is no audience participation other than being here.

As far as the rules of the road, so to speak, we would ask that if you haven't done so already, to put your cell phones on silent. Also, this is not a town hall meeting, so we don't cheer and we don't boo and we don't have public outcries. It is just the nature of congressional hearings. We are not trying to offend anybody. That is just the way that they are done.

I would like to recognize the ranking member.

Mr. SHERMAN. Thank you, Mr. Chairman. I want to thank you and Chairman Royce, the chair of the full——

[Applause.]

Mr. SALMON. Again, we would please ask the audience if they would refrain from clapping or cheering. Thank you.

Mr. SHERMAN. I want to thank you for having this hearing. I think field hearings are an important part of what our committee does. I remember Chairman Royce and I did a field hearing at the border focused on terrorism issues, and I look forward to our committee doing field hearings, as appropriate. I think almost every Member of Congress here believes that it is best to have such field hearings in Southern California, and at least one member here be-

lieves that it is best to hold them in the 39th Congressional District. But only Marie Royce believes that, of the two major campuses in that district, the best place to have it is Cal Poly Pomona.

Mr. ROYCE. And that is despite—if the gentleman would yield?

Mr. SHERMAN. I yield.

Mr. ROYCE. That is despite the fact that her husband went to the other campus.

Mr. SHERMAN. Exactly, which simply demonstrates who the primary decision-maker is. [Laughter.]

The focus of today's hearing is on land rights in Cambodia and the Philippines. America has an interest in the economic and political development of Southeast Asian countries. We spend hundreds of millions of dollars every year to promote that economic development. It is important for our economy because these are not only current but future trading partners. It is also important from a national security perspective as we work to make sure that not only does Asia have a robust China, but that the nations on China's periphery are also robust as well.

Critical to that economic development is the rule of law. In fact, if you look around the world, those countries with the rule of law are doing well, and those without the rule of law are not. And particularly important is real estate law. However, millions of people in Cambodia and the Philippines must deal with government corruption, outdated laws, inadequate record-keeping, and I look forward to hearing from our panel as to what the United States can do to improve the situation.

As to Cambodia, a nation much smaller than the Philippines, with only 15 million people, in 2001 Cambodia amended its law to allow private ownership of land. They established a framework in which individuals could register land and have their ownership recognized by the Land Management Ministry.

Unfortunately, most Cambodian citizens lack either the knowledge or the means to go through the formal process of land ownership. They are either unable to fill out the necessary paperwork or to pay the required taxes and land fees.

However, since 2001 Cambodian officials have used the land law to seize rural lands and provide them to domestic and foreign businesses, political figures, and in many cases they have done so without the consent of the lands' inhabitants and without the consent of those who may turn out in justice to own the land.

As one opposition Cambodian lawmaker explained in a New York Times op-ed, "Farmers only become aware of the transactions when the construction companies come in to remove them, bulldozers and security guards in tow."

As a result, land seizures by the Cambodian Government have displaced 770,000 Cambodians, nearly 6 percent of the nation's population, since the year 2001. This paints a picture very different from most countries in the world. The government has leased almost 5 million acres of rural land, which includes three-fifths of the nation's arable land, to foreign entities.

In response to land corruption, the World Bank suspended new lending to Cambodia in 2011 and called on the Cambodian Government to stop wrongful eviction of civilians, and in 2012 Cambodian officials announced the suspension of land leasing to foreign enti-

ties and launched a program in cooperation with Cambodia's Ministry of Land Management to measure land plots and to distribute titles to villagers.

Nearly 500,000 such titles have, in fact, been distributed. This program will prevent the displacement of Cambodians in the future, but it does not solve the problems of Cambodians who have already been displaced from their homes. In fact, the U.N. Human Rights Council has found the Cambodian National Authority for Land Dispute Resolution to be largely ineffective in settling land cases.

I know that one of our witnesses is from USAID. Jonathan, we look forward to your announcement on how we can help provide the rule of law in real estate in Cambodia.

As to the Philippines, as Chairman Royce pointed out, we had a chance to visit the Philippines and discuss the rule of law and economic development with the President of that country and so many others. In 1988 the Philippines passed a comprehensive agrarian reform plan which distributed land to tenant farmers. Though this gives farmers the right to till a certain plot of land, it does not grant farmers ownership of that land. Over half of the land holdings nationwide are still held informally, without official legal title, and 70 percent of the farmers do not own the land they till.

The other major problems with the land claims of the Philippines relate to just basic record-keeping. USAID reported in 2011 that outdated land administration laws and inefficient land administration and adjudication infrastructure and a poor land information system have resulted in problems of fraudulent overlapping and duplication of land titles and widespread land grabbing.

To make matters worse, the Philippines is a nation that often suffers from natural disasters, including typhoons, and that can destroy paper documents in government buildings. According to a recent Oxfam report, typhoons and other natural disasters have destroyed essential land records and has provided an opportunity for landowners, or at least those purporting to be landowners, to evict tenants from land so it can be developed for commercial purposes. Corrupt Filipino bureaucrats and landowners have sold huge parcels to foreign companies to build an airport, a resort town, and a host of other facilities.

U.S. assistance to the Philippines totaled $190 million in 2014. In addition to this, we signed a $334 million U.S. Millennium Challenge compact with the Philippines in 2010, so we have a real interest in economic development in the Philippines. Our money and, more importantly, the efforts of a generation of Filipinos will go for naught unless the rule of law, and particularly the rule of law involving real estate, is adhered to.

I yield back.

Mr. SALMON. Mr. Rohrabacher, did you have an opening statement?

Mr. ROHRABACHER. I will make this short because I know we want to get on with the witnesses. But I, first of all, would like to thank Mr. Royce and Mr. Salmon for the leadership that they have provided on human rights issues in general. You guys have—these have been real heroes here, and it has been my honor to have worked with both of them. Ed, ever since he got to Congress as a

freshman—I was already there, by the way—Ed has been the champion of broadcasting to people throughout the world so that they will know that they are not forgotten in their struggle for freedom and not forgotten by the American people.

We supposedly, as Americans, hold freedom and the rights of human beings to be our number-one value. This is how we will prove that. We will prove it by making sure that people in these countries where they are oppressed get the message that we are on their side, but also hearings like this where we insist that human rights be respected for our country to deal with those governments.

By the way, human rights, so often people think human rights are only elections, freedom of speech, freedom of religion. But human rights also means when someone owns a piece of property or someone has worked his life and the life of their family for generations on a piece of land, for that land to be taken away, for that property to be taken away is a violation, a fundamental violation of human rights, as is restricting someone's right to worship God the way they would choose.

So today we are reaffirming in this hearing, especially to the people of Cambodia, Vietnam, the Philippines, Burma, and other Southeast Asian countries, that we understand that there is a challenge there to their freedom and to the well-being of their families and to their human rights, and that we are on their side, and we want to find ways of how we can make that situation better. When governments think that they can take land and property away from ordinary people and give it to their cronies, basically crony capitalism has replaced communism as a chief oppressor.

Vietnam isn't a communist country anymore. Communism means Marxism, where nobody owns anything. They are just a corrupt dictatorship where they are taking care of their cronies. The same is true in Cambodia, and the same is unfortunately true at some level in the Philippines. But we know that the Filipino people, because they have a democratic process, are trying to work their way through it and make it better.

Well, that is what America is all about. We come from every race, religion, and ethnic background, and it is up to us to make sure that we reach out, using that, because I can see people from here from all of the countries I just mentioned. It is your job to speak for America there to make sure that the people of your countries, where you came from, that they know that America does stand for these principles, and also we are very pleased to have you here as the American fabric. That is what makes us a strong country and a force for freedom in the world.

So, thank you, Ed and Matt. I am looking forward to the testimony.

Mr. SALMON. Thank you.

Ms. Chu?

Ms. CHU. Thank you, Chairmen Royce and Salmon, and Ranking Member Sherman, for inviting me to take part in today's important hearing. And thank you for holding this hearing in Southern California, right next to my congressional district of Pasadena and Monterey Park. This whole area is home to so many people who are affected by what we will hear today, and this is an important

opportunity to connect the work we do in Washington, DC, to home.

I particularly want to thank today's witnesses for sharing what will be heart-wrenching personal testimony on land ownership rights in Southeast Asia and what we can do to help. I have had the good fortune to speak with a few of you in the past, and I know that all of us will benefit from hearing your stories.

Land ownership is a cornerstone of a nation's economy and a necessity to rising out of poverty for many. It can encourage investment and build ties to communities. But too frequently in the developing world, weak property rights are abused to help the elite few or reward cronies at the expense of the most vulnerable. And women and those lacking education, those who need help the most, are often the most susceptible.

The two countries that we are focusing on today, Cambodia and the Philippines, are particularly egregious offenders. We are going to hear just a few stories of blatant land grabs by the powerful, and often done through force. But I know that there are many more who have had similar experiences.

In the Philippines in particular, the abuse of weak land titles that we have seen in the wake of Typhoon Haiyan in 2013 has been shocking as redevelopment becomes an excuse to push individuals out of their homes.

The governments make the apparent argument that they are working for the benefit of the country, trying to bring in investment and support growth. But their disregard for land ownership is a setback to true and stable economic growth. Few provisions exist to ensure that individuals who have lost land are compensated in a fair and long-term manner, and the benefits brought in are going to the ultra-powerful few who already control most of the wealth.

The result is that now in Cambodia, for example, three-fifths of the arable land is held by foreign agribusinesses. The massive displacement policies by these governments are creating large numbers of landless poor, many left to live in squatter colonies. This is an unacceptable situation leading to a long-term crisis.

Combined, Cambodia and the Philippines received almost $270 million in U.S. foreign aid in 2014. This gives us enormous leverage to encourage growth and reform that will help the vulnerable and not just the powerful. This is the morally right thing to do, and it is the right thing to do for long-term stability.

Today I am eager to hear expert testimony on the causes and the breadth of the problem, as well as the tools that are at our Government's disposal to push forward reforms. These stories from the second panel will drive home the urgency and humanity driving our need to act.

Thank you again for the opportunity to speak today, and I look forward to hearing from each of you.

Mr. SALMON. We are grateful to have two excellent witnesses from the administration, and we are really appreciative that they could join us on our first panel this morning.

First we have James Carouso, the State Department's Acting Deputy Assistant Secretary of the Bureau of Asian and Pacific Af-

fairs; and Jonathan Stivers, who is USAID's Assistant Administrator of the Asia Bureau.

We will start with Mr. Carouso.

STATEMENT OF MR. JAMES CAROUSO, ACTING DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. CAROUSO. Chairman Salmon, Chairman Royce, Ranking Member Sherman, members of the committee, thank you for the invitation to testify before this distinguished committee on land tenure issues and their effect on Southeast Asia's economic development, a topic of significant importance to the Department of State.

The Assistant Secretary for the East Asia and Pacific Affairs Bureau asked me to——

Mr. SALMON. Mr. Carouso, could you pull your microphone just a little closer? Thank you.

Mr. CAROUSO. Is this better?

Mr. SALMON. Yes, thank you.

Mr. CAROUSO. The Assistant Secretary really regrets he couldn't be here today, so he sent me.

Special thanks to Cal Poly Pomona for providing this beautiful venue.

My colleague, USAID Administrator Jonathan Stivers, will speak to the various programs USAID supports to address land rights in the region. I will focus my remarks on the State Department's efforts to improve the protection of land and property rights in Southeast Asia both from a human rights perspective and from a commercial perspective, which affects U.S. citizens and corporations abroad, as well as the countries' economic growth.

Land and property rights issues remain critical in much of Southeast Asia and have a disproportionate impact on marginalized populations, including women, children, and indigenous groups. Transparent and fair land tenure laws, when followed, have a direct impact on foreign investment, poverty alleviation, and social stability. Without guidelines for officially-recognized land ownership documentation and effective mechanisms for dispute resolution, individuals are left in unstable situations and vulnerable to exploitation and abuse. For these reasons, we see land rights as a critical element to improving respect for human rights, strengthening the rule of law, and encouraging economic growth in the region.

When looking at land tenure issues from a human rights perspective, a major challenge in Southeast Asia is that vulnerable populations, particularly women and indigenous groups, often lack the basic documentation to show their rights to the homes and land upon which they live. In Cambodia, for example, at least two-thirds of the population, many of them poverty-stricken farmers, lack proper title deeds to their property. This is largely a lingering effect of the Khmer Rouge regime, which abolished all private property and, consequently, property records as a part of its efforts to create a collectivized agrarian society. Lack of updated records leaves families who are removed from their land with little legal recourse to prove ownership of the land or property on which they live and vulnerable to human rights abuses.

Recognizing this challenge, the State Department's Bureau of Democracy, Human Rights and Labor just recently began a new program to assist vulnerable communities in Cambodia, as well as in neighboring Vietnam. Working with local NGO partners, this project aims to create a multi-stakeholder, human rights-based approach to land use impact studies in communities, integrating these processes into land governance and dispute resolution initiatives. This builds on previous efforts from 2007 to 2010 that helped communities understand land rights under Cambodian law and legally document land claims to prevent eviction and ensure fair compensation, should the land be sold.

A subsequent challenge to the enforcement of land rights is the strength of rule of law, which varies wildly throughout the region. Weak judicial institutions and corruption encourage private claimants to seek solutions outside of the legal system, which in turn hinders their ability to obtain a stable, legal solution to their dispute. It also unfairly prejudices the system toward the wealthy and powerful, exacerbating existing social and economic inequalities.

The State Department's Bureau of International Narcotics and Law Enforcement Affairs is working around the world to help countries combat corruption by working with governments and civil society to build transparent and accountable public institutions operating in the criminal justice sector, a cornerstone of strong, stable, and fair societies that offer a level playing field. INL works with these partners through training, technical assistance, and mentoring to fight corruption and promote laws and court systems that are fair, legitimate, and accountable.

To take the Philippines as an example, the Philippine legal system contains a fairly robust set of laws that regulate land in urban and rural areas. These laws address inheritance issues, provide guidance on property ownership, and require registration of land titles through the judicial process. The Philippines also has institutional actors who oversee the implementation of these laws, including the Land Registration Authority and local government units that develop land-use development plans and zoning ordinances. The Government of the Philippines has also partnered with the World Bank and the Government of Australia to develop land administration policies and laws that formally recognize and record the rights of land holders through the Land Administration and Management Project.

In the Philippines, the institutions and laws governing land rights exist, but outdated land administration laws, an inefficient land administration and adjudication infrastructure, a poor land information system, and weak judicial institutions have resulted in problems of fraudulent, overlapping, and duplicate land titles and have led to widespread accusations of illegitimate land seizures. These challenges have also contributed to high transaction costs in securing, registering, and transferring property rights, and to tenure insecurity. Inconsistent legislation and policy declarations have led to unsustainable land use and conflict over competing land uses. Over the past decades, many countries in the region, including the Philippines, have tried various versions of redistributive land reform programs with little or no success in an effort to redis-

tribute land from the landlords of various agricultural products to their tenants.

The strength of land rights has an impact on human rights as well as rule of law issues, but it also has a significant impact on a country's commercial climate and overall economic prospects. As Chairman Royce indicated earlier, Hernando de Soto, a Peruvian economist known for his work on land rights reform and the informal economy, found that a nation cannot have a strong market economy without strong property rights. Many small entrepreneurs lack secure legal ownership of their property under a functional legal framework and therefore lack access to functioning financial markets, so they may be unable to obtain credit, sell or expand their business. Without the ability to monetize or collateralize their biggest asset, the growth potential of small-holders and entrepreneurs may be limited, and they cannot seek legal remedies to land conflicts in court.

In an effort to provide accurate information to U.S. businesses interested in investing abroad, the State Department prepares annual, country-specific Investment Climate Statements, while the Department of Commerce writes Country Commercial Guides. These reports include a detailed discussion of the quality of a country's legal and institutional frameworks for protecting property rights, including the transparency of their regulatory system, the legal basis for land ownership, dispute settlement mechanisms, and corruption. These act as a prod to these governments to do better.

In addition to State and USAID advocacy programs and reports, the U.S. Millennium Challenge Corporation also considers the rule of law and property rights in its initial selection of partner countries. Where these issues later prove to be binding constraints to economic growth after a country is selected, MCC may support projects that address them. Currently, MCC has a partnership agreement known as a "compact" with Indonesia, will complete a compact with the Philippines in May 2016, and is developing a second compact with the Philippines.

Thank you, Mr. Chairman, for the opportunity to testify on the status of land rights and land tenure in Southeast Asia and on the various programs the State Department supports to pursue greater justice on these issues. I look forward to answering any additional questions you may have.

[The prepared statement of Mr. Carouso follows:]

Written Testimony of

James Carouso
Acting Deputy Assistant of State
Bureau of East Asian and Pacific Affairs
U.S. Department of State

House Committee on Foreign Affairs
Subcommittee on Asia and the Pacific
"Property Rights and Development in Southeast Asia"
August 21, 2015

Thank you for the invitation to testify before this distinguished committee on land tenure issues and their effect on Southeast Asia's economic development, a topic of great importance to the Department of State. The Assistant Secretary for the East Asia and Pacific Affairs Bureau asked me to convey his sincere regrets that he could not appear before you today.

My colleague, USAID Assistant Administrator Jonathan Stivers, will speak to the various programs USAID supports to address land rights in the region. I will focus my remarks on the State Department's efforts to improve the protection of land and property rights in Southeast Asia, both from a human rights perspective and from a commercial perspective, which affects U.S. citizens and corporations abroad as well as economic growth.

Land and property rights issues remain a flashpoint throughout Southeast Asia and have a disproportionate impact on marginalized populations, including women, children, and indigenous groups. Transparent and fair land tenure laws – when followed – have a direct impact on foreign investment, poverty alleviation, and social stability. Without guidelines for officially-recognized land ownership documentation and effective mechanisms for dispute resolution, individuals are left in unstable situations and vulnerable to exploitation and abuse. For these reasons, we see land rights as a critical element to improving respect for human rights, strengthening the rule of law, and encouraging economic growth in the region.

When looking at land tenure issues from a human rights perspective, a major challenge in Southeast Asia is that vulnerable populations, particularly women and indigenous peoples, often lack the basic documentation to show their rights to the

homes and land upon which they live. In Cambodia, at least two thirds of the population, many of them poverty-stricken farmers, lack proper title deeds to the property on which they live. This is largely a lingering effect of the Khmer Rouge regime, which abolished all private property and, consequently, property records as a part of its efforts to create a collectivized agrarian society. Lack of updated records leaves families who are removed from their land with little legal recourse to prove ownership of the land or property on which they live and vulnerable to human rights abuses.

Recognizing this challenge, the State Department's Bureau of Democracy, Human Rights, and Labor (DRL) recently began a new program to assist vulnerable communities in Cambodia, as well as in neighboring Vietnam. Working with local partners, DRL's pilot project aims to create a multi-stakeholder, human rights-based approach to land use impact studies in communities, integrating these processes into land governance and dispute resolution initiatives. This builds on previous efforts supported by DRL from 2007 - 2010 that helped communities understand land rights under Cambodia law and legally document land claims to prevent eviction and ensure fair compensation, should the land be sold.

The State Department will also continue to closely monitor the resolution of the outstanding Boeung Kak Lake (BKL) land claims. While the Cambodian government has resolved a majority of the claims resulting from a 2007 economic land concession, as many as 39 cases remain outstanding. When 11 BKL land activists were arrested and immediately sentenced to one year in prison for their participation in land rights protests, the U.S. Government expressed our concerns both publicly and privately. The protestors received royal pardons earlier this year after serving a portion of their sentences.

A subsequent challenge to the enforcement of land rights is the strength of rule of law, which varies wildly through the region. Weak judicial institutions and corruption encourage private claimants to seek solutions outside of the legal system, which in turn hinders their ability to obtain a stable, legal solution to their dispute. It also unfairly prejudices the system towards the wealthy and powerful, exacerbating existing social and economic inequalities.

Through the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL), our State Department colleagues in Washington and around the world help countries combat corruption by working with governments and civil society to build transparent and accountable public institutions operating in the criminal justice sector – a cornerstone of strong, stable, and fair societies that offer a level playing field for U.S. businesses abroad. INL works with these partners through training, technical assistance, and mentoring to fight corruption and promote laws and court systems that are fair, legitimate, and accountable.

To take the Philippines as an example, the Philippine legal system contains a fairly robust set of laws that regulate land in urban and rural areas. These laws address inheritance issues, provide guidance on property ownership, and require registration of land titles through the judicial process. The Philippines also has institutional actors who oversee the implementation of these laws, including the Land Registration Authority and local government units that develop land-use development plans and zoning ordinances. The Government of the Philippines has also partnered with the World Bank and Australia to develop land administration policies and laws that formally recognize and record the rights of land holders through the Land Administration and Management Project.

In the Philippines, the institutions and laws governing land rights exist, but outdated land administration laws; an inefficient land administration and adjudication infrastructure; a poor land information system; and weak judicial institutions have resulted in problems of fraudulent, overlapping, and duplicate land titles and have led to widespread accusations of illegitimate land seizures. These challenges have also contributed to high transaction costs in securing, registering and transferring property rights and to tenure insecurity. Inconsistent legislation and policy declarations have led to unsustainable land use and conflict over competing land uses. Over the past decades, many countries in the region, including the Philippines, have tried various versions of redistributive land reform programs with little or no success in an effort to redistribute land from the landlords of various agricultural products to their tenants.

The strength of land rights has an impact on human rights as well as rule of law issues, but it also has a significant impact on a country's commercial climate and overall economic prospects. Hernando de Soto, a Peruvian economist known for his work on land rights reform and the informal economy, found that a nation cannot have a strong market economy without strong property rights. Many small entrepreneurs lack secure legal ownership of their property under a functional legal framework and lack access to functioning financial markets so they may be unable to obtain credit, sell or expand their business. Without the ability to monetize or collateralize their biggest asset, the growth potential of small-holders and entrepreneurs may be limited. They also cannot seek legal remedies to land conflicts in court.

The World Bank's 2015 Ease of Doing Business report highlights that Southeast Asia has the unique distinction of being home to the best country in the world for enforcing contracts – Singapore, widely considered to be the gold standard for commercial regulations – and the worst – Timor-Leste, where something as simple as purchasing property can seem like a mystery. The overall ease of doing business rankings for the region also show a clear correlation between strong rule of law and ease of registering property with overall economic prosperity. Singapore consistently pulls in the highest levels of foreign direct investment in Southeast Asia and boasts one of the most prosperous economies in the world. The region's poorest nations, including Burma, Timor-Leste and Laos, also occupy some of the lowest ranks on the index. Foreign investors are attracted to countries where their investments, including in property, are afforded protection.

In an effort to provide accurate information to U.S. businesses interested in investing abroad, the State Department prepares annual, country-specific Investment Climate Statements while the Department of Commerce writes Country Commercial Guides. These statements include a detailed discussion of the quality of a country's legal and institutional frameworks for protecting property rights, including the transparency of their regulatory system, the legal basis for land ownership, dispute settlement mechanisms and corruption. In crafting these reports, our embassies rely on information from a variety of sources including the host country government, the World Bank, Transparency International and foreign and domestic corporations.

In the event that a property dispute does occur, the State Department, through our embassies abroad, provides U.S. citizens with a list of local attorneys who speak English and a general overview of the local criminal justice process. In some countries, there are also other dispute resolution mechanisms, such as court-assisted mediation or direct negotiation with claimants. In many cases, going through a dispute settlement can help claimants avoid unfair settlements in countries with corrupt or otherwise compromised legal systems.

In addition to State and USAID advocacy programs and reports, the U.S. Millennium Challenge Corporation (MCC), an independent U.S. foreign aid agency, also considers the rule of law and property rights in its initial selection of partner countries. Where these issues later prove to be "binding constraints" to economic growth after a country is selected, MCC may support projects that address them. Currently, MCC has a partnership agreement known as a "compact" with Indonesia, will complete a compact with the Philippines in May 2016, and is developing a second compact with the Philippines.

Throughout MCC's work in Southeast Asia, dealing with challenges like corruption, particularly in the legal system, has been a fundamental task. Indonesia's progress on controlling corruption has been slow but steady. In the Worldwide Governance Indicator's Control of Corruption indicator, Indonesia has improved from a 20 (out of 100) in 2005 to a 32 today. In order to address corruption, MCC's threshold program worked to support anti-corruption measures at the Supreme Court and to strengthen the Anti-Corruption Commission. Indonesia's progress on controlling corruption has been slow but steady. In the case of the Philippines, should land rights and tenure emerge as binding constraints to economic growth during development of the second compact, MCC will give careful consideration to interventions to address this issue.

Thank you for the opportunity to testify on the status of land rights and land tenure in Southeast Asia and on the various programs the State Department and MCC support to pursue greater justice on these issues. I look forward to answering any additional questions you may have.

Mr. SALMON. Thank you.
Mr. Stivers?

STATEMENT OF THE HONORABLE JONATHAN STIVERS, ASSISTANT ADMINISTRATOR, BUREAU FOR ASIA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. STIVERS. Chairman Salmon, Ranking Member Sherman, Chairman Royce, and distinguished Members of Congress, thank you for the invitation to testify on the role of USAID in advancing secure property rights, which are fundamental to development not only in Southeast Asia but globally. It is an honor to be here today before the committee at Cal Poly Pomona, and it is also a pleasure to be here with my State Department colleague, James Carouso.

Land rights are not only an economic issue but a human rights issue. In countries around the world, the absence of secure property rights protected by an effective rule of law is a major constraint to poverty alleviation and security. In Southeast Asia, we know from our decades of work and public surveys that property rights are either at the top or among the top concerns of the people of this region.

Chairman Royce, in particular you have been a champion of this issue, challenging us at USAID to provide more effective assistance to those fighting for property rights. Thank you for your leadership.

Strengthening land rights is central to USAID's mission of ending extreme poverty and promoting resilient, democratic societies. Our activities are making a difference in the lives of many who have suffered injustices and are paving the way for generations yet to come.

When property rights are unclear, households are less likely to make long-term investments in their land, investments that can promote economic growth and prosperity and lift people out of poverty.

When there is unfair confiscation of land for large-scale commercial operations, it often results in damaging the environment, which further destabilizes rural communities.

When women do not have the right to own or access land, their families and communities suffer, because women with secure rights to land and resources tend to better invest in their children's nutrition and education and the future of their countries.

When accessible and effective mechanisms for resolving land disputes are absent, conflict can erupt that undermines peace and stability. We know that some of the oldest, most complicated conflicts in Southeast Asia are rooted in disputes over land.

For the purposes of the hearing today, I will provide brief overviews of the land tenure challenges and our initiatives in the Philippines and Cambodia. But, of course, I am open to answering questions about other countries in the region.

In the Philippines, the U.S. Government's Partnership for Growth has supported collaboration with the Government of the Philippines to address the country's most serious constraints to inclusive and lasting growth. Protecting land rights is absolutely key to that effort.

The results of a recent USAID assessment of key constraints to secure property rights identified the challenges of overlapping man-

dates and lack of coordination between government institutions working on land issues; a low percentage of land parcels that are formally registered, estimated at only 50 percent due to the high cost and lengthy property registration processes; and delay and the high cost of court cases has caused a large backlog of all types. For example, 90 percent of the cases, of which 17 percent were land disputes, handled by the Supreme Court in 2012 took more than 20 years to make their way through the system.

In response to these challenges, USAID has been leading the way. Some of our current projects in the Philippines include, first, the JUSTICE Project, and this provides technical assistance to help improve the efficiency and predictability of the adjudication of court cases. In the largest court district in the country, which handles an estimated 15 percent of all court cases in the country, the median processing time has been reduced by between 60 and 78 percent in the last few years.

We have introduced automated case management, which wasn't there before, docket decongestion and streamlined litigation procedures.

What remains to be done is to scale up these interventions out of just this one district in order to have a broader impact on delay and congestion. We are now in the process of expanding this project to eight additional urban areas and hope to expand it even more in future years.

Second, we have the COMPETE Project, which promotes economic growth in a variety of ways, including providing technical assistance for government agencies to enhance land tenure and access rights. Through this project, we supported the implementation of the Residential Free Patent Act, which was passed by the Philippine Government, which streamlines the process for obtaining residential land titles outside the lengthy court process, and it also helps facilitate the process of using these titles as collateral to obtain loans. Our support has helped establish a public land titling program that during its first year increased the number of residential titles issued from 5,000 to 65,000 per year.

Third, through our Rebuild Project, we have helped restore approximately 250,000 land ownership records damaged or destroyed by Typhoon Haiyan.

And last, moving forward, I am pleased to formally and officially announce the launch of our new SURGE Project, which stands for Strengthening Urban Resilience for Growth and Equity, that will promote land rights in the Philippines. This project has been in the design phase, but today we are obligating $10.6 million in the first year of a 5-year, $48 million program subject to the availability of funds in future years. This includes helping targeted cities at the local level, as Chairman Royce emphasized, with land use planning and zoning, improving land management information in coordination at the local level, and strengthening the capacity of land management offices to secure land and access rights.

This committee's counsel, and particularly the leadership of Chairman Royce, has been integral in shaping the activities under the SURGE Project. I am proud of the work that we have done together with this committee, former Administrator of USAID Rod Shaw, who was here in January to speak about this issue, the Asia

Bureau in Washington, and our mission in the Philippines. I think this is an excellent example of how the constituents and the community can forward issues to Members of Congress who take a leadership role in the issue, work with the administration to produce real outcomes to try to improve a system that needs a lot of improvement.

I look forward to further engaging with this committee as we get SURGE off the ground in the coming months.

Mr. SALMON. Thank you, Mr. Stivers.

Oh, I am sorry.

Mr. STIVERS. In Cambodia, the state retains broad powers to acquire land, including for large infrastructure and private forestry and agriculture, which undermines individual property rights and attracts irresponsible investment. Property rights in Cambodia are further complicated by a weak rule of law, which enables existing legislation to be circumvented, particularly in cases that involve rich and influential individuals or companies, which leads to conflict and forced displacement in Cambodia.

USAID is focusing on empowering the reformers in Cambodia through support for civil society and support for indigenous peoples involved in land disputes. Some examples include an organization which we provide funding for whose advocacy resulted in the government returning land to 747 families just a few months ago. The Prey Lang Community Network, which is a group of indigenous communities advocating for the protection of the largest remaining lowland evergreen forest in Southeast Asia, we provided support to secure communal land titles and helped them earn income from a variety of non-timber forest products. We helped improve forest monitoring through extensive mapping, data collection and community patrolling, and this effort has improved monitoring and reporting of land rights violations and environmental degradation.

And for the first time in Cambodia's history, the government now formally recognizes the rights of indigenous communities through the issuance of communal land titles, an historic benchmark that USAID supported. We also supported a local NGO Open Institute in the development of a cell phone application that gives one minority group first-time access to nearly 70 articles of Cambodian land law in their native unwritten language which helps them better understand their legal rights relating to land ownership.

Mr. Chairman, at USAID, advancing secure land rights is at the core of our mission and a key part of our work across sectors. Secure land rights protected by an effective rule of law are necessary for both democratic governance and inclusive economic growth that helps lift the world's most vulnerable people out of poverty and engender more resilient societies.

Thank you for the opportunity to testify today, and I look forward to your counsel and questions.

[The prepared statement of Mr. Stivers follows:]

WRITTEN TESTIMONY
Statement of Jonathan Stivers
Assistant Administrator, Bureau for Asia
United States Agency for International Development
Before the House Foreign Affairs Subcommittee on Asia and the Pacific
During a field hearing in California on:
"Property Rights and Development in Southeast Asia"
Friday, August 21, 2015; 10:00 a.m. – 1:00 p.m. PDT

Chairman Salmon, Ranking Member Sherman, Chairman Royce and Distinguished Members of the Subcommittee:

Thank you for the invitation to testify on the role of the U.S. Agency for International Development (USAID) in advancing secure property rights — which are fundamental to development not only in Southeast Asia, but globally. It is an honor to appear before the committee to discuss an issue so integral to all we do, and a pleasure to be here with my colleague James Carouso, U.S. Department of State Acting Deputy Assistant Secretary.

Land rights are not only an economic issue, but a human rights issue. In countries around the world, the absence of secure property rights protected by an effective rule of law is a major constraint to poverty alleviation and security. This is the reality for millions in the developing world, where over 70 percent of land is unregistered. In Southeast Asia, we know from our decades of work in the region and public surveys that property rights are either the top or among the top concerns of the people.

Chairman Royce, in particular you have been a champion of this issue in Congress, challenging us to provide more effective assistance to those fighting for property rights in Southeast Asia and around the world. I look forward to working with you and the members of the House Foreign Affairs Committee to build upon our current efforts to strengthen property rights in Southeast Asia.

Strengthening land rights — and the rule of law that protects them — are central to USAID's mission of ending extreme poverty and promoting resilient, democratic societies. Perhaps most central is our rule of law and democratic governance programming, because for land rights to be secure, they must be recognized by law. An effective rule of law requires administrative and judicial institutions that are independent, transparent, fair and accessible to all — which are also vital to the maintenance of peace and security and the protection of human rights.

At USAID, we draw upon international and demonstrated best practices in our work to strengthen and increase public knowledge of the laws and systems governing property rights, access to the institutions responsible for recording legal property rights, and access to the justice system responsible for upholding and protecting land rights. Our activities are making a difference in the lives of many who have suffered injustices and are paving the way for generations yet to come.

When property rights are unclear, households are less likely to make long-term investments in their land — investments that can help them generate income and promote economic growth and prosperity that are vital for developing countries.

When there is unfair confiscation of land for large-scale commercial operations, it often results in damaging the environment which further destabilizes rural communities.

When women do not have the right to own or access land, their families and communities suffer — because women with secure rights to land and resources tend to have a greater say over household resources, which in turn means families are more likely to invest in their children's nutrition and education. Women with secure property rights are also more likely to be active members of their communities — and their communities are more likely to be responsive to their needs.

Where accessible and effective mechanisms for resolving land disputes are absent, conflict can erupt that undermines peace and stability. Some of the oldest, most complicated and violent conflicts in Southeast Asia are rooted in disputes over land.

For the purposes of the hearing today, I will provide brief overviews of the land tenure-related challenges and our initiatives in the Philippines, Cambodia, Burma, Timor-Leste and Vietnam.

Philippines

In the Philippines, the U.S. Government's Partnership for Growth has supported collaboration with the Government of the Philippines to address the country's most serious constraints to inclusive and lasting growth. In recent years, there has been substantial economic progress in terms of achieving high economic growth rates. Yet unemployment remains high, national poverty levels have scarcely budged, and income inequality persists between rural areas and the national capital region, where almost 40 percent of growth is generated. One-fifth of the population still lives in extreme poverty.

Protecting land rights is key to promoting growth in the rural and urban areas of the Philippines. In rural areas, despite the most recent comprehensive land reform program that transferred ownership rights and titles to a majority of the smallholder farmers, productivity of basic food crops and commodities has remained low, and farmers' incomes have not improved. Constraints to farmers' access to credit and prohibitions on land sales are key aspects that need to be addressed to realize the full potential of this reform program. In urban areas, the results of a recent USAID assessment of key constraints to land tenure and secure property rights identified the following factors that limit development and negatively affect tenure security:

- Overlapping mandates of and lack of coordination between government institutions working on land issues. Land administration in the Philippines is governed by over 60 laws and regulations, some of which date back more than 100 years. Multiple claims to the same property can occur due to parallel registration through judicial and

administrative processes, limiting access to reliable information and creating the potential for conflict and vast opportunities for corruption.

- Low coverage of land registration, including of transactions. This in part is due to the high cost of property registration and the fact that seemingly routine registry processes like correcting clerical mistakes, issuing lost titles and weeding out fraudulent certificates require lengthy court processes that can last for years.

- Land cases in courts are affected by delay and the high cost of litigation because of a large backlog of cases of all types. For example, 90 percent of the cases (of which 17 percent were land disputes) handled by the Supreme Court in 2012 took more than 20 years to make their way through the system of hearings and appeals to higher courts. In recent years, the Supreme Court and USAID collaborated to promote judicial efficiency by introducing automated case management, docket decongestion and streamlined litigation procedures. What remains to be done is to scale up these interventions in order to have broader impact on delay and congestion.

In response to the challenges of unclear property rights, overlapping land claims and lengthy resolution to land disputes, USAID has been leading the way by partnering with the people and Government of the Philippines to help promote land rights for marginalized peoples. These past and ongoing efforts include:

- Supporting the passage of the National Indigenous Peoples Rights Act, which established the concept of "ancestral domain" — one of the first laws of its kind in the world. Ancestral domain allows for indigenous peoples to secure the rights to their ancestral lands, which commonly are forest lands that legally belong to the state.

- Improving the regulatory environment and streamlining land registration processes for the past decade. Our support helped establish a public residential land titling program, which during its first year increased the number of residential titles issued from 5,000 to 65,000 per year.

- Supporting the creation of land management offices within Local Government Units to improve coordination across overlapping mandates and expedite the issuance of land titles.

- Launching the Cities Development Initiative (CDI) in 2012 to help disperse economic opportunities outside the metro Manila area and fuel inclusive economic growth. CDI aims to develop growth hubs in a select number of second-tier cities outside the metro Manila area that attract increased investment and generate increased employment and incomes. A key component of CDI is fostering more secure land rights.

- Working through our "Rebuild" project in Leyte Province to restore land ownership records damaged or destroyed by Typhoon Haiyan. Our assistance has helped restore approximately 250,000 such land titles covering 41 municipalities. The project is also

supporting the training of provincial, municipal and city planners in the development of local area development plans and comprehensive land use plans.

- Improving the efficiency and predictability of the adjudication of court cases through the "Judicial Strengthening to Improve Court Effectiveness" (JUSTICE) project. This project has a particular focus and direct impact on land disputes, in addition to decreasing the cost of doing business and increasing investor confidence in the Philippines through the judicial system.

- Working with the Philippine judiciary to streamline litigation procedures and address bottlenecks that cause delay. We've supported the implementation of these interventions in the largest court district in the Philippines (consisting of 58 courts and an estimated 15 percent of all cases pending in the trial courts) with notable results. For example, the median processing time of cases across all courts in the district has been reduced by 60 to 78 percent. We are now in the process of expanding the project to eight additional urban areas with similar high caseloads.

- Supporting the passage and implementation of the Residential Free Patent Act, which streamlines the process for obtaining residential land titles outside the lengthy and costly court process and helps facilitate the process of using them as collateral to obtain loans. Our ongoing efforts promote access to credit by educating and enabling local banks to utilize the law through the "Advancing Philippine Competitiveness" (COMPETE) project.

- USAID intends to promote land rights through the new "Strengthening Urban Resilience for Growth with Equity" (SURGE) project, in recognition of the integral importance of land tenure with regard to economic development in second-tier cities. This includes helping targeted cities with land use planning and zoning, improving land management information and coordination at the local level, and strengthening the capacity of land management offices to secure land and access rights.

Through the Cities Development Initiative, USAID intends to support critical land tenure-related activities under JUSTICE, COMPETE and SURGE, addressing the issue holistically — from a disaster response perspective, a legal and judicial perspective, and an economic and policy perspective. This committee's counsel has been integral in shaping activities under SURGE, in particular, and I look forward to USAID's ongoing engagement with the committee as we get SURGE off the ground in the coming months.

Cambodia

In Cambodia, after 20 years of rebuilding from decades of civil war, there has been significant economic progress, realizing steady economic growth rates and improvements in quality of life. One area, however, where the effects of the Khmer Rouge regime can still be tangibly recognized is in relation to land ownership. From 1975 to 1979, the Khmer Rouge abolished land ownership and destroyed existing land records. The system of land registration and titling has since evolved into a complex, multi-tiered system, with different land designations each existing within different levels of authority.

In Cambodia, the state retains broad powers to compulsorily acquire land, including for large infrastructure and private forestry and agriculture concessions, which undermines individual property rights and attracts irresponsible investment. Lack of transparency in many land transactions and extensive granting of land concessions by the state — ostensibly for economic development — have resulted in conflict over land ownership and use, as many households have been forcibly displaced through judicial and extra-judicial processes. Land is also a trigger for other rights violations, as the justice system has been used to prosecute outspoken land and human rights activists.

Property rights are further complicated by a weak rule of law, which enables existing legislation to be circumvented, particularly in cases that involve rich and influential individuals or companies. Even though there are legal protections intended to ensure that state land concessions benefit the local people and do not harm the environment, they are unevenly applied. From 2000 to 2013, concessions granted to private companies adversely affected over 770,000 people across the country. And it has also led to significant environmental degradation of critical Cambodian landscapes. Cambodia experienced one of the fastest rates of forest loss globally from 2000 to 2012, according to U.S. satellite image-derived data released in 2014 by the University of Maryland.

Improving land administration and enforcing established land laws will be critical to ensuring that Cambodia's progress benefits all its people. USAID's targeted programming focuses on formal and informal land dispute resolution, monitoring and reporting land rights violations, and environmental management in selected landscapes through communal land titling and forest reserves, including:

- Supporting local non-governmental organizations (NGOs) that provide training, advocacy and legal support to individuals and communities throughout the country engaged in land disputes. Our support to two local organizations advocating on behalf of displaced Cambodians during negotiations with the government has led to the successful resolution of some longstanding disputes. Just last month, their advocacy resulted in the resolution of a 2007 land dispute between 128 displaced families in Koh Kong and a well-connected business tycoon and politician. Their advocacy also resulted in the Cambodian Government returning over 115 hectares (~285 acres) of land designated in 1995 for tourism development to 747 families in April 2015.

- Expanding citizen expression and government and media attention on critical land and environmental issues. For example, with USAID support, the Prey Lang Community Network, a group of indigenous communities advocating for the protection of the largest remaining lowland evergreen forest in Southeast Asia, has created cross-forest linkages with indigenous communities, formed partnerships with national and international NGOs, and succeeded in highlighting the significance of the Prey Lang forest to national and international audiences.

- Improving forest monitoring and evidence based-advocacy, including through extensive mapping, data collection and community patrolling, for local organizations that monitor and report on land rights violations and related environmental

degradation. The profile of this critical issue — particularly economic land concessions — has risen among decision-makers within the government and public.

- Helping indigenous and other communities in and around forests understand their property rights, advocate for the conservation of their landscapes and secure communal land titles for the forests they've been managing for generations. For the first time in Cambodia's history, the government now formally recognizes the rights of indigenous communities through the issuance of communal land titles — a historic benchmark that USAID supported. We helped indigenous communities in Mondulkiri Province secure some of the first of these titles to be issued, with another eight in progress. We also helped indigenous communities in the Prey Lang region secure communal land titles and learn how to produce and earn income from a variety of non-timber forest products. USAID helped streamline and broadly implement the Indigenous Land Title Manual, a first-of-its-kind tool in Cambodia that enables the government to issue these titles to indigenous communities in a transparent way.

- Continuing to help indigenous communities learn their rights under the law and obtain land titles. For example, USAID supported a local NGO, Open Institute, in the development of a cell phone application that — through audio and images — gives one minority group in Cambodia first-time access to nearly 70 articles of Cambodian Land Law in their native, unwritten language, enabling them to better understand their legal rights relating to land ownership.

USAID will continue to build on these positive steps going forward through our steadfast support to NGOs and local civil society organizations standing up for the rights of all Cambodians, especially the historically disenfranchised.

Burma

In Burma, where disputes over land and resource ownership have fueled armed conflict for decades, secure land rights are central to reforms. Years of forcible and uncompensated land confiscation have historically been a source of conflict and abuse. While the democratic openings in recent years have enabled increased engagement by civil society on land confiscation issues, land activists have been subject to arrest and detainment. Addressing land rights will be essential for Burma's economic development, as well as for efforts to mitigate conflict and enhance national reconciliation.

In Burma, 70 percent of the population is economically dependent on agriculture. However, a complex and overlapping body of land and property laws dating back to the colonial era does not permit effective land use or safeguard property rights. The state owns all the land and natural resources, but permits some exercise of private property rights, which are unclear in practice. Many citizens do not have legal title to their land.

The Government of Burma is currently in the process of drafting and adopting a national land use policy that will ultimately inform the development of a national land law. As part of this, USAID supports active, broad-based citizen participation in what has been an unprecedented public comment and multi-stakeholder consultation process with civil

society. The draft policy has been developed using information garnered from public consultations held in all 14 states and regions in the country and from non-government technical experts, academic institutions, donors and NGOs, media reports, and various parliamentary commissions on land use issues.

Although the final, seventh version of the land use policy is expected to be formally endorsed by the President's Cabinet this month, there is still a long road ahead. Once adopted, the policy will inform the development of a comprehensive national land law utilizing an inclusive, multi-stakeholder consultative process as described in the draft policy. Even after the law is enacted, which will not occur until after elections in November 2015, it will take time and firm political commitment to effectively implement and enforce property rights in accordance with the law.

In addition to supporting broad-based public participation in the land use policy dialogue, USAID also supports civil society in addressing land grievances and strengthening citizen awareness of and access to their land rights, with a particular focus on smallholder farmers, ethnic communities, women and other vulnerable groups. USAID collaborates closely with local civil society organizations working at the village level to survey, demarcate and register land, conduct community-based natural resource management, and engage in land use planning and dispute resolution.

So far in 2015, the United States has advocated for the immediate cessation of illegitimate seizures of land rights during the U.S.-Burma Human Rights Dialogue and supported a multi-stakeholder National Land Use Policy Workshop, which included over 200 participants from government, civil society, the private sector and academia. The workshop emphasized international best practices for establishing human rights of landholders and support for improved agricultural practices with a focus on food security.

Timor-Leste

In Timor-Leste, property rights are a significant economic and livelihood issue. USAID addresses the potential for conflict by supporting community police forums, which bring together police officers and rural communities, to provide an avenue for the resolution of disputes, which very often involve disputes over land use and ownership. In addition, the prime minister recently recognized the USAID-supported Ita Nia Rai ("Our Land") project as the beginning of a process to document every land plot in the country, issue ownership titles, solve disputes and assess taxes. From 2007 to 2012, this pilot project mapped over 50,000 land plots in partnership with the Government of Timor-Leste, which has since continued and expanded upon the effort.

Vietnam

In Vietnam, the legal framework is often thwarted by general lack of awareness and resources to enforce women's property rights at the provincial level. USAID is addressing this through a targeted program aimed at increasing awareness among women farmers of their land rights and how to exercise them. The centerpiece of the program is the mobilization and training of 60 community volunteers for gender equality from four communes across two provinces.

Conclusion
Mr. Chairman: It is in the United States' economic and security interests to invest in advancing secure land rights — in Southeast Asia, and around the world.

At USAID, advancing secure land rights is at the core of our mission and an integral part of our work across sectors. Secure land rights protected by an effective rule of law are necessary for both democratic governance and inclusive economic growth that helps lift the world's most vulnerable people out of poverty and engender more resilient societies.

Thank you for the opportunity to testify today, and I look forward to your counsel and questions.

###

Mr. SALMON. Thanks, Mr. Stivers.

I am going to start out with a question that would be directed to both of you, and then I will yield to the chairman.

For many Southeast Asian countries, foreign investment from large corporations furthers economic growth. However, some of the region's rural farmers have had their land taken away by these large agribusinesses, developers and others. In Cambodia alone, over 400,000 rural people have been displaced by acquisition of land by these large corporations.

How can these countries effectively balance the desire for increased and continued economic development and that kind of prosperity with the need to protect the rights and the livelihoods of the poorest citizens?

We will start with you, Mr. Stivers.

Mr. STIVERS. Well, I think that in terms of that question, the issue of land rights is central to that in terms of helping farmers. We know the constraints to farmers in terms of being more productive and accessing their lands. Access to credit, prohibition of land sales, especially in the Philippines, are issues that need to be addressed in order to realize the full potential of our reform programs. Connecting rural areas to urban areas is a key part of our SURGE Program, for example. But if you don't have respect for land rights, it is hard for farmers to realize their full economic potential in a country.

Mr. SALMON. Mr. Carouso, do you want to take a stab at that?

Mr. CAROUSO. Fair, adequate, and timely compensation for any taking of land under eminent domain is part of every modern society. Clearly the question is, are those characteristics met? Is the land taken for the public good, and do those who are affected have access to a judicial system that will fairly consider whether they are being compensated fairly and in a timely manner so that they can go on with their lives?

Mr. SALMON. Thank you.

Mr. Chairman, I yield to you.

Mr. ROYCE. Chairman Salmon, let me yield to Brad Sherman, if he would like to go at this time.

Mr. SHERMAN. The Comprehensive Agrarian Reform Program was enacted in the Philippines in 1988. It had the declared objective of redistributing public and private agricultural lands to farmers and farmworkers who are landless and have perhaps an equitable title of ownership, and it was designed to empower agrarian reform.

Is the CARP legislation still substantially in place today? How is the land distributed in the Philippines among the government, private landowners, tenant farmers, small landowners? How does the government decide which lands are public and which are private?

Mr. STIVERS. In terms of overall, I think the World Bank estimates that about 50 percent of the land in the Philippines is for private use. I'm sorry, 47 percent for private use and about 50 percent for public use. But 50 percent of that——

Mr. SHERMAN. So the government owns half the land?

Mr. STIVERS. For public use, yes. I should say 47 percent is private. Now, the problem with that statistic is that 50 percent of

land parcels are registered, so it is hard to know the specifics of those kinds of statistics. But that is from the World Bank.

Mr. SHERMAN. I interrupted you and asked a multi-part question.

Mr. STIVERS. In terms of cultural programming in the Philippines, USAID doesn't have actual agricultural programs in the Philippines outside of some work that we do. But certainly the lack of land rights poses challenges to farmers there, as I mentioned in response to Chairman Salmon's question.

Mr. SHERMAN. Mr. Carouso, are there particular large international companies that are benefitting in the Philippines from land seizure? And perhaps you could address Cambodia as well.

Mr. CAROUSO. I am not aware of any particular large foreign entities in the Philippines taking advantage. It is mainly a Philippines issue. There is a large, powerful Philippine group that seems to control much of the economy. Part of the problem is that there are so many laws and regulations at the Federal and local and provincial level that people have a hard time understanding the law and who has jurisdiction. One of the things that AID's programs are trying to do is help streamline and make sensible all these laws.

In Cambodia, my understanding is it is mainly Chinese and Vietnamese entities that are buying up these large parcels for basically corporate-style farming.

Mr. SHERMAN. Do they then employ the people who had traditionally worked the land as farmworkers, or where do they get their labor?

Mr. CAROUSO. I don't know the answer to that, but typically Chinese like to employ Chinese. But I don't know if that is——

Mr. SHERMAN. Does the Cambodian Government allow Chinese farmworkers to work for these companies, or we don't know?

Mr. CAROUSO. I will have to get the answer for you, sir.

Mr. SHERMAN. Mr. Stivers, I don't know if you have a comment about that.

Mr. STIVERS. No, I don't know how to answer that question.

Mr. SHERMAN. Mr. Stivers, what can USAID do to help modernize land title registration in the Philippines?

Mr. STIVERS. Well, I think the first thing we can do as we move forward with this new SURGE Program, which I think is absolutely essential in terms of working with local communities, local governments in terms of making the system more efficient, our approach really has been a holistic approach which is focused on the judiciary and the administrative issues in terms of land titling, focusing on constraints to economic growth more generally, and then resilience to natural disasters. I think between that approach, in addition to tackling corruption, of course, which is a major issue, is the way to move forward.

In terms of the courts, it is making the court system more efficient. It is challenging, but the court system is the way to resolve land disputes, and that is the appropriate way, and we need to help the Philippines make that system work better, and that is what we are doing with our JUSTICE Act.

Administratively, trying to make sure that the government and the local governments have the capacity to respond to land disputes, issue land titles so that people can have their land reg-

istered appropriately. It is a lot of technical assistance, which is what USAID is best at in terms of how to, how do we do this, and I think that is where we have a comparative advantage over other countries especially and we can make a difference.

Funding is always a consideration in terms of how much we can provide. We can work in one court system, but as the people in this room know full well, the challenge is so great and we have so much that we can do, but the best we can do is take our small projects and try to expand them the best we can.

Mr. SHERMAN. The Philippines, and even more so Cambodia, are relatively poor countries in Southeast Asia. Are there other countries in Southeast Asia with similar economics that are doing a better job? And if so, why are they able to do a better job of making the rule of law apply to real estate? Are the kinds of problems we have talked about here observed in Indonesia, Malaysia, Thailand, or is this a region-wide problem with developing countries? We have the two examples we focused on here today. Are they far more egregious?

Mr. STIVERS. I would say that in terms of—there is a great need in Southeast Asia on this issue, a great need in all the countries that USAID works in in Southeast Asia—Timor-Leste, Indonesia. Burma surely has huge land rights issues and land-grabbing issues.

We have focused on the countries where we believe we can make the most difference, the Philippines number one. But I think there is a great need to try to expand to other countries because this is almost the number-one concern over all other issues in many countries, and we see that from public surveys. So we would like to do more, yes, in other countries.

Mr. SHERMAN. Thank you.

Mr. SALMON. The Chair will recognize Chairman Royce.

Mr. ROYCE. I think one of the reasons it is the number-one concern is the testimony that I think, James, you mentioned, Hernando de Soto's work. He did a lot of work in the Philippines, and part of that was to try to determine how we could get those building blocks down so that people could borrow against property and create economic growth and how you would really have the fundamentals necessary. His work is still a best seller. "The Mystery of Capital" is the name of it, especially for students here. "The Mystery of Capital, Why It Succeeds in the West and Fails Everywhere Else." It is a book on economics by the individual who helped do land reform in the Philippines, by this economist Hernando de Soto.

When we look at the situation after Tacloban, and our committee was there on Tacloban, we asked questions at the time about what could be done to ensure that individuals did not lose their land after the consequences of being displaced. I recently saw a story in the Philippines Enquirer that indicated that on the neighboring island of Sicogon there were 6,000 families who were prevented from returning to their homes by a company that claimed that it owned the underlying rights. It was a developer. The developer says, well, I own the underlying rights to the land on which the families lived. And, as they say in the press, these reports may be the first signs

of the onslaught of an age-old problem fundamental to many conflicts in disaster- and poverty-stricken areas—access to land.

So if we could follow up on that case, I will be in contact with you.

Second, I understand USAID conducted an assessment in the Antipolo region in the Philippines and identified numerous challenges in the land tenure and titling system there. What were those challenges, quickly, if you could explain them, and I will ask USAID this question, Jonathan. How can they be addressed? And what, if anything, can USAID continue to do to help address these problems?

Mr. STIVERS. Well, thank you. It was about 1 year ago, actually today, that we sent a scoping mission out to the Antipolo region to look at the cases there and see if they were reflective of the broader challenges to get a better sense of the challenges faced in that region and how to make our assistance more effective in terms of tackling these issues.

The findings revealed that there is unresolved rival property claims, growing private real estate investment in that area, and institutional gaps in land administration at the local level. Some of the challenges I mentioned in my testimony. Overall, it is reflective of what is going on in the country, frankly.

Overall, overlapping mandates and lack of coordination between government institutions; the fact that only 50 percent of land parcels in the country are registered; and delay and the high cost of court cases. I think USAID is taking the right approach in terms of trying to address this issue as holistically as possible in terms of trying to make the courts more efficient, trying to promote economic growth and government administration, and dealing with the issues that you mentioned in relation to displacement from Typhoon Haiyan.

Thank you for providing the leadership in order to give USAID the space to move forward on these issues in a very difficult budget environment that we have.

Mr. ROYCE. One of the other things that struck me when I was out there is that local security forces, private security forces seemingly, have a role or have taken a role through use of force in asserting claims by developers. I wondered, have these security forces been held accountable for such acts? And how often, in what circumstances, and at what level are these cases being raised by the U.S. Embassy in Manila? I have raised the issue on three occasions, but I just wondered in terms of the Embassy itself, do you have a dialogue going on? Maybe James could speak to that issue.

Mr. CAROUSO. Sure. Mr. Chairman, following your visit, Ambassador Goldberg called on the Secretary of Foreign Affairs, the Secretary of Justice, and key folks at the Presidential Palace, all the way to the top, pointing out that this is an indication of a severe lack of rule of law, that private security forces could act with such impunity.

The interesting change over time is it is no longer the official security, the official police and military. It is the privatized. But the problem is, then, how does someone seek justice to push back? That is the missing gap that the new program should fix.

Mr. ROYCE. My time is almost up, but I would ask one other question along this line. How is it possible, taking Hernando de Soto's theory, that the reason we have created such incredible opportunity here in the United States is because of our ability, something we don't really understand, our ability under land title to borrow against that property? Therefore, any of us can basically start a business. Is it possible with the situation as it is in parts of the Philippines, where people do not have access to clear title, is it possible for them to go out and borrow against that home or that farm in order to raise the capital to have collateral, to have that access to the capital that they are going to use to develop something or to build on the land? What is that circumstance like in these areas where this is still a gray area?

Mr. CAROUSO. I would suggest that having the land title is absolutely essential to that, and the fact that people don't have land title and there are competing claims is a barrier to getting credit.

Mr. ROYCE. Therefore to economic growth, to development.

Mr. CAROUSO. Right.

Mr. ROYCE. To opportunity for the next generation. That is why it is so important.

But I have exceeded my time, Mr. Chairman. Thank you.

Mr. SALMON. Thank you.

Dr. Chu?

Ms. CHU. Mr. Carouso, in 2013 the World Bank ranked the Philippines 108th out of 189 countries in the world for ease of doing business. Now, the good news is that they improved 30 places since 2012. The bad news is that they are 108th, and that reflects the country's continuing problem with poor revenue collection, inadequate spending on social services and infrastructure, government corruption and instability.

What kind of return on our investment are we seeing in the Philippines, and what is the administration's view of this stance, the world standing by the World Bank? Is there any progress really going on with the Aquino government?

Mr. CAROUSO. Congresswoman, this is an issue that we point out to our Philippine colleagues constantly, that if they want to continue the very impressive economic growth they have achieved over the past few years, they have got to do better, and they acknowledge that. The fact that they have improved 30 places is quite significant, and we attribute that to the fact that the Philippine people elected President Aquino on the basis of he was a reformer, he was going to fight corruption, he was going to fight the big landowners, but it is a tough job. What the United States Government has been trying to do is support him in that effort, help him as much as we possibly can, while recognizing that it is, obviously, up to the Philippine people to do that.

To be blunt, the fight we have to some degree on improving the ease of doing business is that there is a sense of nationalism, that if foreigners invest, that means somehow Filipinos, even poor Filipinos, don't have those opportunities. So we are trying hard to explain that foreign direct investment is an economic driver that lifts all the boats, not taking away any benefits from domestic entities.

Mr. STIVERS. And if I could just answer also, the umbrella of all of our work in the Philippines is under something we call the Part-

nership for Growth. In 2011 we entered this agreement with the Philippines Government to address the binding constraints to economic growth and development. It is only in four countries that we have this worldwide, and it is those key countries that we hope to be the next generation of the emerging markets where we can kind of tackle the governance issues, plus the economic growth competitiveness issues and combine them together under a plan and a rubric.

Since that time we have seen real GDP growth average almost 7 percent since that agreement. As you mentioned, the world competitiveness rankings have increased, although not high enough, of course. But the world's leading credit agencies have upgraded Philippines sovereign credit ratings.

There has been a lot of success. Land rights, of course, is key to making this work. But in terms of a strong ally in the region, in terms of the Philippines, trying to help the Philippine Government have a better rule of law, a stronger rule of law to improve their competitiveness and economic growth is kind of under the umbrella of Partnership for Growth, and we have seen some success, not enough. We have to do a lot more to help them.

Ms. CHU. In fact, Mr. Stivers, it was 37 years ago that the Philippines senate passed a comprehensive agrarian reform plan. But since then, you, the USAID, has reported that the majority of the world population remains landless and there is confusion over land titles, leading to a continuing problem with land grabbing, and much of this has to do with the outdated and contradictory laws and the powerful who are taking over these lands.

So, we know that there are more than just resources. There are legal problems that are getting in the way of getting land to the world's poor. Which of your programs would most accelerate the process, since it has been 37 years since they passed it, with not much progress?

Mr. STIVERS. Well, I would suggest our COMPETE Program that I mentioned in my testimony. But I think in terms of moving forward, the SURGE Program that I mentioned, which we are launching now, is going to have a real focus on the population centers outside of the Manila metro area which have not experienced the same economic growth as the Manila area. So focusing on those issues, connecting some of the rural to urban areas, and working on the land titling and land rights issues are key to that. That is what we think will make some progress moving forward.

Ms. CHU. And lastly, let me ask about Cambodia, Mr. Stivers. Last month, about 200 Cambodian villagers protested outside the Cambodian Parliament building demanding a resolution to their land dispute cases. According to the reports, lawmakers responded that the National Assembly is not the court, so they cannot decide who are the winners and losers.

While we want to maintain the independence of the courts, are there legislative solutions that can be put forward to make the judicial system more favorable to vulnerable populations? And what do you think about the feasibility of the UNHRC's proposal of an independent body to resolve these disputes?

Mr. STIVERS. The rule of law and human rights are the major focus of our policy in Cambodia and a serious, serious concern. We

believe that it is less an issue of the law, what the law says, because the laws are actually not bad in terms of how they are written, but in the implementation and practice of those laws. So that is where we are focused in terms of trying to empower the reformers and a lot of these civil society organizations who are pushing for real change in terms of their individual land disputes, their group land disputes, and they have had a strengthened voice over the years.

So we believe that is the right way to focus our assistance in Cambodia.

Ms. CHU. Thank you.

Mr. SALMON. Thank you.

Mr. Rohrabacher?

Mr. ROHRABACHER. Thank you very much.

Just a few details here on some specific points that have been made.

There are many problems in Vietnam, for example, where we don't have political freedom, and economic freedom is basically based on cronyism with the ruling elite, with the ruling political elite, and you have now an economic elite.

There is no foreign aid to Vietnam, is there?

Mr. STIVERS. We provide foreign assistance to the people of Vietnam in a number of sectors. We do not provide any assistance to the government. We do health work in Vietnam, yes, and some other sectors. In terms of rule of law and things of that sort, yes.

Mr. ROHRABACHER. Do we have an aid? How much money are we spending in Vietnam?

Mr. STIVERS. The USAID, in Fiscal Year 2014, it was $95 million, total, of which half of it was health and fighting infectious diseases.

Mr. ROHRABACHER. Health and infectious disease.

Mr. STIVERS. Yes, PEPFAR——

Mr. ROHRABACHER. So they are repressing their people, and they are using their own money for instruments of repression, and we are using our money to aid them, to make sure their people are taken care of with infectious diseases. Actually, they have plenty of money to take care of their people with infectious diseases. It is just that they don't spend it on that. They spend it on repression and other types of repression like having a huge police force and military force to make sure that the thumb is down on their people.

What about Cambodia? How much do we give in foreign aid to Cambodia?

Mr. STIVERS. We provided, in Fiscal Year 2014, $66 million, of which about half of that was in the health sector also.

Mr. ROHRABACHER. All right.

Mr. STIVERS. And about $20 million of that was in democracy and government, empowering the reformers, those sorts of issues.

Mr. ROHRABACHER. Right. I understand the last point, and I think it is important for us to understand that when we do invest in countries by helping people and NGOs, et cetera, that are demanding human rights, that that does edge that country in the right direction.

When we start taking over the actual obligations of the dictatorship to take care of its people, like in responding to infectious dis-

eases, I think we are actually bolstering the dictatorship itself. I know that we would like to be able to be the benefactor to everyone around the world who lives in a dictatorship, but I don't think that is right, and I don't think it will lead us to more of a democratic society.

We have two types of government that we are talking about. In the Philippines you have a democratic society. In the Philippines you have a democratic government, but it is not in the area of respecting the rights of its ordinary citizens in terms of their property rights. They fall far short of what we consider to be the standard.

Helping governments like the Philippines is not something that I find objectionable, but I do find it objectionable that we are providing any type of assistance that would take away the burden of that government to their own people of dictatorships like Cambodia. Hun Sen has only been there, I guess, about 30 years now.

Let me just note that also and for the record, we are not going to forget Sovannara Meach. An American citizen now is imprisoned in Cambodia by this vicious dictator. We will not forget him, and I would hope that our Embassy and also our people who are involved with aid and trying to develop trade relationships with these countries will not forget, especially when an American citizen is put in jail, much less their own citizens, which we should care about. But when they have one of our own and we move forward with ordinary relations, it is unconscionable.

So I would hope that—I like what I have heard so far. You are paying attention to this issue. Actually, you have some very fine ideas that we are about to implement. We are going to watch very closely.

Again, I want to thank Mr. Royce for his leadership, and Mr. Salmon for his leadership, and we will be watching. So, thank you very much.

Mr. SHERMAN. Thank you.

Thank you to the distinguished panel. We would like to allow you to go ahead and excuse yourselves from the dais. We would like to seat the second panel and move forward as quickly as we possibly can. Thank you.

Mr. CAROUSO. Thank you.

Mr. STIVERS. Thank you.

Mr. SALMON. Thank you.

[Pause.]

Mr. SALMON. All right. We are fortunate this morning to also hear from a second panel of witnesses with personal knowledge of property rights in the region.

First, Ms. Faith Bautista is the president and CEO of the National Asian American Coalition. Welcome here today.

Mr. Joey Quinto is the publisher of the California Journal for Filipino Americans. Thank you, Joey. Glad to have you here today.

Mr. Zosimo—did I say that right?—Zosimo Contreras joins us as the current litigant in a property dispute in the Philippines.

And Mr. Richard Rogers is a law partner at Global Diligence LLP and represents Cambodian land-grabbing victims before the International Criminal Court.

We thank the panel for joining us this afternoon, and we will start with you, Ms. Bautista.

STATEMENT OF MS. FAITH BAUTISTA, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL ASIAN AMERICAN COALITION

Ms. BAUTISTA. Thank you, and thank you so much for doing this. As far as I am concerned, you have a lifetime supply of lumpian and pancet for doing this for the Filipino community. So, thank you.

I am the CEO and president of one of the largest pan-Asian American advocacy organizations in the U.S. We are also the most prominent Asian American proponent of home ownership in America and work closely with thousands of generally small and medium-sized Asian American businesses such as the Island Pacific Supermarkets.

I am here to represent the Belisario family and the Belisarios of the world that reside in the U.S. There are thousands of these families who are U.S. citizens and are, in effect, subsidizing the Philippine Government and its corrupt officials and cronies who continue to misappropriate property titles from Philippine American citizens. I wish to give a personal example and also wish to disclose that I am a domestic partner of one of the victims. The example I wish to describe is the Belisario family who now resides as citizens in the U.S., including my boyfriend.

Here is the tale that could happen only in a foreign nation where corruption is considered the usual law of the land. Forty-four properties of the Belisario family were illegally seized by the Philippine Government or those acting as its agent. For example, titles were transferred from the legitimate owners to non-legitimate owners, often without any documentation.

The Belisario family's mother and father died in the Philippines, and their six sons and daughters moved to the U.S. more than 30 years ago. These five children—I am sorry, one is still in the Philippines. These five children have spent at least 2 years each in the Philippines unsuccessfully seeking to regain their illegally seized land and properties.

I have a complete list of these properties and the records that demonstrate that they own the property and that the properties were illegally seized. I am providing it to the committee today. Some of the property was illegally seized through illegal use of eminent domain powers. There is even evidence that the Philippine Government admits to some of the illegal seizures and the millions of dollars—hundreds of millions of pesos—due the Belisario family. For example, a bank in the Philippines has some of the documents but will not release the documents. This is apparently due to orders of the Philippine Government or those who contend that they are acting under the authority of the Philippine Government.

I am unclear that the estimated $20 million to $30 million due the Belisario family will ever be repaid, and I am unsure how the U.S. Government can ever make the Philippine Government compensate families such as the Belisarios. However, I have the following recommendations which could benefit many thousands of Filipino American families in the U.S.

First, every Filipino American who believes their property was illegally seized at any time since the Philippines became independent in 1946 should be able to provide a simple form to the Secretary of the Treasury, Jacob Lew, or the USAID, documenting their grievance and setting forth the amount due to them.

Second, the Secretary of the Treasury or the USAID shall be granted the authority to request directly from the President of the Philippines that the Philippine Government promptly and comprehensively respond to each complaint filed by an American citizen.

Third, from funding from the billions of dollars each year that the U.S. provides to the Philippines in various subsidies, the Philippine Government shall jointly, with the Secretary of the Treasury and leading Filipino American community organizations, appoint an independent auditor or special monitor to examine each claim and provide prompt reports with a specific resolution. This is a method the U.S. Secretary of the Treasury is very familiar with. That is, Treasury frequently uses special monitors to examine records of major banks as they relate, for example, to improper foreclosures.

Since I have personally worked and met with the Secretary of the Treasury, the chair of the Federal Reserve, and the U.S. Comptroller of the Currency, I would be happy to offer further suggestions to this committee and to appropriate Federal Government officials. I am also prepared, at my own personal expense, to assist any independent special monitor in developing effective auditing mechanisms. I estimate that this could result in billions of dollars, or hundreds of billions of pesos, being returned to hard-working Filipino American citizens.

And I just want to let all of you guys know, we have an office in Washington, DC, and I really appreciate Congressman Chu, Chairman Salmon, Chairman Royce, and all of you, that you really do care for the Southeast Asian. We are great citizens in this country, and thank you again for your help.

[The prepared statement of Ms. Bautista follows:]

Open Field Hearing of the House Foreign Affairs Committee (HFAC)
Subcommittee on Asia and the Pacific

Ursa Major Suite at Cal Poly Pomona University
(3801 West Temple Ave., Pomona, California 91768)
Friday, August 21, 2015 at 10:00 a.m.

Testimony on Philippine Government Misappropriation of Land of American Citizens (Epidemic of Land Grabbing)
by CEO of National Asian American Coalition, Faith Bautista

I am the CEO and President of one of the largest pan-Asian American advocacy organizations in the US. We are also the most prominent Asian American proponent of home ownership in America and work closely with thousands of generally small and medium sized Asian American businesses such as the Island Pacific Supermarkets.

I am here to represent the Belisario family and the Belisarios of the world that reside in the US. There are thousands of these families who are U.S. citizens and are in effect subsidizing the Philippine government and its corrupt officials and cronies who continue to misappropriate property titles from Philippine-American citizens. I wish to give a personal example. and also wish to disclose that I am a domestic partner of one of the victims. The example I wish to describe is the Belisario family who now resides as citizens in the US, including my boyfriend.

Here is the tale that could happen only in a foreign nation where corruption is considered the usual law of the land. Forty four (44) properties of the Belisario family were illegally seized by the Philippine government or those acting as its agent. For example, titles were transferred from the legitimate owners to non-legitimate owners often without any documentation.

The Belisario family's mother and father died in the Philippines and their five sons and daughters moved to the US more than thirty years ago. These five children have spent at least two years each in the Philippines unsuccessfully seeking to regain their illegally seized land and properties.

I have a complete list of these properties and the records that demonstrate that they own the property and that the properties were illegally seized. I am providing it to the committee today. Some of the property was illegally seized through illegal use of eminent domain powers. There is even evidence that the Philippine government admits to some of the illegal seizures and the millions of dollars (hundreds of millions of pesos) due the Belisario family. For example, a bank in the Philippines has some of the documents but will not release the documents. This is apparently due to orders of the Philippine government or those who contend that they are acting under the authority of the Philippine government.

I am unclear that the estimated twenty to thirty million dollars due the Belisario family will ever be repaid. And, I am unsure how the US government can ever make the Philippine government compensate families such as the Belisarios. However, I have the following recommendations which could benefit many thousands of Filipino American families in the US.

First, every Filipino American who believes their property was illegally seized at any time over the since the Philippines became independent in 1946 should be able to provide a simple form to the Secretary of the Treasury Jacob Lew documenting their grievance and setting forth the amount due to them.

Second, the Secretary of the Treasury shall be granted the authority to request directly from the President of the Philippines that the Philippine government promptly and comprehensively respond to each complaint filed by an American Citizen.

Third, from funding from the billions of dollars each year that the US provides to the Philippines in various subsidies, the Philippine government shall jointly with the Secretary of the Treasury and leading Filipino American community organizations appoint an independent auditor or special monitor to examine each claim and provide prompt reports with a specific resolution. This is a method the US Secretary of the Treasury is very familiar. That is, Treasury frequently uses special monitors to examine records of major banks as they relate, for example, to improper foreclosures.

Since I have personally worked and met with the Secretary of the Treasury, the Chair of the Federal Reserve and the US Comptroller of the Currency, I would be happy to offer further suggestions to this committee and to appropriate federal government officials. I am also prepared, at my own personal expense, to assist any Independent Special Monitor in developing effective auditing mechanisms. I estimate that this could result in billions of dollars, or hundreds of billions of Pesos being returned to hard working Filipino American citizens.

Mr. SALMON. Thank you.
Mr. Quinto?

STATEMENT OF MR. JOEY QUINTO, PUBLISHER, CALIFORNIA JOURNAL FOR FILIPINO AMERICANS

Mr. QUINTO. Good morning, Chairman Salmon, Chairman Royce, Ranking Member Sherman, Congressman Rohrabacher, Congresswoman Chu. I am Joey Quinto, publisher of California Journal for Filipino Americans.

I am here today because I am a land-grabbing victim, in particular a victim of land-locking by a well-connected and powerful military general in the Philippines.

My family has two properties in Antipolo, Philippines. But a retired military general has been blocking the access road for many years now, so we and the more than 700 land parcel owners could not enter our properties.

The general, who has a two-story house, gates and fences with security personnel blocking the access roads, does not own land in Antipolo as per the Assessor, and does not have a building permit as per the Antipolo City Hall.

The general is a chairman of a savings and loan. The Central Bank is the regulator. Under Republic Act 8791, it states that all directors of a supervised institution should possess honesty and integrity. I requested the Philippine Central Bank to open an inquiry, but they declined my request.

I also have given the documents to some government agencies, but none of the agencies have done any action to stop the general from blocking the access road. This is lack of government accountability, no rule of law, and no respect of property rights.

The Department of Environment and Natural Resources tried to do their inspection to our properties, but they were stopped by the security personnel of the general.

In another circumstance, the mayor stated in a letter to the ombudsman that the City Hall's personnel, together with the Philippine National Police and the SWAT team, tried to enter but they were stopped by the security personnel of the military general.

Clearly, this general has the power to stop the Philippine laws from being enforced. He is either above the law or simply being tolerated by the Philippine Government.

The Philippine Republic Act 6713 requires all public officials and employees to respond within 15 days to any communications sent by the public. Disappointingly, numerous government agencies have been disregarding Republic Act 6713. In fact, I have been requesting the police chief for a copy of the letter the general has given him addressed to the Philippine Central Bank. But for more than 130 days now, the said letter has not been given to me.

The Department of Interior of the Local Government, the DILG, is a national government agency that has direct jurisdiction to the police and local government. I requested the DILG to call on the police chief to give me a copy of the letter from the general, but they were helpless. Even the mayor, who finally issued a violation of illegal structures to the general, has not acted completely against him. It has been more than 15 days now that I have re-

quested a condemnation letter and removal of the illegal structures of the general, but I have not received any reply.

I also requested the DILG to call on the mayor to execute the notice of removal of illegal structures, but they have not exercised their jurisdiction to the mayor.

The culture of delay and no response could be considered a violation of Republic Act 6713. The general is just one of the many abusive individuals in the Philippines.

Let me now cite some victims who are suffering because of land grabbers.

Mr. Pablo left the Philippines because the land grabbers wanted to kill him. This is with a police report.

Mr. Cabrillos has been trapped in a corrupt court system. It has been 15 years of no progress on his fight for his land.

Mrs. Bolozzos stated that the land grabber burned her house with the intention of killing her.

And a family in Cebu did not get any protection and help from the police against a military officer who built fences around their property.

The Philippine Government should follow the guidelines of the U.S. grants that come from American taxpayers.

With the help of the U.S., I hope that the rule of law, property rights, transparency, good governance, and government accountability could be enforced in the Philippines so land grabbing could be resolved.

Thank you very much.

[The prepared statement of Mr. Quinto follows:]

Name: Joey Quinto

Title and Organization: Publisher, California Journal For Filipino Americans

Name of Committee and Subcommittee: House Committee on Foreign Affairs and Subcommittee on Asia and the Pacific

Date and Title of Hearing: August 21, 2015
Property Rights and Development in Southeast Asia

Good morning Chairman Royce, Chairman Salmon, and Members of the US Congress that are here today.

I am Joey Quinto, publisher of California Journal for Filipino Americans.

I am here today because I am a land grabbing victim, in particular, a victim of land locking by a well-connected and powerful general in the Philippines.

My family has 2 properties in Antipolo, Philippines but a retired military general has been blocking the access road for many years now so we and the more than 700 land parcel owners could not enter our properties.

The general who has a 2-storey house, gates, and fences with security personnel blocking the access roads does not own a land in Antipolo as per the Assessor and does not have a building permit as per the Antipolo City Hall.

The general is a chairman of a Savings and Loan. The Central Bank is the regulator. Under Republic Act number 8791, it states that all directors of a supervised institution should possess honesty and integrity. I requested the Philippine Central Bank to open an inquiry but they declined my request.

I also have given the documents to some government agencies but none of the agencies have done any action to stop the general from blocking the access road. This is lack of government accountability, no Rule of Law and no Respect of Property Rights.

The Department of Environment and Natural Resources tried to do their inspection to our properties but they were stopped by the security personnel of the general.

In another circumstance, the mayor stated to a letter to the Ombudsman that the City Hall's personnel together with the Philippine National Police and the SWAT team tried to enter but they were stopped by the security personnel of the general.

Clearly, this general has the power to stop the Philippine Laws for being enforced.

He is either above the law or simply being tolerated by the Philippine government.

The Philippine Republic Act No. 6713 requires all public officials and employees to respond within fifteen (15) days to any communications sent by the public.

Disappointingly, numerous government agencies have been disregarding Republic Act No. 6713.

In fact, I have been requesting the police chief for a copy of the letter the general has given him addressed to the Philippine Central Bank. But for more than 130 days now, the said letter has not been given to me.

The Department of Interior of the Local Government (DILG) is a national government agency that has direct jurisdiction to the Police and Local Government.

I requested DILG to call on the police chief to give to me a copy of the letter from the general but they were helpless.

Even the mayor, who finally issued a violation of illegal structures to the general has not acted completely against him. It has been more than 15 days now that I have requested for a Condemnation Letter and removal of the illegal structures of the general, but I have not received any reply yet.

I also requested the DILG to call on the mayor to execute the notice of removal of illegal structures but they have not exercise their jurisdiction to the mayor.

The culture of delay and no response could be considered a violation of Republic Act No. 6713.

The general is just one of the many abusive individuals.

Let me now cite some victims who are suffering because of land grabbers:

Mr. Pablo left the Philippines because the land grabbers wanted to kill him.

Mr. Cabrillos has been trapped in a corrupt court system. It has been 15 years of no progress on his fight for his land.

Mrs. Bolozzos stated that the land grabber burned her house with the intention of killing her.

And a family in Cebu did not get any protection and help from the police against a military officer who built fences around their property.

The Philippine government should follow the guidelines of the US grants that comes from American taxpayers.

With the help of the US, I hope that the Rule of Law, Property Rights, transparency, good governance, and government accountability could be enforced in the Philippines so land grabbing could be resolved.

Supporting Documents:

Although Commodore Delgado was issued violation of illegal structures on June 22, 2015, to date no condemnation or removal of property has been acted upon yet. Note that we just received this document on July 29, 2015 although it is dated June 22, 2015.

Republic of the Philippines
Province of Rizal
CITY OF ANTIPOLO

OFFICE OF THE CITY ENGINEER

June 22, 2015

COMMO. DANIEL T. DELGADO, AFP (RET.)
Chairman of the Board,
Philippine Navy Savings and Loan Association, Inc. (PINSLAI)
Molave Street, Naval Station Jose Francisco,
Fort Bonifacio, Taguig City

Subject: NOTICE OF VIOLATION/ILLEGAL CONSTRUCTION

Dear Sir:

The undersigned would like to inform you that, based on record, you have failed to SECURE/AVAIL necessary building/occupancy permit prior to the construction and actual occupation and use of your concrete structure located at Kay Ingat, Brgy. Cupang, Antipolo City.

In the absence of required permit, the building/structure is considered illegally constructed and occupied. You are hereby advised to SECURE the required Permit within three (3) days upon receipt hereof pursuant to Section 301 in relation to Section 309 of PD 1096, otherwise known as The National Building Code.

Failure to comply with the Notice shall cause this Office to initiate administrative sanctions and/or institute legal action against you.

Please be guided accordingly.

Respectfully yours,

ENGR. ANTONIO GONZAGA
City Engineer/Building Official

JUN 23 2015

Two correspondences to President Aquino via email:

From: Joey Quinto [mailto:cjfilam@gmail.com]

Sent: Thursday, July 23, 2015 1:41 AM

To: op@president.gov.ph

Cc: ombudsman@ombudsman.gov.ph; pab@ombudsman.gov.ph; osec@dfa.gov.ph; oaa@dfa.gov.ph; jlcuisiajr@philippinesusa.org; jlcuisiajr@yahoo.com
Subject: Following-up my correspondence dated July 8, 2015. Request for assistance for the issuance of Notice of Condemnation for Illegal Construction against Commodore Daniel T. Delgado.

July 22, 2015

PRESIDENT BENIGNO SIMEON AQUINO III
Malacañang Palace
Compound J. P. Laurel St., San Miguel, Manila City

Dear President Aquino:

This is to follow-up the correspondence I sent to you on July 8, 2015 with a courtesy copy sent to Philippine Foreign Affairs Secretary Del Rosario and Philippine Ambassador Cuisia. Herewith, is my correspondence dated July 8 and its attachments.

As mentioned in my initial communication to you, I am sending you this correspondence as per the advice of Department of Interior and Local Government (DILG) Undersecretary Enrile months ago, as well as per the advice of Ariel Penaranda of the Philippine Embassy years ago.

Commodore Delgado's illegal fences and gates have been blocking ours and the 700 land parcel owners' access road. But finally, a Notice of Violation for Illegal Construction against Commodore Daniel T. Delgado has been issued by the Antipolo City Engineering Office through the leadership and assistance of Philippine Senator Chiz Escudero, which clearly shows that he wants the Rule of Law adhered to. Indeed, I am grateful to Senator Escudero for having it issued.

I would greatly appreciate then, if through your leadership, a Notice of Condemnation could be issued to Commodore Daniel T. Delgado for his illegal structures that include the fences, gates and 2-storey house in order to comply with the existing law of the Philippine National and Local Government Building Code. After issuance, I hope that Commodore Delgado's illegal structures could be removed.

Please note that on the letter of Mayor Ynares to Ombudsman Acting Director Atty. Julita Manalac-Calderon dated July 22, 2015, he stated, "the last time the City Government conducted an inspection of the site was on March 27, 2015. Per the report, employees of this City and elements of PNP- SWAT Antipolo City attempted to go to the site on said date. However, alleged personnel of Commodore Delgado, apparently manning the property adjacent to Mr. Quinto's, again blocked their way. Nevertheless, they noticed that a structure i.e. residential building was indeed constructed on the fenced parcel of the land adjacent and leading to Quinto's property. Thus, the City Engineering Office

has deemed it fit to issue a Notice of Violation for Illegal Construction against Commodore Daniel T.Delgado."

Also, I hope that the security force of Commodore Delgado that intimidates everyone including the Philippine National Police to enter the access road could be questioned and to be instructed to stop blocking the access road in compliance to the Rule of Law, Good Governance, and Government Accountability which are part of your Tuwid na Daan (straight path), Anti-Corruption Initiative.

I am still awaiting for the following:

1. The Dept. of Environment and Natural Resources, DENR, has not provided the sketch map I have been requesting since December 2014. This leads to lack of Transparency. Secretary Paje, Regional Executive Director, and Mr. Gamo were notified of the request.

2. Antipolo Police Chief Masungsong has not provided me the letter of Commodore Delgado, Chairman of Philippine Navy Savings and Loan, addressed to the Director of Integrated Supervision of Bangko Sentral. I have requested the letter for over 100 days now, but has been ignored. Note that I also notified PNP OIC Espina about the request, but no action too. Even the Philippine Ombudsman's office sent them a letter to release the letter to me, but has been disregarded too. The letter I have been requesting is a public document but is being kept. This could be obstruction of justice and a clear example of lack of transparency. An action is necessary to have DILG or Police Chief Masungsong send the letter to me.

We, as well as the more than 700 land parcel owners have been deprived of economic opportunities and freedom. Also, our human rights and property rights have been violated. But, with your leadership, I am hopeful that our sufferings could end soon.

It is important to note that the injustice and oppression being experienced by Filipinos could adversely affect the Philippine economy as well as discourage foreign investments to the Philippines.

Looking forward for your continuous leadership so that the Rule of Law could be fully implemented.

Thank you for your attention to this matter.

Joey Quinto Cell# 310 480 3781
Publisher
California Journal For Filipino Americans
18039 Crenshaw Blvd. #306
Torrance, CA 90504
Mailing Address: P.O. Box 8119
Torrance, CA 90504

cc: US Representative Ed Royce, Chairman of House Foreign Affairs Committee
US Representative Maxine Waters, Ranking Member of House Financial Services Committee
US Representative Judy Chu, House Judiciary Committee
US Representative Ted Lieu, House Committee on the Budget
The White House

US State Department
USAID Acting Administrator Lenhardt
Ms. Hyde, CEO of Millennium Challenge Corporation
Tom Lantos Human Rights Commission
Human Rights Watch
Transparency International
United Nations
United Nations Human Rights, Office of the Commissioner for Human Rights
World Bank
International Monetary Fund
Philippine Ombudsman Morales
Philippine Secretary of Foreign Affairs Del Rosario
Philippine Ambassador Cuisia
Philippine Senator Francis Escudero, Chairman Senate Committee on Finance

From: Joey Quinto cifilam@gmail.com
Date: July 8, 2015 at 4:04:44 PM PDT
To: "op@president.gov.ph" op@president.gov.ph
Cc: ombudsman@ombudsman.gov.ph,pab@ombudsman.gov.ph,
osec@dfa.gov.ph,oaa@dfa.gov.ph,jlcuisiajr@philippinesusa.org,jlcuisiajr@yahoo.com
Subject: Your Daang Matuwid (straight path), Anti-Corruption Initiative, may completely prevail if the Philippine Government Agencies will abide the Rule of Law, and will ensure Transparency, Good Governance, and Government Accountability. Request for assistance for the issuance of Violation of Building Code to Commodore Delgado.

July 8, 2015

PRESIDENT BENIGNO SIMEON AQUINO III
Malacañang Palace
Compound J. P. Laurel St., San Miguel, Manila City
Dear President Aquino:

I am sending you this correspondence as per the advice of Department of Interior and Local Government (DILG) Undersecretary Enrile months ago, as well as per the advice of Ariel Penaranda of the Philippine Embassy years ago.

Your Daang Matuwid (straight path), Anti-Corruption Initiative, is a great way to show the world that the Philippines is no longer the "sick man" of Asia. But, it is not completely being adhered to nor totally being implemented by some national and local government agencies.

I have reminded several government agencies of your Daang Matuwid (straight path), Anti-Corruption Initiative, but it has been neglected. Moreover, I have reminded them of the Republic Act No. 6713 - that they need to respond in 15 days, but has been ignored too.

The national and local government agencies' neglect of the Rule of Law and their lack of transparency, good governance, and government accountability are apparently derailing your Daang Matuwid (straight path), Anti-Corruption Initiative.

Therefore, I hope that through your continuous leadership, your Daang Matuwid (straight path), Anti-Corruption Initiative, could be fully enforced.

My Constitutional Rights and my Human Rights are clearly being violated because of the inaction of some Philippine government agencies. In fact, some of my requests for public documents have been disregarded. I wonder then why they are concealing important facts from me. Please refer to items # 2 and 5.

In this regard, I would greatly appreciate if you could have the Department of Interior and Local Gov't (DILG) and Antipolo Mayor Ynares perform executive and administrative actions in order to stop Commodore Daniel Delgado from blocking our access road and the more than 700 land parcel owners in Antipolo.

Specifically, please have the mayor issue the Violation of Building Code to Commodore Delgado who does not have a recorded title per the Land Registration Administration (LRA) and Antipolo Assessor, and has no building permit per the Antipolo City Hall. Note that Commodore Delgado has gates and fences that block the access road and he has a 2- storey house approximately 400 square meters (4,000 square feet).

For your perusal, please read below some factual information:

1. Antipolo Mayor Ynares has been notified of the illegal structures of Commodore Delgado in Antipolo, but the mayor has not issued a Violation of Building Code although this is the action which should be done as stated in the Philippine national and local government manuals.

I could presume then that the mayor has been tolerating Commodore Delgado on his unlawful action of blocking us and the more than 700 parcel owners.

Note that I also have notified Antipolo Administrator Nacensiano and Atty. Torres, office of the Mayor, about the request. Moreover, the Office of the Ombudsman has requested Mayor Ynares to act on the illegal structures of Commodore Delgado and Justice Secretary Leila De Lima also sent a letter to Mayor Ynares, but to date, the mayor has not issued the Violation of Building Code to Commodore Delgado.

2. Antipolo Police Chief Masungsong has not provided me the letter which he received from Commodore Delgado which the commodore gave to the Director of Integrated Supervision of Bangko Sentral (Central Bank) where he stated that he purchased the land from Rachel Acosta Mabbagu.

Please note that Bangko Sentral ng Pilipinas is the regulator of Philippine Navy Savings and Loan Association Incorporated where Commodore Delgado is the Chairman.

As per Antipolo Chief of Police Masungsong, Commodore Delgado stated in his letter: "I also wrote a letter to the Director, Integrated Supervision Department 1, Bangko Sentral ng Pilipinas (Encl 3) to further enlighten that office re the complaint of Mr. Quinto."

So I could review the letter myself, I requested it from Antipolo Police Chief Masungsong but he has ignored it for over 100 days now. I also notified PNP OIC Espina about the request, but no action too. This could be obstruction of justice and a clear example of lack of transparency.

The letter which is a public document could be used as a means to assess the honesty and credibility of Commodore Delgado. It should be considered under Transparency that is part of your anti-corruption initiative. But, by not releasing the letter, it only goes to show that Antipolo Police Chief Masungsong and PNP OIC Espina seems to be not supportive of your vision to fight corruption.

For your review, attached are emails I sent to Commodore Delgado and his alleged seller, Rachel Acosta Mabbagu. Please note that per LRA, Ms. Mabbagu's chain of title that she acquired from Guevara with OCT number 386 never existed. Therefore, Ms. Mabbagu could not legally sell a land that is not hers.

Moreover, please read the articles I mentioned in my emails to both Commodore Delgado and Ms. Mabbagu which were reported by Manila based newspapers that state that Ms. Mabbagu and her husband Bernardo, former member of Philippine Navy – supposedly owners of the property from whom Commodore Delgado bought his property, were arrested for unlawful transactions but both were later released.

After reading the articles, I am sure you yourself could determine if Commodore Delgado has a lawful ownership in Antipolo. Likewise, you could also conclude if Ms. Mabbagu's statements in her letter, in defense of Delgado, are acceptable and truthful.

In addition, since Commodore Delgado is the Chairman of Philippine Navy Savings and Loan Association Inc, as a banker, he surely knows then how to check authenticity of land titles. Why will he buy a land from Ms. Mabbagu if she does not own it?

3. The Department of Interior and Local Government (DILG) a national agency, has jurisdiction over the local government and Philippine National Police.

On August 1, 2012, DILG Antipolo OIC Elsie Castillo wrote a letter to DILG Director Allan Benitez, stating, "Mr Quinto's right to passage is not lost." (Reference: RC 12.0711.1 (R))

Moreover, DILG recently emailed me three maps provided by the Assessor that show path leading to the access road but it ended at the illegal gate of Commodore Delgado. Please see attachments.

But even though DILG is aware of the access road, they have not done anything to halt Commodore Delgado from blocking the access road.

In fact, DILG Usec Enrile sent me an email on March 10, 2015 describing their jurisdiction. He stated that they can not investigate on Commodore Delgado since their jurisdiction is to the local government and Police.

Usec Enrile stated, "Please be informed that the Department exercises general supervision only over local government units and their officials as well as members of the PNP, BFP and BJMP."

So given that DILG could not investigate on Commodore Delgado, they could however have asked the Antipolo Mayor, a local government that falls under the DILG supervision, to issue a Violation of Building Code to Commodore Delgado after I have notified them that Commodore Delgado has no recorded title and no building permit. But they have not.

Although I had requested DILG to do what Usec Enrile stated, no action has been done for more than 60 days now. What is worst is that I have not received any response at all. I sent so many correspondences to DILG and also notified Secretary Roxas, Regional Director Go, including Rizal and Antipolo Directors of the request, but to no avail. Apparently, DILG is not implementing the mandate of the Philippine law that they have direct supervision to the local government.

Moreover, DILG is not working enough to enforce the law since they have not asked Antipolo Police Chief Masungsong to release a copy of the letter which I mentioned in item 2.

In fact, I requested DILG Usec Enrile and Regional Director Go to request Antipolo Chief of Police Masungsong to send me a copy, but both neglected the request. Even the Office of the Ombudsman

requested the DILG to release the letter, but it was disregard.

Note that DILG Regional Director Go wrote a letter to DFA Asec Austria enclosing the letter I have been requesting. So why can DILG not give a copy to me where in fact I am the one adversely affected by the letter and not the DFA?

There must be a very powerful and influential force behind Commodore Delgado that prevents the Philippine Government, both national and local agencies, including the Antipolo Mayor and the Police Chief that halts them from doing their mandatory works. Regardless of who are those powerful force, it surely impairs your anti-corruption initiative.

4. Philippine Consul General Herrera Lim took the leadership of assisting us by sending a letter to DILG Secretary Roxas regarding the injustice we are experiencing, but no action has been done.

5. The Dept. of Environment and Natural Resources, DENR, has not provided the sketch map, a public document, which I have requested since December 2014. This indeed leads to a lack of Transparency. Secretary Paje, Regional Executive Director; and Mr. Gamo were notified of the request.

Having full knowledge of the violation and unlawful activity of Commodore Delgado, I wonder why the national and local government agencies, as well as the police are not implementing the Rule of Law and good governance. Why are they tolerating Commodore Delgado? Why is there no action to stop him? Is Commodore Delgado untouchable and above the law?

Note that Ambassador Cuisia sent a letter to Secretary Roxas last year regarding the land grabbing problem in Antipolo, but nothing good has been done.

Here in the US, Representative Ed Royce, Chairman of House Foreign Affairs Committee (HFAC), emphasized his commitment to greater transparency in the Philippines with respect to land rights and tenure during the March 17, 2015 HFAC Hearing: The FY 2016 Budget Request: Assessing U.S. Foreign Assistance Effectiveness.

To watch the videos of the hearing, please click this link:http://foreignaffairs.house.gov/hearing/hearing-fy-2016-budget-request-assessing-us-foreign-assistance-effectiveness

I recommend that you watch the 2nd video which shows Chairman Royce giving his opening statements and the 3rd video where Chairman Royce questions witnesses: U.S. Agency for International Development (USAID) Acting Administrator Alfonso E. Lenhardt and Millennium Challenge Corporation (MCC) Chief Executive Officer Dana J. Hyde.

On your speeches you said "walang maloloko kung walang magpapaloko," no one would be fooled if you do not allow yourselves to be fooled.

In my case, I have tried not to be fooled by the Philippine government agencies, but I could not do much because of their neglect of the Rule of Law and their lack of transparency, good governance, and government accountability.

I hope then that the Philippine government agencies could follow your Daang Matuwid (straight path), Anti-Corruption Initiative, in order to assist land grabbing victims like me.

Your late father, Ninoy Aquino, experienced injustice. Like him, my wife and I, as well as the more than 700 land parcel owners have been experiencing injustice too in connection to our lands in Antipolo. Hence, we would really appreciate your leadership to solve the injustice we have been experiencing and hopefully, we could all enter our own properties.

Thank you for your attention to this request.

Joey Quinto Cell# 310 480 3781
Publisher
California Journal For Filipino Americans
18039 Crenshaw Blvd. #306
Torrance, CA 90504
Mailing Address: P.O. Box 8119
Torrance, CA 90504

Attachments to Both Emails

Two correspondences to Commodore Delgado via email:

From: Joey Quinto [mailto:cjfilam@gmail.com]
Sent: Sunday, March 01, 2015 11:11 PM
To: pnslaimain@yahoo.com

Cc: osec@denr.gov.ph; ored4a@yahoo.com; cenro.antipolo@yahoo.com; cpurisima@dof.gov.ph; tjherbosa@sec.gov.ph; cscorrea@sec.gov.ph; ogc@sec.gov.ph; llagustin@sec.gov.ph; jfcallangan@sec.gov.ph; jlranada@sec.gov.ph; lmdelima.doj2@gmail.com; franciscofbaraan@gmail.com; garciapaulablanch@yahoo.com; paccb_moleo@yahoo.com; ombudsman@ombudsman.gov.ph; pab@ombudsman.gov.ph; erenrile.dilg@gmail.com; go_dilgr4@yahoo.com; aoiglesia63@yahoo.com; dilg_rizalcapitol@yahoo.com; bongMontefalcon@yahoo.com.ph; ruth.texon0615@gmail.com; dilgcalabarzon@yahoo.com; atetangco@bsp.gov.ph; NEspenilla@bsp.gov.ph; ecapule@bsp.gov.ph; EVilla@bsp.gov.ph; CFonacier@bsp.gov.ph; RDFuentes@bsp.gov.ph; gbutardo@bsp.gov.ph; oaa@dfa.gov.ph; osec@dfa.gov.ph; jlcuisiajr@yahoo.com; elmer.cato@philippinesusa.org; maria.austria@dfa.gov.ph; consigliori58@gmail.com; maysurio@yahoo.com; antipolocitygov@gmail.com; editorlaw515@gmail.com; publicservant0608@yahoo.com; dco.pnp@gmail.com; crisenta1276@gmail.com; cenro.antipolo@yahoo.com; lra_admin@lra.gov.ph; tisha_702@yahoo.com.ph;director@nbi.gov.ph;; singson.rogelio@dpwh.gov.ph; yabut.rafael@dpwh.gov.ph; momo.romeo@dpwh.gov.ph; asis.raul@dpwh.gov.ph; tolentino.alfredo@dpwh.gov.ph; cabral.ma_catalina@dpwh.gov.ph; soguilon.dimas@dpwh.gov.ph; sadain.emil@dpwh.gov.ph; reyes.gilberto@dpwh.gov.ph; pipo.eugenio@dpwh.gov.ph; medenilla.ardeliza@dpwh.gov.ph; denrlmb@yahoo.com

Subject: Follow-up email requesting proof of ownership. Pls. respond in three business days.

March 1, 2015

Commodore Daniel T. Delgado, (Retired AFP)
Chairman
Philippine Navy Savings and Loan Association Incorporated
under the supervision of the Philippine Central Bank (Bangko Sentral ng Pilipinas)
Registered with the Securities and Exchange Commission, Philippines

Dear Commodore Delgado:

This is to follow-up my email that I sent to you on February 11, 2015 since I have not received a response from you yet. Please see attached email that includes my letter dated November 10, 2014.

Please note that since you are the Chairman of Philippine Navy Savings and Loan Association Incorporated which is under the supervision of the Philippine Central Bank, I am sending this communication using the email address under the public information of the Central Bank's website.

In both my letter and email, I have been requesting you to give proof of ownership for your property in Antipolo because of your conflicting statements. Note that during the Sept. 4, 2014 meeting of the Department of Foreign Affairs with several Philippine Government agencies to include City of Antipolo, you said that you own your property in Antipolo because you have a land patent while Ms. Rachel Acosta Mabbagu stated in her letter that you own your property since you purchased it from her.

Please be advised that I received a registered mail from Ms. Mabbagu wherein you were copy furnished, number RR 301 214 368 PH, with return receipt via Philippine Post Office, postmarked January 6, 2015, although the letter was dated December 8, 2014, stating that you bought the land from her.

In the letter of Ms. Mabbagu, she stated the following: Original Certificate of Title number 386 registered in April 8, 1908 under the name of Fructuso Guevara and was transferred to his son, Emiliano Guevara in 1910, then sold to Eliseo Guevara in 1932, then sold to Rachel Acosta Mabbagu in July 6, 1992 and Deed of Assignment in favor of 88-99 GMC & Development Inc. And since she owns the property, she sold it to you.

However, per the Land Registration Administration (LRA), there is no recorded Original Certificate of Title number 386 registered in April 8, 1908 under the name of Fructuso Guevara. Please see attached email from LRA.

Also, the Department of the Interior and Local Government (DILG) and PNP cancelled the second attempt for an ocular visit to my property scheduled on February 20, 2015 because PSupt Masungsung presented yours and Ms. Mabbagu's letters where you both stated that you own your property since you bought it from her.

On the contrary, the Antipolo Assessor has certified that you do not own a land in Antipolo. Also, the Antipolo City Hall has certified that you do not have a Building Permit. Please see attached Certifications.

In addition, please note that per the Antipolo Assessor's office, there are no Real Estate Tax Declaration nor taxpayer under the names of the following:

Rachel Acosta
Rachel Acosta Mabbagu
Rachel Mabbagu
88-99 GMC & Development, Inc.
88-99 GMC and Development, Inc.

Please see attached Verification Letter from the Antipolo Assessor. In this case, how could you purchase a property not own by Mabbagu?

I would therefore appreciate if you could provide the following to prove your ownership:

1) If you have a land patent as you stated during the meeting organized and led by the Department of Foreign Affairs (DFA) on September 4, 2014, please provide a copy.

2) Documentation of Sale between you and Rachel Acosta Mabbagu.

3) Proof of your Real Estate tax payments to the Antipolo Treasurer's Office.

4) Permits for your gates, fences and 2-storey in compliance to the National Building Code.

5) Please explain your stand on the videos which clearly state that it was you who instructed to block access road since the road falls on your property.

Below are two videos of the attempted entry to our properties.

1) https://www.youtube.com/watch?v=iQTtmqNXAZ4&feature=youtu.be
2) https://www.youtube.com/watch?v=okl30SnK6Fw&feature=youtu.be

During an ocular inspection that was coordinated by Philippine Dept. of Foreign Affairs together with Antipolo Assessor, DENR/ CENRO, DILG, and LRA/RD on September 7, 2014, they found out that you have a 2-storey house, approximately 400 square meters or 4000 square feet, built in the said area.

On the video, it is clear that due to your instruction, the team was not able to enter our property. The guard specifically stated that he received a text message from you not to let anyone pass the gate.

Additionally, because of the information I obtained from the Antipolo Assessor regarding Ms. Mabbagu and her company, I went online to find some information about her.

Please read the news articles below from three newspapers in Manila regarding Ms. Rachel Mabbagu:

1) Rachel and Bernardo Mabbagu Arrested in 2008

http://newsnimiami.blogspot.com/2008/05/ex-navy-and-his-wife-with-seven-arrest.html?m=1

Ex-Navy and his wife with Seven arrest warrants arrested by the CIDG
by Ma. Lourdes "Miami" Ebilane May 18, 2008

Former member of Philippine Navy together with his wife were arrested by the personnel of PNP-Criminal Investigation and Detection Group, (CIDG) May 18, at around 5:30 am in front of his house.

The one who were in-charge of the operation for their arrest was the CIDG-Detection and Special Operations Division (DSOD).

The couple was identified as Bernardo Mabbagu, 52, a former enlisted personnel of Philippine Navy and his wife Rachel Mabbagu, 48. They were arrested in Comets Loop St., Blue Ridge, Quezon City.

The CIDG received a copy of arrest warrant last May 7 and learned that the suspects has other six arrest warrants issued by San Mateo, Rizal Trial Court since year 2006 or about two years ago for cases of grave coercion and malicious mischief.

According to C/Insp. Noel Villegas of the CIDG-DSOD, the couple sells house and lot properties wherein it has original owners and in reality they are not for sale.

"He was selling some private house and lots in Grand View Park Subdivision in San Mateo, Rizal wherein the owners find about it because there are some people claiming ownership on their lot saying that they bought the lot from Mabbagu," Villegas said.

The complainants were Leonora Sebastian, Armando Barbosa and Belinda Santos who are the owners of the said properties. They said the couple are claiming ownership and also invading the building structures.

The two also has modus operandi appearing that they have legitimate office in 10th Avenue in Barangay Socorro, Cubao, Quezon City but there are other occupants there. Also, they are also advertising some houses in newspapers.

Bernardo Mabbagu stayed in Philippine Navy for five years, he was dismissed year 2000 for lack of training and formal schooling.

Villegas also said that their participation on the case is only to arrest the suspects. They already turned over the suspects at San Mateo Rizal Trial Court to face the charges against them and probably to be transferred to San Mateo jail.

"We learned that they victimized many clients, and they will also file complaints against the two," Villegas said.

2) Alleged 'squatting syndicate' heads nabbed 'Invaded' lots include DoJ chief's By Thea Alberto INQUIRER.net

First Posted 17:11:00 05/13/2008

http://newsinfo.inquirer.net/breakingnews/metro/view/20080513-136303/Alleged-squatting-syndicate-heads-nabbed

MANILA, Philippines -- A couple who allegedly led a 'squatting syndicate' and who were facing seven warrants of arrests were arrested in Quezon City Monday, police said.

Among the properties the alleged syndicate of Bernardo and Rachel Mabbagu reportedly leased out to squatters are those of Justice Secretary Raul Gonzalez North Fairview, former senator Eva Estrada Kalaw in Tierra Pura subdivision, and journalist Julie Yap-Daza.

They had allegedly victimized over 10 property owners, police said.

The Mabbagus were arrested in front of their home on Comets Loop St., Blue Ridge subdivision, Senior Superintendent Benedicto Gorospe, chief of the Detection and Special Operations Division said in a statement.

The alleged syndicate would lease out the idle lands of their victims to squatters, police said.

They added that the Mabaggus even set up an office and openly advertised the lands for lease.

On May 2, Solicitor General Agnes Devanadera went to Philippine National Police Director General Avelino Razon Jr. seeking help on the immediate arrest of the two, who were allegedly able to evade arrest in the past because of their connections.

3) Ex-Navy, misis na lider ng squatting syndicate tiklo

Updated May 14, 2008 - 12:00am

http://www.philstar.com/metro/61955/ex-navy-misis-na-lider-ng-squatting-syndicate-tiklo

Inaresto ng mga tauhan ng PNP-CIDG ang isang dating tauhan ng Philippine Navy at misis nito na umano'y pinuno ng squatting syndicates sa isinagawang operasyon sa Quezon City kahapon ng umaga.

Nakilala ang nadakip na mag-asawa na sina Rachel Mabbagu at ang asawa nitong si Bernardo, na dating tauhan ng Philippine Navy.

Dakong alas -5:30 ng umaga nang arestuhin ang mag-asawa sa Comets Loop St., Blue Ridge B, Quezon City sa bisa ng pitong warrant of arrest na inisyu ng San Mateo, Rizal Regional Trial Court kaugnay ng kasong grave coercion at malicious mischief.

Ang mag-asawang Mabbagu ay itinuturo umanong sangkot sa pamumuno sa isang squatting syndicate na nagbebenta ng lupa na di talaga nila pag-aari sa ilalim ng kumpanyang 88-99 GMC & Development Inc na may punong tanggapan sa 10th Avenue, Brgy. Socorro, Cubao ng nasabing lungsod.

Kabilang sa mga lupa na sinasabing na-encroach ng mag-asawa ang mga lote ni dating Sen. Eva Estrada Kalaw sa Tierra Pura Subdivision, Justice Secretary Raul Gonzalez sa North Fairview, at tatlo pa sa Grand View Park Subdivision sa San Mateo. Kasalukuyan na ngayong humihimas ng rehas na bakal ang mag-asawang suspect. (Joy Cantos)

After reading the above articles about Ms. Rachel Mabbagu and her husband Bernardo, former member of Philippine Navy – supposedly owners of the property from whom you bought your property, and after reviewing all the documents/certifications I got from different agencies which are in contrast to what Ms. Mabbagu has stated, I am sure you would understand why I would want you to clarify your ownership.

Please respond in three business days. Please contact me either via email address: cjfilam@gmail.com or my US mobile number 310 480- 3781.

I look forward to hear from you soon.

Joey Quinto cell# 310 4801 3781
Publisher
California Journal For Filipino Americans
18039 Crenshaw Blvd. #306
Torrance, CA 90504
Mailing Address: P.O. Box 8119
Torrance, CA 90504
e-mail - cjfilam@gmail.com
website - http://www.caljournal.com/

cc: Department of Environment and Natural Resources
Securities and Exchange Commission
Department of Justice
Ombudsman
Department of the Interior and Local Government

Philippine Central Bank
Department of Foreign Affairs
City of Antipolo
Philippine National Police
Land Registration Administration
National Bureau of Investigation
Department of Finance
Department of Public Works and Highways
Land Management Bureau

From: Joey Quinto <cjfilam@gmail.com>

Date: February 12, 2015 at 11:30:05 PM PST
To: "rachel.mabbagu@gmail.com" <rachel.mabbagu@gmail.com>, "pnslaimain@yahoo.com" pnslaimain@yahoo.com
Subject: Fwd: Please reply in three business days to straighten your conflicting statements on ownership for your property in Antipolo.

Dear Rachel, Please request Commodore Delgado to contact me.

Dear Commodore Delgado,

2nd request, pls. read email below.

Joey Quinto
California Journal For Filipino Americans
http://www.caljournal.com

Begin forwarded message:

From: Joey Quinto cjfilam@gmail.com
Date: February 11, 2015 at 5:09:08 PM PST
To: "pnslaimain@yahoo.com" pnslaimain@yahoo.com
Subject: Fwd: Please reply in three business days to straighten your conflicting statements on ownership for your property in Antipolo.

Dear Commodore Delgado:

To date, I have not received any reply from you on the letter I mailed you dated November 10, 2014 requesting you to give proof of ownership for your property in Antipolo. Please see attachment.

Please note that the email address that I am sending this communication is a public information from the Central Bank's website.

Please be advised that I spoke to Rachel Acosta Mabbagu on January 23, 2015 at approximately 7:40 pm (pst), January 24, 2015, 11:40 am (Manila time) after I received a letter from her stating that you bought your property in Antipolo from her. Please refer to the copy of the letter that Mabbagu sent to

me where she copy furnished you, Philippine Central Bank (CB) Governor Tetangco, and CB Deputy Governor Espenilla.

Apparently, you have conflicting statements on ownership since you told the government representatives in a Department of Foreign Affairs meeting held on Sept. 4, 2014 that you have a land patent.

I suggested to Mabbagu that we speak via her mobile phone so you could straighten up your conflicting statements, but you were in a luncheon in Camp Aguinaldo. But after few minutes (after your luncheon), Mabbagu said that you need to speak to your wife before speaking to me.

Afterwards, I sent Mabbagu my US mobile number and my email address via text message and email so you may directly contact me. But until now, I have not received any call nor email from you.

Please contact me either via email address: cjfilam@gmail.com or my US mobile number 310 480- 3781.

I look forward to hear from you soon.

Joey Quinto cell# 310 4801 3781
Publisher
California Journal For Filipino Americans
18039 Crenshaw Blvd. #306
Torrance, CA 90504
Mailing Address: P.O. Box 8119
Torrance, CA 90504
Tel. # (310) 532-6238
Fax # (310) 532-6242
e-mail - cjfilam@earthlink.net
website - http://www.caljournal.com/

Two correspondences via email to Ms. Mabbagu, alleged seller of Commodore Delgado.

From: Joey Quinto [mailto:cjfilam@gmail.com]
Sent: Tuesday, March 17, 2015 1:02 AM
To: rachel.mabbagu@gmail.com

Cc: osec@denr.gov.ph; ored4a@yahoo.com; cenro.antipolo@yahoo.com; cpurisima@dof.gov.ph; tjherbosa@sec.gov.ph; cscorrea@sec.gov.ph; ogc@sec.gov.ph; llagustin@sec.gov.ph; jfcallangan@sec.gov.ph; jlranada@sec.gov.ph; lmdelima.doj2@gmail.com; franciscofbaraan@gmail.com; garciapaulablanch@yahoo.com; paccb_moleo@yahoo.com; ombudsman@ombudsman.gov.ph; pab@ombudsman.gov.ph; erenrile.dilg@gmail.com; go_dilgr4@yahoo.com; aoiglesia63@yahoo.com; dilg_rizalcapitol@yahoo.com; bongMontefalcon@yahoo.com.ph; ruth.texon0615@gmail.com; dilgcalabarzon@yahoo.com; atetangco@bsp.gov.ph; NEspenilla@bsp.gov.ph; ecapule@bsp.gov.ph; EVilla@bsp.gov.ph; CFonacier@bsp.gov.ph; RDFuentes@bsp.gov.ph; gbutardo@bsp.gov.ph; oaa@dfa.gov.ph; osec@dfa.gov.ph; jlcuisiajr@yahoo.com; elmer.cato@philippinesusa.org; maria.austria@dfa.gov.ph; consigliori58@gmail.com; maysurio@yahoo.com; antipolocitygov@gmail.com; editorlaw515@gmail.com; publicservant0608@yahoo.com; dco.pnp@gmail.com;

crisenta1276@gmail.com; cenro.antipolo@yahoo.com; lra_admin@lra.gov.ph; tisha_702@yahoo.com.ph;director@nbi.gov.ph;; singson.rogelio@dpwh.gov.ph; yabut.rafael@dpwh.gov.ph; momo.romeo@dpwh.gov.ph; asis.raul@dpwh.gov.ph; tolentino.alfredo@dpwh.gov.ph; cabral.ma_catalina@dpwh.gov.ph; soguilon.dimas@dpwh.gov.ph; sadain.emil@dpwh.gov.ph; reyes.gilberto@dpwh.gov.ph; pipo.eugenio@dpwh.gov.ph; medenilla.ardeliza@dpwh.gov.ph; denrlmb@yahoo.com; director@nbi.gov.ph; oad@nbi.gov.ph; oddsis@nbi.gov.ph; oddas@nbi.gov.ph; pnslaimain@yahoo.com; records@doj.gov.ph; Joey Quinto <cjfilam@gmail.com>

Subject: Follow-up email on confirm or retract your statement. Please clarify statements (Items A-F).

Dear Ms. Mabbagu:

Attached is a copy of the United States Postal Service (USPS) Notice of registered mail with signature required which I received in connection to the registered mail from you wherein you copy furnished your buyer, Commodore Delgado, Chairman of Philippine Navy Savings and Loan Association Incorporated (PNSLAI) under the supervision of the Philippine Central Bank (Bangko Sentral ng Pilipinas); and Philippine Central Bank Governor Tetangco and Deputy Governor Espenilla.

Also I am attaching anew a copy of the envelope of your letter, number RR 301 214 368 PH, with return receipt via Philippine Post Office, postmarked January 6, 2015, although your letter was dated December 8, 2014, were you stated that Commodore Delgado bought the land from you.

To date, I have not received a reply from you on my email dated March 3, 2015 requesting you to confirm your statement regarding ownership in the letter you mailed to me in January, but, if untrue and incorrect, to retract it.

Additionally, Commodore Delgado gave a copy of your letter to Antipolo Chief of Police PSupt. Masungsong and the latter then gave it to Department of Interior and Local Government Regional Director Go. She then forwarded the letter to the Department of Foreign Affairs Asst. Secretary Austria.

Commodore Delgado also stated in his letter to PSupt. Masungsong that he wrote a letter to the Director, Integrated Supervision Department of Bangko Sentral ng Pilipinas acknowledging that he bought his property from you. To sum up, in your letter and Commodore Delgado's, you both stated that you are the seller of his property.

And since your letter was transmitted via Philippine Postal Service to the United States Postal Service, please note that any false statements via mail is considered a mail fraud. I hope then that you retract your statement regarding ownership if it is not true to avoid an investigation on mail fraud. If your statement on ownership is false, please retract it in three days.

If your statement on ownership is true, I would appreciate if you could explain

some of your statements in your letter since most of what you stated are contrary to the documents I got from the National and Local Agencies.

Specifically, please clarify each of your statement below, items A-F:

A. In the case of Commo Delgado, the land area he bought from us is a private property, a porton of a vast contiguous land area covered by Original Certificate of Title (OCT) No. 386. This private property

was registered in April 8, 1908 under the name of Don Fructuso Guevara and was transferred to his son, Mr. Emiliano C. Guevara in 1910. This was later sold to Mr. Eliseo Guevara in 1932. Mr. Eliseo Guevara sold to Ms. Rachel Acosta Mabbagu in July 6, 1992 thru an absolute Deed of Sale. Subsequently, the property was assigned through a Deed of Assignment in favor of 88-99 GMC & Development Inc. which is our family owned corporation.

B. As proof of ownership, Commo Daniel T. Delgado has a Deed of Sale Issued by 88-89 GMC Development Inc., as the legal owner of the land under OCT 386.

C. With regard to the Assessor's Office Certification, such document is not proof of ownership. The property of Commo Daniel T. Delgado is located in Barangay San Juan, Antipolo and not in Cupang as per your reference certification.

D. Regarding the building permit, the two cities, Antipolo and Marikina together with San Mateo, Rizal, until now have yet to settle the demarcation of their respective boundaries.

E. Our buyer installed gates and fences on the land he bought from us in order to protect his property from intruders, illegal settlers and land grabbers.

F. We will be glad to communicate with you especially if you are also an interested buyer.

For items A, B, and C, please explain on how you could have owned the land and be

able to sell part of it to Commodore Delgado if the Land Registration Administration (LRA) stated that there is no recorded Original Certificate of Title number 386 registered in April 8, 1908 under the name of Fructuso Guevara. Please see attached email from LRA again.

In addition, please note that per the Antipolo Assessor, there are no Real Estate Tax Declarations nor taxpayers under the names of the following:

Rachel Acosta
Rachel Acosta Mabbagu
Rachel Mabbagu
88-99 GMC & Development, Inc.
88-99 GMC and Development, Inc.

And since Commodore Delgado is a banker, he should know how to check and verify the authenticity of any land titles. So how then could he purchase his property from you if there is no property recorded under your name?

Regarding Commodore Delgado, please note that the Antipolo Assessor has certified that no property is registered for tax purposes under his name. In this case, how could he own a property in Antipolo without it being registered under his name?

Please see attached certifications from the Antipolo Assessor for both you and Commodore Delgado.

In connection to item D, attached anew is the certification from City of Antipolo stating that Commodore Delgado has No Building Permit. Please clarify then if Commodore Delgado has a building permit for his two-storey house in the land he bought from you (approximately 400 square meters or 4,000 square feet) either in Marikina or San Mateo, Rizal. Please note that regardless of the boundaries

among any cities, a Building Permit is required in any structure otherwise it is a violation to the National Building Code.

With regards to item E, how could Commodore Delgado put gates and fences on the land he bought from you, if the property is not declared under his name?

Please click below links to watch videos during attempted entry that shows the gate:

https://www.youtube.com/watch?v=iQTtmqNXAZ4&feature=youtu.be

https://www.youtube.com/watch?v=okI30SnK6Fw&feature=youtu.be

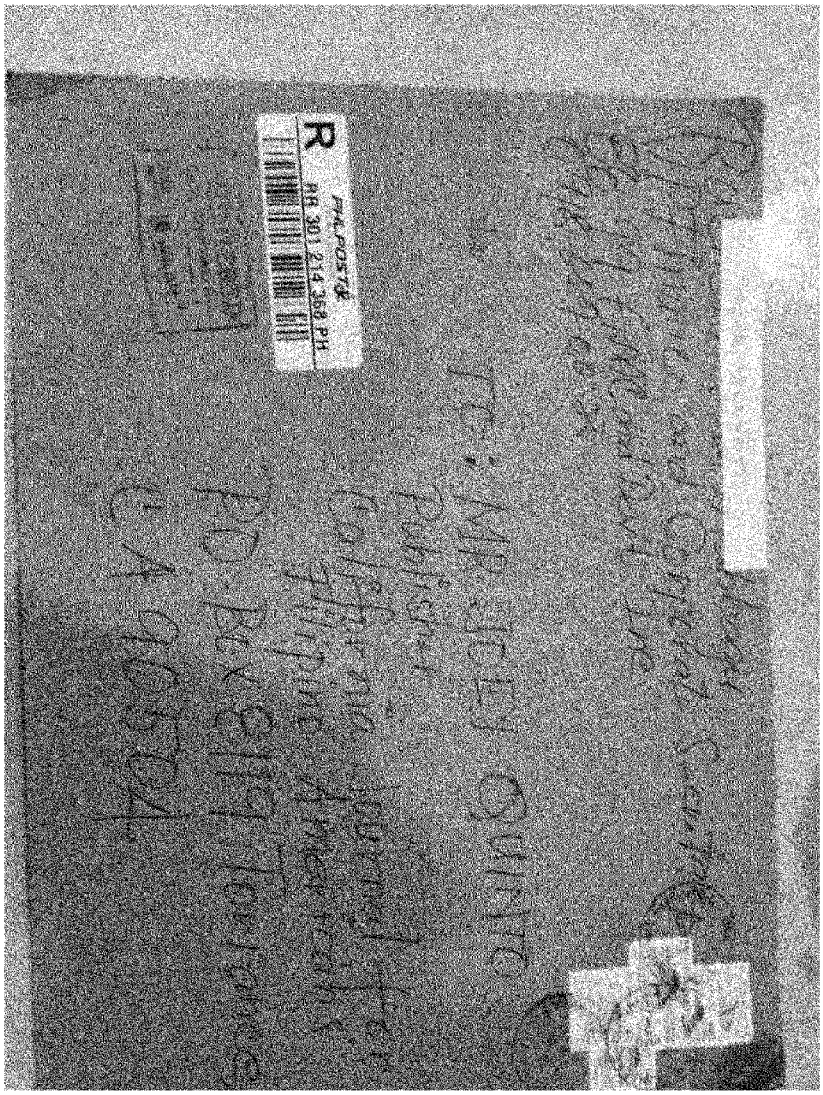
On the videos, it is clear that due to the instruction of Commodore Delgado, entry to our properties were halted. On the second video, the guard specifically stated that he received a text message from Commodore Delgado not to let anyone pass the gate.

Further, for item F, how could you sell properties if they are not registered under your name as stated by the Land Registration Authority and the Antipolo Assessor.

Thank you for your attention to this request.

Joey Quinto cell# 310 480 3781
Publisher
California Journal For Filipino Americans
18039 Crenshaw Blvd. #306
Torrance, CA 90504
Mailing Address: P.O. Box 8119
Torrance, CA 90504
e-mail - cifilam@gmail.com
website - www.caljournal.com

cc: Commodore Daniel T. Delgado, Chairman of Philippine Navy Savings and Loan Asso. Inc.
Department of Environment and Natural Resources
Securities and Exchange Commission
Department of Justice
Ombudsman
Department of the Interior and Local Government
Philippine Central Bank
Department of Foreign Affairs
City of Antipolo
Philippine National Police
Land Registration Administration
National Bureau of Investigation
Department of Finance
Department of Public Works and Highways
Land Management Bureau


PHILPOSTAL
R
RR 301 214 358 PH
Dr. Ingrid Coulter
Publisher
Coulter Publishing House
Fifth Floor, Tower Block
P.O. Box 1847
Port Elizabeth, 6000

From: Joey Quinto [mailto:cjfilam@gmail.com]

Sent: Tuesday, March 03, 2015 5:12 PM
To: rachel.mabbagu@gmail.com
Cc: osec@denr.gov.ph; ored4a@yahoo.com; cenro.antipolo@yahoo.com; cpurisima@dof.gov.ph; tjherbosa@sec.gov.ph; cscorrea@sec.gov.ph; ogc@sec.gov.ph; llagustin@sec.gov.ph; jfcallangan@sec.gov.ph; jlranada@sec.gov.ph; lmdelima.doj2@gmail.com; franciscofbaraan@gmail.com; garciapaulablanch@yahoo.com; paccb_moleo@yahoo.com; ombudsman@ombudsman.gov.ph; pab@ombudsman.gov.ph; erenrile.dilg@gmail.com; go_dilgr4@yahoo.com; aoiglesia63@yahoo.com; dilg_rizalcapitol@yahoo.com; bongMontefalcon@yahoo.com.ph; ruth.texon0615@gmail.com; dilgcalabarzon@yahoo.com; atetangco@bsp.gov.ph; NEspenilla@bsp.gov.ph; ecapule@bsp.gov.ph; EVilla@bsp.gov.ph; CFonacier@bsp.gov.ph; RDFuentes@bsp.gov.ph; gbutardo@bsp.gov.ph; oaa@dfa.gov.ph; osec@dfa.gov.ph; jlcuisiajr@yahoo.com; elmer.cato@philippinesusa.org; maria.austria@dfa.gov.ph; consigliori58@gmail.com; maysurio@yahoo.com; antipolocitygov@gmail.com; editorlaw515@gmail.com; publicservant0608@yahoo.com; dco.pnp@gmail.com; crisenta1276@gmail.com; cenro.antipolo@yahoo.com;lra_admin@lra.gov.ph; tisha_702@yahoo.com.ph;director@nbi.gov.ph;; singson.rogelio@dpwh.gov.ph; yabut.rafael@dpwh.gov.ph; momo.romeo@dpwh.gov.ph; asis.raul@dpwh.gov.ph; tolentino.alfredo@dpwh.gov.ph; cabral.ma_catalina@dpwh.gov.ph; soguilon.dimas@dpwh.gov.ph; sadain.emil@dpwh.gov.ph; reyes.gilberto@dpwh.gov.ph; pipo.eugenio@dpwh.gov.ph; medenilla.ardeliza@dpwh.gov.ph; denrlmb@yahoo.com; director@nbi.gov.ph; oad@nbi.gov.ph; oddsis@nbi.gov.ph; oddas@nbi.gov.ph; pnslaimain@yahoo.com

Subject: Confirm or retract your statement in three days.

Dear Rachel Acosta Mabbagu:

Please respond in three days to confirm your statement on your letter regarding ownership which you mailed to me in January. If it is an untrue and incorrect statement, please retract it.

Please send your reply via email to cjfilam@earthlink.net .

Please note that the Department of the Interior and Local Government (DILG) and the Philippine National Police (PNP) cancelled the 2nd attempt for an ocular visit to our properties scheduled on February 20, 2015 during the PNP and DILG coordination meeting on February 17, 2015 because PSupt. Masungsong presented the letters from you and Commodore Delgado wherein both of you acknowledged that you sold to Commodore Delgado his property.

Also, I received a registered mail from you, wherein Commodore Delgado, Delgado (ret.), Chairman of the Philippine Savings and Loan Association Inc. (PNSLAI) under the supervision of the Philippine Central Bank; Philippine Central Bank Governor Tetangco; and Deputy Governor Espenilla were copy furnished, number RR 301 214 368 PH, with return receipt with signature required via Philippine Post Office that was received by the United States Postal Service then delivered to my address, postmarked January 6, 2015, although the letter was dated December 8, 2014, stating that Commodore Delgado bought the land from you.

Moreover, I also spoke to you via your mobile phone to confirm that you sent that letter. Note that I got your number on the envelope you mailed.

You stated on your letter and verified to me over the phone the following:

That you are the true owner of the vast land in Antipolo. That the Original Certificate of Title number 386 registered in April 8, 1908 under the name of Fructuso Guevara was transferred to his son, Emiliano Guevara in 1910, then sold to Eliseo Guevara in 1932, then sold to you on July 6, 1992 and Deed of Assignment in favor of 88-99 GMC & Development Inc. And since you own the property, you sold it to Commodore Delgado.

However, per the Land Registration Administration (LRA), there is no recorded Original Certificate of Title number 386 registered in April 8, 1908 under the name of Fructuso Guevara. Please see attached email from LRA.

In addition, please note that per the Antipolo Assessor's office, there are no Real Estate Tax Declarations nor taxpayers under the names of the following:

Rachel Acosta
Rachel Acosta Mabbagu
Rachel Mabbagu
88-99 GMC & Development, Inc.
88-99 GMC and Development, Inc.

Please see attached Verification Letter from the Antipolo Assessor.

So how then could Commodore Delgado purchase his property from you if there is no property recorded under your name?

Hoping for your prompt action to this request.

Joey Quinto cell# 310 480 3781
Publisher
California Journal For Filipino Americans
18039 Crenshaw Blvd. #306
Torrance, CA 90504
Mailing Address: P.O. Box 8119
Torrance, CA 90504
e-mail - cjfilam@gmail.com
website - www.caljournal.com

cc: Department of Environment and Natural Resources
Securities and Exchange Commission
Department of Justice
Ombudsman
Department of the Interior and Local Government
Philippine Central Bank
Department of Foreign Affairs

City of Antipolo
Philippine National Police
Land Registration Administration
National Bureau of Investigation
Department of Finance
Department of Public Works and Highways
Land Management Bureau
Commodore Daniel T. Delgado, Chairman of Philippine Navy Savings and Loan Asso. Inc.

Proof that Commodore Delgado does not have lawful ownership in Antipolo per Asssessor.

CONFIDENTIAL FOR NO. [illegible] 17 Jun. 2014 [illegible] P2

Republic of the Philippines
CITY OF ANTIPOLO
Province of Rizal

OFFICE OF THE CITY ASSESSOR

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of this office, COMMODORE DANIEL DELGADO of NO GIVEN ADDRESS has no active/current real property registered for taxation purposes as of this date.

This certification is being issued upon the request of OLIVER R. MONTEFALCON / OIO-CLGDO for whatever legal purpose it may serve.

Given this 13th day of June, 2014, Antipolo City.

CANDIDA G. LAWIS
City Assessor

By:

LOIDA M SALDEAGUIL
Admin III

Checked and Verified by

ANTONIO [illegible] JR.
Administrative Assistant VI

OR No.
Amount Paid
Date

Proof Commodore Delgado has no Building Permit:

Republic of the Philippines
Province of Rizal
CITY OF ANTIPOLO

OFFICE OF THE CITY ENGINEER

Tel. No. [illegible]

CERTIFICATION OF NO RECORDS

Name: **COMMODORE DANIEL DELGADO**
KAYUGAE BARANGAY CUPANG
ANTIPOLO CITY

I, the undersigned, being the Custodian of all records at the Office of the City Engineer/Building Official of the Local Government of Antipolo City certify that a thorough search of our files, conducted our under my direction and control, revealed NO RECORDS of the following documents, to wit:

1. BUILDING PERMIT

It is to be understood that this does not mean that records do not exist under another spelling, another name or under another classification, but with the information furnished to our office, and to the best of our knowledge, no such records exist in our files.

Issued this 4th day of August 2014 in Antipolo City.

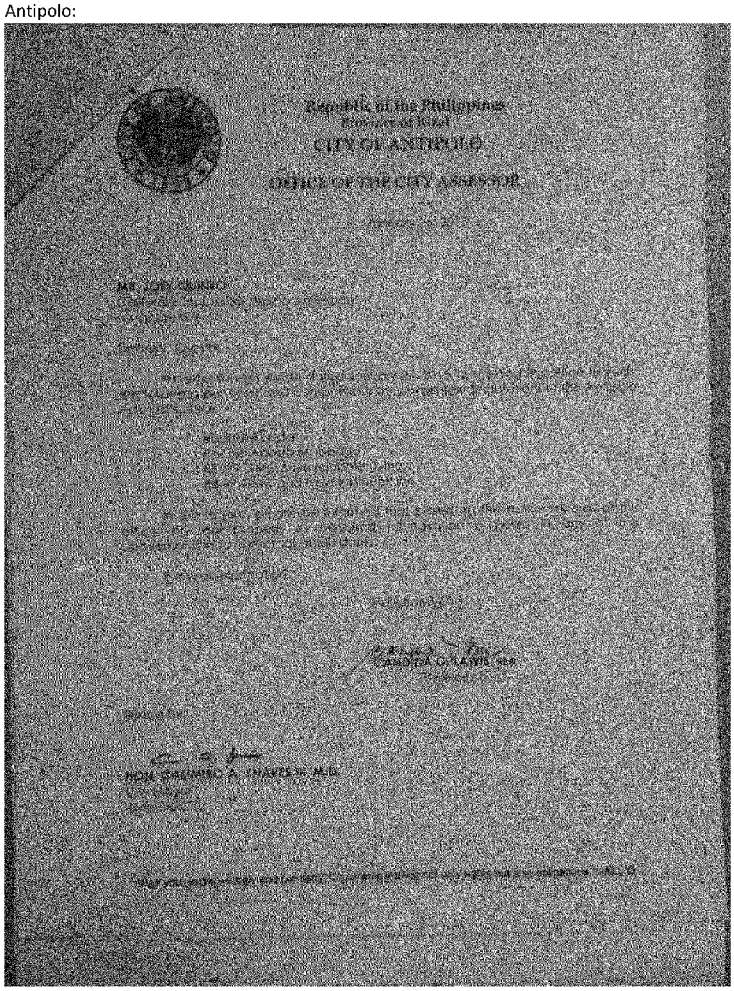
ENGR. NELSON RAYAJARILLO
Head - Permits & Regulation Division

ROWENA R. CABRAL
Administrative Aide III

Noted by:

ENGR. JESUS E. GONZAGA
City Engineer

Documents that Ms. Mabbagu, alleged seller of Commodore Delgado, has no lawful ownership in Antipolo:


Republic of the Philippines
Province of Rizal
CITY OF ANTIPOLO
OFFICE OF THE CITY ASSESSOR

Begin forwarded message:
From: "LRA ETDMAILBOX" <etdmailbox@lra.gov.ph>
Date: February 18, 2015 at 12:50:27 AM PST
To: <cjfilam@gmail.com>
Subject: Re: chain of land title ownership transfers in Antiplo City

Sir:

With regards to your follow-up e-mail dated February 13, 2015, please be informed that OCT – 386 registered on April 8, 1908 under the name of Fructuso Guevara has no record in our microfilmed and live database file in the Registries of Deeds of Marikina, Antipolo and Binangonan.

Thank you.

Ser John C. Pastrana
Chief, ICTD

From: Joey Quinto <cjfilam@gmail.com>
Date: January 23, 2015 at 11:46:22 PM PST
To: lra_admin@lra.gov.ph.
Dear LRA Administrator Diaz:

RE: chain of land title ownership transfers in Antipolo. OCT no. 386

As part of public records in Antipolo, I would appreciate your assistance to provide and confirm the title transfers of the following:
Original Certificate of Title number 386
registered in April 8, 1908 under the name of Fructuso Guevara
and was transferred to his son, Emiliano Guevara in 1910
then sold to Eliseo Guevara in 1932
then sold to Rachel Acosta Mabbagu in July 6, 1992
and Deed of Assignment in favor of 88-99 GMC & Development Inc.
I would appreciate to receive the printed statement on the above inquiries by January 27, 2015.
Please email to cjfilam@gmail.com

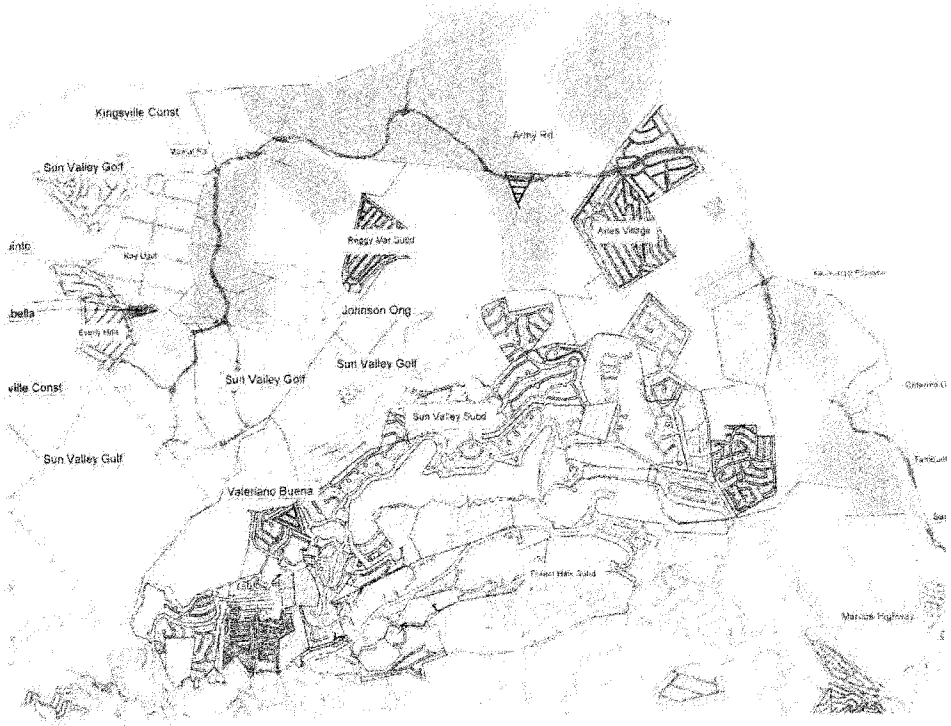
Thank you,

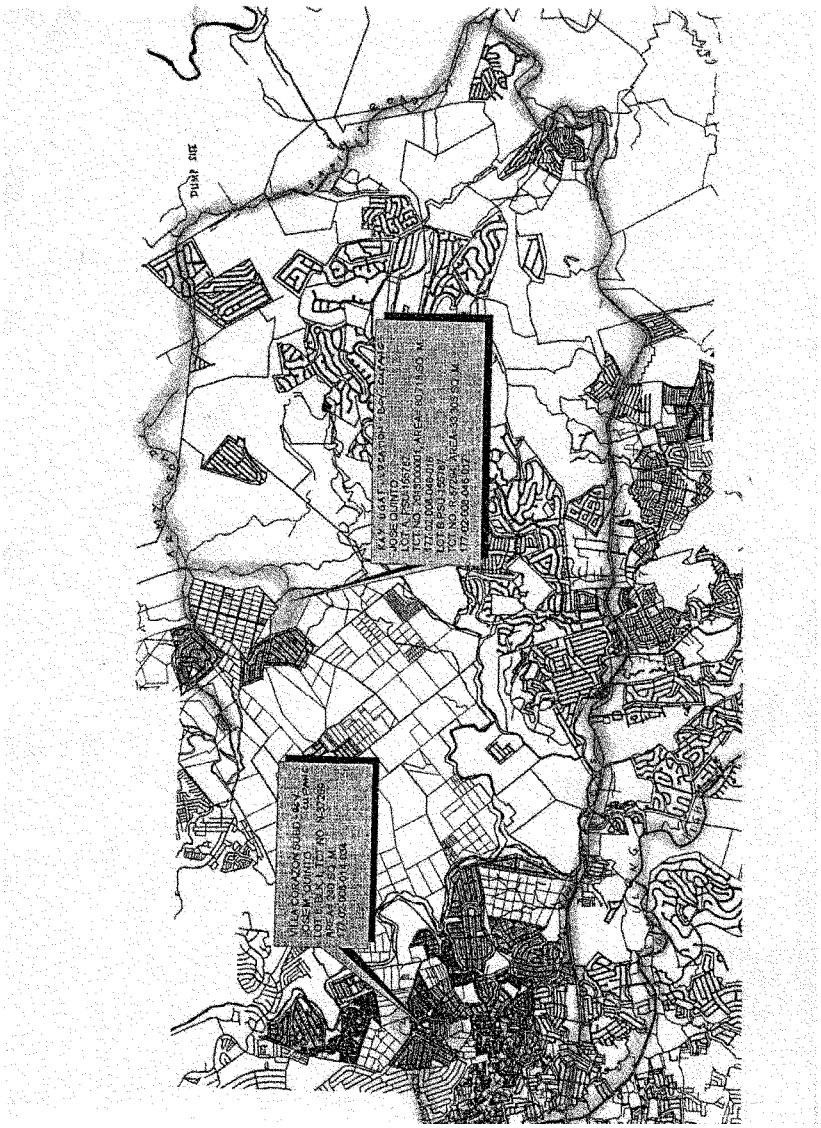
Joey Quinto
California Journal For Filipino Americans
http://www.cafjournal.com

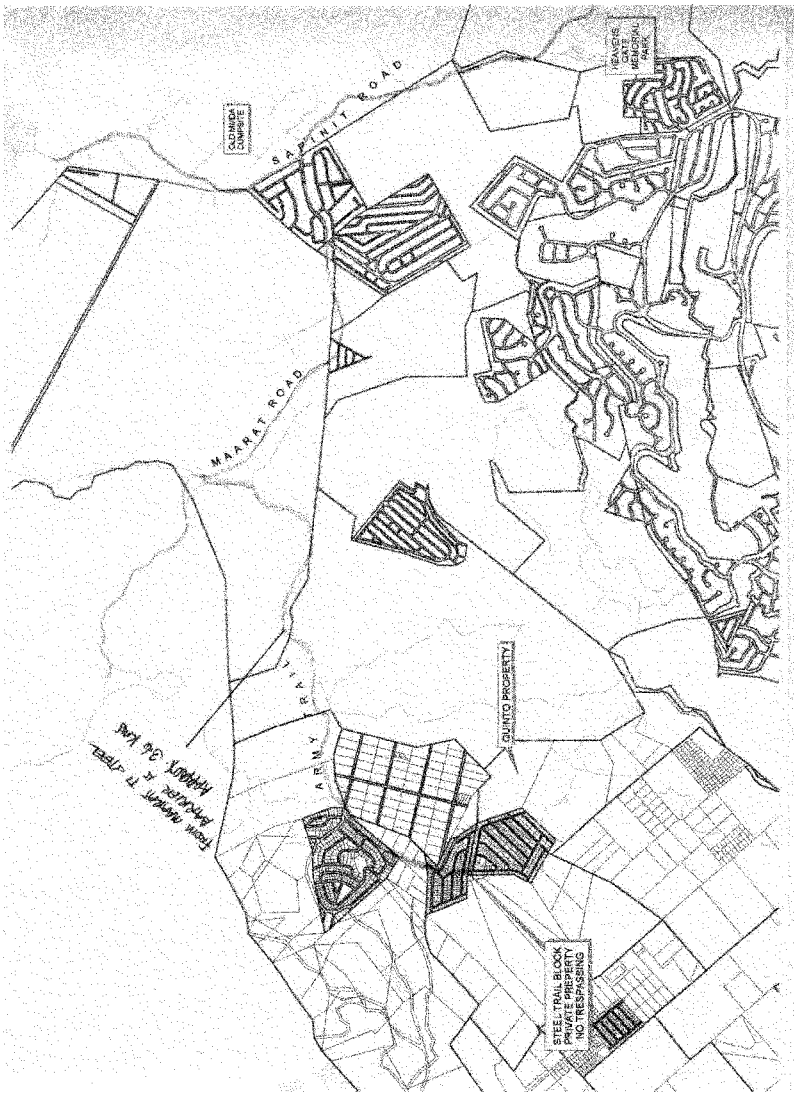
Dept. of Interior of the Local Government (DILG) Antipolo OIC Elsie Castillo letter stated "Mr. Quinto's right to passage is not lost because the property of Mr. Johnson Ong is not the entry point to the property owned by Mr. Quinto. The latter can utilize access to his property through Sapinit Rd, Barangay San Juan, this city".

Reference: RC 12.0711.1(R) dated August 1, 2012, addressed to DILG Director Benitez and signed by DILG Antipolo OIC Elsie Castillo.

Following are three sketch maps provided by the Dept. of Interior of the Local Government (DILG) showing that there is a passage (access road) going to our properties:


Kingsville Const
Sun Valley Golf
Reggy Mar Subd
Axles Village
Johnson Ong
Sun Valley Golf
Sun Valley Golf
Sun Valley Subd
Sun Valley Gulf
Valeriano Buena




SAPLHIT ROAD
SOLWODI DUMPSITE
FRANCIS GATE MEMORIAL PARK
MAARAT ROAD
ARMY TRAIL
GUNTO PROPERTY
STEEL TRAIL BLOCK PRIVATE PREPERTY NO TRESPASSING
From Mombasa to Lamu Highway 3.4 km

Mr. SALMON. Thank you.
Mr. Contreras?

STATEMENT OF MR. ZOSIMO LAUREL CONTRERAS (LITIGANT IN PHILIPPINES PROPERTY DISPUTE)

Mr. CONTRERAS. Greetings, U.S. Congressman Ed Royce, U.S. Congressman Matt Salmon, and members of the Committee on Foreign Affairs.

My name is Zosimo Laurel Contreras. I am here today to represent my family and to express my great disappointment and heartache about our land in the city of Tagatay, Philippines. The land I am referring to was inherited by my mother, Adelina Laurel, from her father, my grandfather, Conrado Laurel.

To give you a little background on my family, my grand-uncle, Jose P. Laurel, was the President of the Philippines; and his son, who served as Vice President of the Philippines, Salvador Laurel, is my second cousin.

This inherited land is very, very important to us, as it would be for any family.

Early last year in January 2014, I went to the Philippines to visit our property with my cousins. I was shocked when I saw fences, block walls, and pineapple plantations on our land. Despite our 2001 court order for the land grabbers to vacate, they continue to occupy the land. While I was taking pictures of our property, someone came over to me and harassed and intimidated me, asking what I was doing and why am I taking pictures. I told them this is our property, and they told me the land is theirs. They told me that I own the title, but they own the land. They warned me not to go there anymore.

On June 15 of 2014, I visited our land again and saw a big house being constructed on the property, and there was no permit. Immediately after, we went to the mayor's office in Tagatay City to complain about the land grabbers' activity. The mayor's office sent a letter to the settlers to cease and desist the construction. We also sent letters to the land grabbers to vacate the property by July 30 of 2014, and they told us that we have to have a court order to execute the removal of the land grabbers on our property. At that time, we had our court order which gave us authority to remove them. They told us we need to leave and threatened us. We were outnumbered and intimidated by them as they told us to go home. The police, who were with us at the time, just stood there and didn't help. We felt disappointed we didn't have help from our local government authorities.

On another occasion, my cousin and I went to our land to have it surveyed and noticed the land grabbers removed the land markers. She then hired a surveyor to have the markers replaced and was harassed and threatened by the land grabbers, who were carrying guns. They told my cousin that she should not continue surveying the land.

I was also advised by my cousins and brothers in the Philippines that I should not go there alone because of the dangerous situation that might cause harm on me. The land grabbers had machetes, guns, and we are outnumbered by them.

I am here to graciously ask for your assistance to work with the Philippine Government and help my family keep our precious land which has been inherited through so many generations. We need your help. We cannot let the land grabbers control us. We cannot continue to feel helpless. Where is the justice? Where is the rule of law in our Philippine Government?

This is a serious situation. We should not be afraid to protect and visit our own land. As a responsible landowner, my family and I continue to pay all the taxes on the property; however, no one is representing us. The police, who were with us, acted helpless and scared. Where is the respect for the property owners, and who will protect our rights?

Please, please help us and the rest of the property owners who are victims of these land grabbers.

Thank you very much.

[The prepared statement of Mr. Contreras follows:]

Submitted by:

Name: Zosimo Laurel Contreras
Title: Litigant in Philippine Property Dispute
Name of Committee: House Committee on Foreign Affairs
Date: August 21, 2015 - 10:00 a.m.
Title of Hearing: Property Rights and Development in Southeast Asia

---

Greetings U.S. Congressman, Ed Royce, U.S. Congressman, Matt Salmon and Members of the Committee on Foreign Affairs:

My name is Zosimo Laurel Contreras. I am here today to represent my family and to express my great disappointment and heartache about our land in the city of Tagatay, Philippines. The land I am referring to was inherited by my mother, Adelina Laurel Contreras, from her father/my grandfather, Conrado Laurel. To give you a little background on my family, my grand uncle, Jose P. Laurel, was the late President of the Philippines, and his son, who served as Vice President of the Philippines, Salvador Laurel, is my second cousin. This inherited land is very, very important to us, as it would be for any family.

Early last year in January of 2014, I went to the Philippines to visit our property with my cousins. I was shocked when I saw fences, block walls and pineapple plantations on our land. Despite our 2001 court order for the "land grabbers" to vacate, they continue to occupy the land. While I was taking pictures of our property, someone came over to me and harassed and intimidated me asking what I was doing and why am I taking pictures. I told them "this is our property" and they told me the land is theirs. They told me that I own the title, but they "own" the land. They warned me not to go there anymore.

On June 15, 2014, I visited our land again and saw a big house being constructed on the property and there was no permit. Immediately after, we went to the Mayor's office in Tagatay City to complain about the "land grabbers'" activity. The Mayor's office sent a letter to the settlers to "cease and desist" the construction. We also sent letters to the "land grabbers" to vacate the property by July 30, 2014 and they told us that we have to have a court order to execute the removal of the "land grabbers" on our property. At that time, we had our court order which gave us authority to remove them. They told us we need to leave and threatened us. We were outnumbered and intimidated by them as they told us to go home. The police, who were with us at the time, just stood there and didn't help. We felt disappointed we didn't have help from our local government authorities.

On another occasion, my cousin went to our land to have it surveyed and noticed the "land grabbers" removed the land markers . She then hired a surveyor to have the markers replaced and was harassed and threatened by the "land grabbers" who were carrying guns. They told my cousin that she could not continue surveying the land.

I was advised by my cousins and brothers in the Philippines that I should not go there alone because of the dangerous situation that might cause harm on me. The "land grabbers" had machetes, guns and we are outnumbered by them.

I am here to graciously ask for your assistance to work with the Philippine government and help my family keep our precious land which has been inherited through so many generations. We need your help!!! We cannot let the "land grabbers" control us. We cannot continue to feel helpless. Where is the JUSTICE?? Where is the Rule of Law in our Philippine Government? This is a serious situation. We should not be afraid to protect and visit OUR OWN LAND! As responsible land owners, my family continues to pay all the taxes on the property, however no one is representing us. The police, who were with us, acted helpless and scared. Where is the respect for the property owners and who will protect our rights? Please, please help us and the rest of the property owners who are victims of these "land grabbers".

Thank you.

Mr. SALMON. Thank you.
Mr. Rogers?

STATEMENT OF MR. RICHARD J. ROGERS, PARTNER, GLOBAL DILIGENCE LLP (ATTORNEY REPRESENTING CAMBODIAN VICTIMS BEFORE THE INTERNATIONAL CRIMINAL COURT)

Mr. ROGERS. Good morning, Chairman Salmon and members of the committee. Thank you very much for inviting me here to speak about property rights in Cambodia and about the problems of land grabbing.

I would also like to express my appreciation to the Cambodian communities who have traveled from far and wide to be here at this hearing today to show their support for your important work.

Mr. Chairman, the current Cambodian regime, which has been in power for 30 years, appears to have two very basic but interrelated objectives, and they are the maintenance of power at all costs and the self-enrichment of the ruling elite, primarily through land grabbing.

Unfortunately, to achieve these objectives, the ruling elite have committed human rights violations on a massive scale, often under the guise of development. And of all the human rights concerns that plague Cambodia, land grabbing is by far the most prevalent and probably the most destructive.

According to groups monitoring the land crisis, from the year 2000 to the end of 2013, land grabbing had adversely affected, in one way or another, over 770,000. New research suggests that the situation is actually getting worse, not better. In 2014, there were an additional 50,000 people affected by land conflicts.

So the total number is now around 830,000, increasing by about 1,000 people per week, which amounts to a staggering 5.5 percent of the entire Cambodian population.

Mr. Chairman, a significant proportion of these people have already been forcibly evicted, and while we don't have a precise nationwide figure for this population displacement, it is thought to run into the hundreds of thousands. The evictions themselves are often violent, with private security firms, police and the army using live ammunition, tear gas and bulldozers to drive out villagers who protect their homes with sticks and stones.

Residents have been shot or beaten, entire villages have been burned to the ground, and evictees are often sent to live in squalid resettlement camps.

Not surprisingly, the Cambodian Government claims that the economic land concessions they award to private businesses bring economic benefits to the local communities. But research by the U.N. and others suggests that, more often than not, they actually have the opposite effect. The way that these development projects are implemented leaves ordinary Cambodians with a loss of traditional livelihoods, with a lack of clean water and sanitation, with food shortages and malnutrition, and with crushing unemployment.

In fact, those who profit are a tiny group of ruling elite made up of senior members of the ruling party, senior members of state security forces, as well as the government-connected business elite.

Unfortunately, the Cambodian judicial system is part of the problem and not the solution. There is a decent legal framework to reg-

ulate land use in Cambodia, including the economic land concessions. The problem is that the laws are simply ignored both by the government and by the judiciary when there is money to be made. In fact, the ruling elite have relied heavily on corrupt and biased judges to implement the land grabs, intimidate the poor, and crush their opponents.

So no one really expects the Cambodian courts to be fair with the massive land grabbing and illegal displacements that have occurred over the last 15 years.

Mr. Chairman, it is widely accepted that the forced evictions were illegal in the sense that they breached Cambodian national laws, as well as international human rights conventions. But do they also violate international criminal law?

Well, as the lawyer for a group of Cambodian victims, I was asked to advise whether or not the land crimes have become so serious that a case could be brought before the International Criminal Court in the Hague. While land grabbing is not an international crime per se, forcible transfer of populations can be. It can be a crime against humanity if it is sufficiently widespread and part of a state policy.

After analyzing thousands of pages of reports and evidence, we found that when the mass evictions over the last 15 years are considered together, when they are looked at cumulatively, the situation meets all the legal elements of crimes against humanity.

So in October 2014, we filed a communication to the prosecutor of the ICC asking her to open an investigation, and we are now waiting to see if she accepts the case and moves it to the next stage.

Finally, Mr. Chairman, in my written submission I outlined three recommendations that I thought could help address the problems of land grabbing. First is the adoption of a rule of law accountability act for Cambodia, or even better perhaps is the adoption of the global Magnitsky Act and its application to Cambodia. I understand that there is a bill already being considered in the House and the Senate.

Secondly is increased funding and support for Cambodian NGOs who monitor the land grabbing.

And thirdly is the prohibition of U.S. funding or military training for Cambodian military units that take part in illegal forced evictions.

Mr. Chairman, there are few populations around the world who have suffered more mass atrocities and are more deserving of justice than the Cambodian people. At the very least, they deserve a stable home. Thank you very much.

[The prepared statement of Mr. Rogers follows:]

United States Congress

House Committee on Foreign Affairs

Subcommittee on Asia and the Pacific

***

Hearing of 21 August 2015

"Property Rights and Development in Southeast Asia"

***

Testimony of Richard J Rogers

Partner, Global Diligence LLP

(Lawyer acting for Cambodian victims)

Global Diligence LLP is a London-based legal advisory firm, specialising in international human rights and international criminal law. From 2006 to 2010, Richard J Rogers worked in Cambodia as a senior staff member of the United Nations at the Khmer Rouge tribunal. In early 2014, Rogers was engaged as the international lawyer for Cambodian victims of land grabbing / forcible evictions who requested him to bring their cases before the International Criminal Court ("ICC"). On 7 October 2014, Rogers filed a 'Communication' with the Prosecutor of the ICC. The case is currently under consideration.

Introduction:

Thank you for inviting me to testify today. I know that Cambodian communities, both at home and abroad, appreciate the attention that this Committee has shown to the human rights situation in Cambodia.

The Subcommittee on Asia and the Pacific has already raised concerns about Cambodia's human rights record on several occasions. In July 2013, Chairman Steve CHABOT, rightly observed that:

> "Hun Sen and the ruling Cambodian People's Party do not foster democratic discourse or respect the fundamental freedoms that will allow the Cambodian people to live more prosperous and fulfilling lives".[1]

We are now two years on and nothing has changed for the better. On 14 January 2015, Prime Minister Hun Sen celebrated 30 years in power. To mark this occasion, Human Rights Watch reminded us that:

> "Hun Sen [...] joins an exclusive club of men now in power who, through politically motivated violence, control of the security forces, manipulated elections, massive corruption, and the tacit support of foreign powers, have been able to remain in power well beyond the time any leader in a genuinely democratic political system has ever served. [...] Hun Sen has been linked to a wide range of serious human rights violations: extrajudicial killings, torture, arbitrary arrests, summary trials, censorship, bans on assembly and association, and a national network of spies and informers intended to frighten and intimidate the public into submission."[2]

Of all the human rights concerns that plague Cambodia, land grabbing is the most prevalent and destructive. The victims of land grabbing – who now number in the

---

[1] Chairman of the Subcommittee on Asia and the Pacific, Steve CHABOT, *Cambodia's Looming Political and Social Crisis*, United-States Congress Hearing, July 9, 2013, pp. 1-2.
[2] Human Rights Watch report "*30 Years of Hun Sen: Violence, Repression, and Corruption in Cambodia*", 12 January 2015, pp. 1–2.

hundreds of thousands – have no chance of obtaining justice in Cambodia because the same 'ruling elite' who perpetrate the land crimes, also control the Cambodian courts. So they look to foreign courts for remedies and foreign political bodies - like this Subcommittee - for support.

In June 2014, the UN Special Rapporteur on Human Rights in Cambodia ("UN Special Rapporteur") highlighted the generational impact of the forced evictions, stating that:

> "The trauma and epic struggle for justice of ordinary people affected by land-grabbing has already been told and retold. The sense of injustice may be passed on to new generations for a long time to come unless urgently remedied, not only in new cases but also for those who suffered forced evictions long ago."[3]

Unfortunately, all the criticisms and condemnations over the years have had little or no effect. The land rush continues unabated and the number of people adversely affected may soon reach one million. The justice system is part of the problem, rather than the solution.

Today, I would like to outline the scale of the land grabbing problem; the main human rights concerns; the ability of the Cambodian courts to address the violations; and the international criminal law that applies to this situation.

The Scale of the Problem:

As a global phenomenon, land grabbing has become one of the greatest human rights challenges of our age. The world's population explosion and higher consumption levels have created enormous pressure on natural resources. In States that lack good governance, land occupied by the poor and powerless makes rich pickings for local political, military and business leaders.

Cambodia is one of the most shocking examples. According to Global Witness, by the end of 2012, 2.6 million hectares of land had been grabbed and leased to private companies in the form of Economic Land Concessions ("ELCs"), equivalent to 73

[3] Surya P. Subedi, "*Statement by the United Nations Special Rapporteur on the Situation of Human Rights in Cambodia*", 24 June 2014

percent of Cambodia's arable land.[4] In urban areas, valuable plots have been grabbed through vehicles such as Social Land Concessions or 'land swaps.' Almost all of this land has been seized in violation of Cambodian and international law.

Although Cambodian Government officials claim that ELCs bring social and economic benefits to the local communities, in reality they have the opposite effect. The 'development' within the agribusiness sector most often leaves ordinary Cambodians with the loss of traditional livelihoods, a lack of clean water and sanitation, food shortages and malnutrition, difficulties finding employment, sub-standard labour conditions, and restricted access to basic services.[5] According to the UN Special Rapporteur:

> "Economic land concessions have not proven to be an effective way of promoting development that benefits the majority of Cambodia's population. Instead, they are **compromising the livelihoods of rural communities in favour of the enrichment of the few**, as well as foreign business interests." [6]

In fact, those who profit are a tiny minority composed of senior members of the Cambodian People's Party ("CPP"), higher-ups in the State security forces, and government-connected business leaders – namely, the "Ruling Elite".[7] So the evictions that accompany the land grabs cannot be justified as 'carried out for the general welfare of society.'

---

[4] See Global Witness report, "*Rubber Barrons*" May 2013, page 1 and 7.

[5] See Licahdo report "*The Myth of Development*" May 2009: "There is little doubt that the appropriation of land in Cambodia has been a very positive development for the powerful individuals and private companies who have acquired prime real estate at little or no cost – as well as government officials who profited from the transactions. There is little evidence, however, that ordinary Cambodians are benefiting from the mass confiscation of their land. On the contrary, those who are displaced are explicitly excluded from any benefits, and instead find themselves facing loss of income, poor health, lack of education and other dire consequences that are directly opposed to the government's public commitment to development, expressed through targets such as the "Millennium Development Goals."

[6] See report by United Nations Cambodia Office of the High Commissioner for Human Rights, "*Economic Land Concessions in Cambodia,*" p. 22. See also Surya P. Subedi, "*Report of the Special Rapporteur on the Situation of Human Rights in Cambodia,*" 11 October 2012, para. 130: "The overwhelming conclusion drawn from petitions, letters, studies, peaceful protests, violent demonstrations, legal complaints, land dispute statistics and my own direct observations, is that land concessions are only benefiting a minority."

[7] Global Witness reports that according to the government's own statistics five CPP-affiliated tycoons "hold 20% of total land allocated through concessions, amounting to more than half a million hectares". See "*Rubber Barons*" p. 9

Credible civil society organisations estimated that, from year 2000 to the end of 2013, land grabbing had adversely affected over 770,000 people.[8] And the situation is getting worse. In 2014 we saw a significant increase in the number of victims compared to previous years. One of the main monitoring groups – LICADHO – registered 10,625 families newly affected by land grabbing in 2014. That equals about 49,519 people.[9] (This figure was from the 13 provinces where LICAHDO has field offices, which is about half the country). Another Cambodian organisation - ADHOC - received 140 complaints in 2014 affecting 9,958 families and involving 24,708 hectares of land; of these, 2,642 families had been forcibly evicted from their land.

And we can expect similar levels in 2015. In the first quarter of this year, LICADHO documented 48 new land-conflict cases, affecting an estimated 12,963 individuals. ADHOC provided similar figures. If the current rate were to continue, we can expect around 50,000 newly affected people in the course of 2015 alone.[10]

We can now estimate the total number of people adversely affected by land conflicts over the last 15 years to be around 830,000. And that figure will be increasing by about 1000 people per week. That is 5.5% of the entire Cambodian population.[11] To give you a sense of scale, if 5.5% of the US population had been adversely affected, it would amount to the entire populations of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont - plus Utah - all put together.

If the land rush continues at this pace, the number victims will reach over 1 million within the next three years.

The Main Human Rights Concerns

What are the main human concerns associated with the land grabbing frenzy?

First and foremost, the forcible evictions of Cambodians from their homes and land: Huge numbers of people – generally the most vulnerable - have been illegally and

[8] See ADHOC report, "*Land Situation in Cambodia*" April 2014, at p.2 and 26
[9] These figures are based on a multiplier of 4.7 individuals per family provided by the General Population Census of 2008.
[10] LICADHO lacks the necessary resources to monitor the entire country. Accordingly, the actual number of individuals affected may, in fact, be much higher than reported.
[11] ADHOC report, "*Land Situation in Cambodia*", April 2014, at p.2 and 26

forcibly evicted in the name of development. Of the 830,000 people affected by land conflicts, a significant proportion has already been forcibly displaced. Those who have not yet been evicted, live in constant fear that they will be next.

Whilst we do not have an exact nation-wide figure for population displacement, we do have some indication of the scale. For example, in Phnom Penh alone, around 145,000 residents were evicted between 2000 and the end of 2012. That was about 10% of the city's population.[12] So the total figure for displacement throughout Cambodia is certainly in the hundreds of thousands.

Land grabbing and the associated deforestation has disproportionately affected the indigenous minority population. Of the 190,000 indigenous minorities in Cambodia, it is estimated that half may have already been forcibly excluded from their communal and ancestral land. Due to their particular dependence on and cultural attachment to land, the land grabbing has devastated their livelihood and threatened their ethnic identity. Cambodia is reported to have the fifth highest deforestation rate in the world.[13]

The second category of violations, is the crimes committed during the evictions: Those communities who resist eviction are driven out by State security forces, often acting in concert with privately hired security firms. The state actors are not limited to the police, but include also the gendarmes and the Royal Cambodian Armed Forces armed with tear gas, batons, and live ammunition. In the 100 new examples of evictions in 2014, the Military were involved in 14 cases.[14] Residents have been shot and killed, raped, brutally beaten, and imprisoned on trumped-up charges. Entire villages have been burnt to the ground. By way of example, during the Broma Village in Chhlong District eviction in Kratie, a 14 year-old girl was shot dead by Government security forces. Nobody was prosecuted.

---

[12] Joint Statement – ADHOC, CHRAC, HRTF and the NGO Forum, "*Situation of Land/Housing Rights and Activists in 2012 and the Way Forward*", 23 January 2013.

[13] According to Global Witness, in 1970, forests covered approximately 70 percent of the country's territory but by 2013 total tree cover (including plantations) was estimated at only 43 percent. Between 2000 and 2012 the country lost 7.1 percent of its forest. Illegal logging, combined with the conversion of forests for commercial agricultural purposes (many of which are illegal themselves) has been blamed for much of Cambodia's forest loss. See Global Witness report "*The Cost of Luxury*" 2015, at page 1

[14] LICADHO, List of newly affected families in land conflicts documented in 2014.

The third category is the consequential human rights violations that flow from the loss of land: Once displaced, evictees are often sent to live in squalid conditions, miles way from their former homes and work. Landless families are forced to give up traditional livelihoods that have sustained them for generations. Unemployment amongst evictees is around 35.7%, which is almost double the national average.[15] Because the authorities fail to provide adequate housing, healthcare, or sanitation, the evictees suffer from food insecurity and life-threatening illnesses. The lucky ones find work for a couple of dollars a day in the factories, or on the plantations, often owned by those same elite who stole their land. But families have become increasingly desperate as they try to survive: According to the International Labour Organisation, 429,000 children fell victim to child labour in 2012. Parents have been known to sell their own children who are trafficked and forced into prostitution. As LICADHO's Director lamented: "Without land, they no longer have the means to provide themselves with the basic requirements for a decent life."

The fourth category is the persecution of land activists: Community activists and environmentalists who challenge the illegal grabs have been intimidated, prosecuted and detained on trumped-up charges, and even murdered. For example, Chhut Vuthy, a well-known environmental activist who tried to expose illegal logging, was shot dead by the military in April 2012. The subsequent investigation was seen as a complete farce.

In addition to the human rights concerns, there is a growing problem of instability: The scale and ferocity of the land grabbing has undermined social cohesion and economic stability. The UN Special Rapporteur warned that:

> "[P]erhaps the greatest impact that the irregular granting and mismanagement of economic and other land concessions has on the country is to its stability. [...] **violent land disputes indicate an increasingly desperate and unhappy population**... ."[16]

Violent conflicts in rural areas are increasingly common with villagers literally using sticks and stones to protect their homes and livelihoods. In the last two years we

---

[15] ADHOC "*Report on Land and Housing Rights in 2011*", March 2012, pp. 8-10. Increase in the rate of unemployment from 18.4% (before eviction) to 35.7% (after relocation).

[16] Surya P. Subedi, "*Report of the Special Rapporteur on the situation of human rights in Cambodia – Addendum – A human rights analysis of economic and other land concessions in Cambodia,*" [A/HRC/21/63/Add.1/Rev.1], 11 October 2012, para. 132

have also seen more and more civil action, as hundreds of victims are bussed into Phnom Penh to demonstrate in front of the National Assembly or the Prime Minister's house.

To give you a sense of this desperation, one victim of land grabbing stated:

> "The government talks about poverty reduction, but what they are really trying to do is to get rid of the poor. They destroy us by taking our forested land, 70% of the population has to disappear, so that 30% can live on. Under Pol Pot we died quickly, but we kept our forests. Under the democratic system it is a slow, protracted death. There will be violence, because we do not want to die."

Comparing the current situation to the Pol Pot regime may seem exaggerated. But the mere fact that victims who have lived through both regimes are making such comparisons, demonstrates the scale of their suffering.

Anyone who doubts the brutal intentions of the Cambodian security forces who participate in the evictions should listen to its commanders. Earlier this year, when speaking about the crackdown on demonstrators which left several civilians dead, General Sokha, the National Military Police Commander, stated:

> "**Speaking frankly, I learned from Hitler**. Germany, after World War I, was not allowed by the international community to have more than 100,000 soldiers, but the Nazis and Hitler did whatever so they could to wage World War II." [17]

These are the types of characters who are implementing the forced evictions and benefitting from the land grabs.

---

[17] Charlie Campbell, "Cambodia's Internal-Security Chief: 'I Learned From Hitler'", *Time*, 16 January 2015. *See also* Mech Dara, "Military Police Commander 'Learned From Hitler'", Cambodia Daily, 16 January 2015 ("National Military Police Commander Sao Sokha told an annual meeting of Phnom Penh's military police Thursday that he learned how to maintain social order by studying Nazi dictator Adolf Hitler, and that he draws inspiration from the rise of Germany under the leader's authoritarian rule in the 1930s.")

The Inability of the Cambodian Courts to Address the Problem:

After seizing power in the 1980s, the Ruling Elite have sought to construct a kleptocratic system, subjugating the apparatus of a nominally democratic State through patronage and violence for the twin objectives of self-enrichment and maintaining power at all costs. It has gained effective control over all the vital national and regional state institutions, the civil service, State security forces, as well as the judiciary - a system sometimes referred to as a 'Shadow State.'

The subjugation of the Cambodian judiciary is well documented.[18] Positions within this sector provide good opportunities for corruption and are therefore sold or awarded in exchange for loyalty.[19] In 2014, Cambodia was ranked 156 out of 175 countries on Transparency International's scale for corruption. In rare cases where courts go against the Government's position, the authorities decline to enforce court orders,[20] or attack members of the judiciary.[21] In 2015, the UN Special Rapporteur reported:

> "The Government and the judiciary are often unwilling or unable to regulate the conduct of private enterprises involved in the agribusiness and fail to provide redress for violations committed by private enterprises. [...] The continued **nexus between powerful business elites, political figures and the military, combined with the absence of an independent judicial system and ineffective dispute resolution mechanisms, continues to deny many ordinary Cambodians redress**

---

[18] "The Judiciary lacks independence since it faces regular and significant interference from the Executive level of the Government...[B]ecoming a judge is considered to be not only linked to one's ability to pay but also to one's loyalty to the ruling political party. As a result, a majority of judges and prosecutors are members of the ruling Cambodian People's Party and have little option but to execute party instructions." Transparency International, "*Corruption and Cambodia's Governance System: the Need for Reform*", National Integrity System Assessment 2014, pages 55-56.

[19] "Judges buy their jobs and solicit significant bribes by selling judgments when the state is indifferent to a result. However, it is generally accepted that when the regime perceives a threat or opportunity, judicial decisions are dictated by senior regime leaders," USAID/Cambodia, "*Cambodia Corruption Assessment,*" Michael M. Calavan, Sergio Diaz Briquets and Jerald O'Brien, May – June 2004, p.6

[20] In response to an announcement that tycoon Mong Rethlhy was going to be subject to an arrest warrant, Hun Sen announced that anyone coming after him would have to "wear a steel helmet," in Washington Post, "*Drug Suspects Bankroll Cambodian Coup Leader; Narcotics Traffic Booms as Loans, Gifts Flow*", Nate Thayer, 22 July 1997.

[21] In 2005, the UN Special Rapporteur identified 18 attacks on the judiciary in the last decade. In the majority of cases police or military involvement had been recorded: See United Nations Cambodia Office of the High Commissioner for Human Rights, "*Continuing patterns of impunity in Cambodia.*" October 2005, p.20

> for violations of their fundamental rights or judicious settlement of disputes."[22]

According to the Cambodia Center for Human Rights:

> "Judges and prosecutors are currently appointed by the Ministry of Justice, **political influence pervades the courts, and corruption is endemic**. [...] **This combination of politicized prosecutions and impunity for the well-connected not only undermines the independence of the judiciary**, but also poses a serious threat to the values of a liberal democracy.[23]

The Ruling Elite have relied heavily on the pliant justice system to implement their land grabs and forcible evictions. Corrupt courts and cadastral tribunals have been instrumental in the illegal transfer of land titles.[24] Courts have been widely used to suppress opponents of land grabbing.[25] Cases involving dissidents are marked by a lack of due process.[26] And crimes committed by the Ruling Elite or their subordinates during forced evictions are left deliberately un-investigated.

In 2014, a group of 25 independent Cambodian civil society organisations submitted a report to the UN Human Rights Council stating:

> "In the 21 years that have passed since the adoption of the 1993 Constitution, **not a single person holding a high position in the government, or even the bureaucracy or police and military, has been called before a court** as an accused or even as a witness."[27]

---

[22] Surya P. Subedi, *Special Rapporteur Report of 2014*, para. 49.

[23] Cambodian Center for Human Rights Briefing Note: February 2013: Judicial Reform.

[24] "Equality before the courts is a key human right and the court system is a crucial element in ensuring redress to human rights violations. For the poor and marginalized Cambodians, including indigenous peoples, who do not have powerful contacts, this is far from reality," see Amnesty International, *"Rights Razed: Forced Evictions in Cambodia,"* 11 February 2008, p.45

[25] "In many cases, legal proceedings have been used to suppress opponents. In 2011, there were 427 cases in which the courts brought action against the representatives of the communities. This is a sharp increase from 2010, when there were only 319 cases." ADHOC, *"Report on Land and Housing Rights in 2011,"* March 2012, p.2

[26] Due process violations in such cases include: "convictions made solely on the basis of confessions which reportedly had been made under duress; or trials in which the defence was not permitted to call witnesses, or cross-examine police and other prosecution witnesses; where judges had shown evident bias in their conduct of proceedings; and where civilians had been tried in military courts," in United Nations Cambodia Office of the High Commissioner of Human Rights *"Continuing patterns of impunity in Cambodia,"* October 2005, p.17

[27] The Asian Legal Resource Centre, Danish Institute Against Torture, The Transcultural Psychosocial Organisation Cambodia & The Cambodian Human Rights Action Committee, *"Joint Submission of UPR on Cambodia."* 2014, p.4

In other words, the Ruling Elite operate with absolute impunity. No one expects the Cambodian courts to deal fairly with the massive illegal displacements that have occurred over the past 15 years. That is why victims have turned to foreign courts in the hope that they can bring some measure of justice.

The Applicable International Criminal Law

It is widely accepted that the mass land grabs and forced evictions breach Cambodian national laws [28] and international human rights conventions that Cambodia has ratified.[29] But do they also violate international criminal law?

As legal representatives of Cambodian victims, we were asked to advise whether or not the land crimes have become so serious that a case could be brought before the International Criminal Court in The Hague ("ICC"). We collated and analysed thousands of pages of reports and evidence from independent sources - including UN Special Rapporteurs, the UN Human Rights Office in Cambodia, local civil society organisations, as well as international human rights groups – and met numerous victim's representatives. What we found is that **when the most serious human rights violations over the last 15 years are considered *together*, the *cumulative effect* pushes this situation beyond the boundaries of human rights law, and into the realm of international criminal law.**

Land grabbing is not an international crime *per se*, but forcible transfer of population can be. A crime against humanity – which can occur in war *or* peacetime – is

[28] For example, the 2001 Land Law and sub-decree 146 require all ELCs to comply with strict procedural safeguards, including a prohibition on involuntary re-settlement of those with possessory or ownership rights. With respect to almost all ELCs, the Government has breached several of these safeguards as well as provisions within environmental legislation and laws protecting indigenous minorities. Thus the ELCs have been granted illegally. The safeguards include: ELCs can only be granted on state private land; ELCs may not exceed 10,000ha per person or entity; ELCs must be granted by legal agreement and cannot be acquired through *de facto* occupation; a land use plan must be adopted by the Provincial or Municipal State Land Management Committee; economic and social impact assessments; public consultations must be held with territorial authorities and residents of the locality; concessionaires must begin operations within 12 months of a concession being granted; the prohibition on all involuntary resettlement by lawful land-holders and an obligation to secure solutions to all resettlement issues *prior to* granting.

[29] For example, For example, the right to adequate housing laid out in Article 11(1) of the International Covenant on Economic Social and Cultural Rights; and the right to choose one's residence in Article 12(1) of the International Covenant on Civil and Political Rights.

committed when one or more of the listed underlying acts are committed as part of a widespread or systematic attack, directed against a civilian population, with knowledge of the attack. Forcible transfer of population is *explicitly* listed in the ICC Statute as one of those underlying act of crimes against humanity.[30] It is defined as the: "Forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law."

In other words, when mass forcible displacements of civilian populations are committed as part of a much broader 'attack', then they may amount to a crime against humanity.

In the Cambodian situation, the vast majority of evictions were not 'permissible under international law', as they were not carried out for the general welfare of society, or were not provided for under national law, or were arbitrary or unreasonable. They were illegal forced evictions.

It is clear from the evidence that the mass illegal evictions cannot be qualified as isolated or spontaneous acts of violence. They are part of an identifiable pattern of perpetration, implemented through the Cambodian State apparatus, directed by and for the benefit of the Ruling Elite. The huge number of victims and the geographical reach of the crimes prove the widespread element of the attack. The organised nature and recurring pattern of criminal conduct demonstrate that the attack was also systematic. And the evidence shows that the attack was committed pursuant to a State policy. Therefore, the mass population displacements meet all the legal elements of crimes against humanity.

Following our analysis, in October 2014 we filed a 'Communication' to the Prosecutor of the ICC, asking her to open an investigation into the situation in Cambodia. The Communication and its annexes – amounting to 450 pages – listed

[30] Article 7(1)(d) of the ICC Statute: "For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack [...] (d) Deportation or forcible transfer of population."

over 60 events of illegal forced evictions where between 3 to 4000 families had been displaced, often violently.

This initiative has gained considerable support, not only from the International Federation of Human Rights, Global Witness, and 40 other civil society organizations that sent a letter to the ICC. But also from **over 7600 Cambodians who signed onto a petition** urging the ICC Prosecutor to act.

The filing of the Communication is the first stage of the process. The Prosecutor must now decide whether to accept this case and move to open a formal investigation. Whilst there is no time limit for the Prosecutor to respond, we are informed that the case is being considered and hope to have some positive news within the next 6 months. In this regard, it is worth remembering that 1000 or so additional Cambodians are adversely affected by land grabbing each week.

Recommendations:

1. Introduce a Rule of Law Accountability Act for Cambodia. In 2012, the House Committee on Foreign Affairs initiated the Sergei Magnitsky Rule of Law Accountability Act. It imposed sanctions on those identified as responsible for human rights abuses relating to the detention, abuse and death of Sergei Magnitsky, including travel bans and freezing assets. A similar act could be introduced to address the mass land-related violations in Cambodia, sanctioning those identified as most responsible for the illegal forced population displacements.

2. Direct USAID to increase funding to the Cambodian civil society organizations that monitor land grabbing and assist victims. These organizations have been key to collecting accurate information about the scale and intensity of the land conflicts. Greater support now is particularly crucial in light of the recently introduced Cambodian Law on Associations and Non-Governmental Organizations which - according to the US Deputy Assistant Secretary in Phnom Penh - would "impose restrictions or burdens on NGOs that will make it difficult or even impossible to do their crucial work".[31]

3. Block US financial aid or training to Cambodian state security forces that have been engaged in land grabbing and/or forced evictions, including the Royal Cambodian Army Forces and the Gendarmes.

---

[31] Deputy Assistant Secretary Scott Busby, "Remarks at a Press Conference at the U.S. Embassy Phnom Penh", 2 June 2015.

Thank you for listening.

Richard J Rogers
Done in Paris,
13 August 2015

Mr. SALMON. Thank you.

We now go to questions.

Mr. Rogers, I would just ask one question. I know some of the members up here have other obligations, so we will try to move it along as quickly as we possibly can.

Mr. Rogers, you are pressing a case, then, with the Hague. What is your expectation, and what do you think the timing is of them responding back to you as to whether or not they are going to take jurisdiction? And if they decline, do you have other venues that you can pursue legally?

Mr. ROGERS. Well, I think we stand a very good chance. One has to remember that the ICC has limited resources and many difficult issues to deal with, so it simply can't open every case. But I think that this is a particularly strong case. The numbers are incredibly high. We are probably talking about 300,000 or 400,000 people affected by a law that is explicitly listed in the ICC statute, and that is forcible transfer of population.

So there is a very compelling argument that they should move forward with this case. I also think that the evidence is very strong, primarily because the NGOs in Cambodia on the ground have been very courageous for many years and have been doing an excellent job obtaining very credible evidence.

So I think there is a good chance that they will move forward, at least to the next stage, which is called a preliminary examination. But if they do move to that stage, then the Cambodian ruling elite will realize that they are being watched, and if something doesn't change, then the next move will be issuing indictments and possibly arrest warrants. So even getting to that next stage will make a huge difference to the human rights situation in Cambodia.

Mr. SALMON. Would it be possible, if it does go to that first phase, and if—I mean, I know these are a lot of "ifs" and hypotheticals, but is it possible that the Cambodian Government could contact you and offer some kind of a settlement to fix the issues with these people?

Mr. ROGERS. It is not the way that this procedural system works. It is not a case like a domestic case, where you can withdraw.

Mr. SALMON. No, I understand that. Oh, okay, so you couldn't withdraw.

Mr. ROGERS. I cannot withdraw.

Mr. SALMON. Okay. Once you pursue a criminal action, it is on cruise control, basically, then?

Mr. ROGERS. Absolutely. It is there before the prosecution, and it is information for them to act on. So I can't say you no longer have the right to this information.

Mr. SALMON. Okay. Thank you.

Mr. Chairman?

Mr. ROYCE. I will defer to Mr. Sherman.

Mr. SALMON. Mr. Sherman?

Mr. SHERMAN. Ms. Bautista, the problems for land grabbing in the Philippines, are they widespread throughout the country or focused only in some of the provinces?

Ms. BAUTISTA. Throughout the country, sir.

Mr. SHERMAN. Okay.

Mr. Quinto, is there such a thing as title insurance in the Philippines, or basically the system is so chaotic that title insurance companies aren't willing to ensure even a small portion of the title?

Mr. QUINTO. Thank you for that question, Ranking Member. I have spoken to the former president of the First American Title Company. They were hired by the World Bank to fix the titling system in the Philippines. After a month they came back, and I asked them why, don't you want to be paid? They said, Joey, it is hopeless. Once they come in there, Ranking Member, if someone claims, they have to pay for the losses. They said the first thing they have to do is stop the corruption.

There are instances wherein one property, the same property, has 10 owners, and they found out this cannot be done by the other 9. They would not go into a public office and put it into the computer. Someone inside the office would do it. That is corruption.

So when they came back here, they told me, Joey, it is hopeless. The first thing is they have to stop the corruption.

Mr. SHERMAN. Is corruption widespread throughout the judicial and legal system, or is it particularly—what we are seeing here is real estate title, but are you talking about a corrupt judiciary? Is it as corrupt in non-real estate cases, or is real estate a special province of corruption?

Mr. QUINTO. It is hard to speak for other instances, Ranking Member, but in terms of real estate losses, just like Mr. Cabrillos, he gave us a certified and under-oath letter that he was encouraged by the Philippine Government to sue, and he sued the land grabbers. The only thing, it has been 15 years now and the paper is not moving at all. So the land grabbers, they control the judicial system.

Mr. SHERMAN. Now, the land grabbers, when they get the land, do they then collect rent from tenant farmers who were previously living there? Do they displace those who are living and working the land and bring in other people? Who is physically using the land in these cases? And I realize my question focused more on rural land than urban, but what do the land grabbers physically do with the people who had been using the land?

Mr. QUINTO. With the example of Mr. Cabrillos, Ranking Member, they are still paying the taxes because they know if they default it will go to tax sale, so they are wise.

In my case, we still continue to pay the property taxes.

Mr. SHERMAN. But who is living on the land? What is the land being used for?

Mr. QUINTO. You know, they are waiting for us to give up on paying the property taxes so that they could buy from the city hall.

Mr. SHERMAN. What is on the land? Is somebody farming this land? Are there buildings on the land? How is the land being used at the present time?

Mr. QUINTO. I will talk about my specific case, Ranking Member. It is beside a golf course, and it is not my fault if that golf course was designed by Arnold Palmer. They know how precious is that land. Right now, the value is zero because we cannot use it.

Mr. SHERMAN. So this is urban land that is left unused, it would have great development potential.

Perhaps I can ask Mr. Contreras, the land that you are aware of, is it urban or rural? Is it used, or is it completely unused because of the property dispute?

Mr. CONTRERAS. It is rural or urban. It is a city. It is Tagatay City. It is a resort city.

On our land, to answer your question about what they are doing to the land, they do plant pineapples, trees, bananas, and they stay there. And when you ask them to leave, they threaten you. In fact, we sent a court order to move out. Even the Tagatay City, the mayor helped us to send that letter. We distributed that to them, and they just ignored it. And whenever we come there again, people are looking at us, what kind of cars we are driving. They look at us. They know who we are. So after that, they all gathered around and circled us and threatened us. That is not the kind of life we are looking for in the Philippines.

Mr. SHERMAN. Democracy in the Philippines doesn't mean anything unless people can vote for a government that is willing to control what happens on the ground.

Mr. CONTRERAS. That is true.

Mr. SHERMAN. If you vote for a government that meets in a building and discusses laws that will be ignored, you might as well vote in a beauty contest. The winning side, you call in the phone number and this one or that one will wear the crown, but whoever wears the beauty crown doesn't have any influence on people's lives.

If I had more time I would talk to you about why the government allows this to happen, but I think we have other questioners.

Mr. SALMON. Thank you.

Mr. Royce?

Mr. ROYCE. Thank you, Chairman Salmon.

To pick up on the comment that Mr. Sherman is making, this is somewhat like the situation that you might hear about in the United States in some small town where, regardless of what the Federal Government does, you have well-connected developers who decide that they want a certain piece of property and then manage to manipulate the local political system in order to gain that and to push people out of their property.

So what you have in the Philippines right now is a circumstance where President Aquino has this as part of his reform program, and you have USAID on the ground trying to push this reform program, but we have a legacy problem here, as explained to me at least by some of the experts who have looked at this. This legacy problem goes back to Marcos and the decision that Marcos made, back when he introduced corruption at such a massive level.

What he did, what he decided to do, was to reward well-connected generals and commodores and those who were connected to him politically by going in and destroying part of the titling process so that he could transfer to his allies or put in motion a system where he could reward his political allies and family members and so forth.

The consequences of that is to reverse that now when it occurs at the local level you are going against something that has become, in some areas, apparently, habitual, where those who are well-con-

nected in local government are used to being approached by developers, right?

How much is this costing the Philippines? De Soto spent a lot of time researching this problem on the ground. He put that cost at $130 billion worth of human capital, as he calls it "dead capital." This is the anchor on real development in the Philippines because of the inability to get over this problem, the corruption at this local level, which then prevents people from taking the decisions they would otherwise make because of the anarchy that has been created there.

So the question I was going to ask Mr. Quinto, on my trips to the Philippines to address other issues and this issue of land grabbing, one of the things I have found is that it is the local governments that are not enforcing the law. What more could be done in order to try to make certain that the local government enforces the law and cleans up the registry in terms of land title?

Mr. QUINTO. Chairman Royce, to answer the question about how the local government could implement or enforce a law, the DLIG, the Department of Interior of the local government, is a national agency that has direct jurisdiction to the local government, to the mayor, to all the local employees over there. But the problem is the DILG is not enforcing their jurisdiction, their mandate. It is mandated by law for them to exercise their jurisdiction.

So I think it is also the local government and the national government or the Federal Government. When it comes to President Aquino, he wants to be successful in the anti-corruption initiative, but the problem is there are so many people in the Philippines who do not want him to be successful.

Since the United States is giving $½ billion to the Philippines as foreign aid, that is an investment that is coming from the American taxpayers. I remember when the Millennium Challenge Corporation CEO answered your question about putting conditions on foreign funding. She said if the property rights would be an issue, she would look at it. I think it is about time for the United States to put conditions on the funding of the Philippines until they reform. This was done during the Aroya administration as well, wherein they put conditions until they reformed, so there is historical data to that.

Mr. ROYCE. Thank you.

I had one last question, and that goes to Mr. Rogers, and this goes to your issue of forcible transfer of populations. When we look at the fact that so much of the violence that is perpetrated leaves in its wake young Cambodians that are often susceptible to trafficking, I think you made the observation that we are talking about more than one crime here. By moving 800,000 people out of having any means of support, you have left them in a position of extreme vulnerability in a part of the world where trafficking is not only a practice, but my chief of staff, Amy Porter, has been twice over to Phnom Penh on this trafficking issue of underage girls, and it turns out the mayor of the city was apparently involved because the police chief—I don't know about the mayor. I know the police chief was directly involved because he owned the brothel, okay?

So you have, again, someone in Hun Sen, a Hun Sen police chief. When you have that level of corruption—and I will just give you

this example. Four thousand residents surrounding Boeung Kak Lake, as you know, were evicted from their homes to make room for a company owned and controlled by a senator of the Hun Sen party. Residents who protested their homes being seized and destroyed were beaten with electric batons, according to the press. Several mothers and grandmothers were arrested and tried during a 3-hour trial. So that is the court system going to work against the local population.

So, what is the status of the individuals that were affected by this seizure of property? I was going to ask you how typical this incident is and tie it into the fact that so many of these younger people can end up in trafficking.

Mr. ROGERS. Thank you for the question. You are absolutely right that the nightmare doesn't end at the point of eviction. People, when they lose their land, they fall deeper into poverty, and this is particularly the case with these rural agrarian societies. Land is everything. It is their means of creating wealth. It is what they pass down to their children. When it is taken away from them, not only does the unemployment rate skyrocket, it is double the national average, but the increased poverty makes them vulnerable to other human rights violations such as trafficking. That undoubtedly happens because trafficking is, of course, a byproduct of poverty.

I am glad you mentioned the Boeung Kak Lake case because in that case a CPP senator was awarded the land illegally—because it was public land, it wasn't private land—and, indeed, about 4,500 people were evicted from their homes violently. There was a group of women, mothers and grandmothers, who protested. They were called the Boeung Kak Lake 13. One or two of them, who are here today, have actually spent time in prison. That is one of the most famous cases, but it is actually quite typical. I think it is only so famous because it happened right in the center of Phnom Penh. Unfortunately, around the rural areas that are much harder to access for expats and for journalists, this type of thing is happening all the time, as well as the consequential human rights violations and probably trafficking.

Mr. ROYCE. Thank you, Mr. Rogers.

Thank you, Mr. Chairman.

Mr. SALMON. Thank you.

Dr. Chu?

Ms. CHU. Mr. Quinto and Mr. Contreras, thank you for your powerful testimony and telling us about your personal experience, the experience of your family with regard to this land grabbing. I find your stories to be utterly outrageous.

I was wondering if you could talk more about how you feel about your personal safety, your physical safety in trying to assert your rights in trying to stop this land grabbing, and in trying to get your land back as you try to fight the system. Do you fear for your personal safety, and do you think other families in the Philippines feel this way as well?

Mr. QUINTO. Thank you for that question, Dr. Chu, Congresswoman Chu. A lot of families in the Philippines do not want to be telling their stories because they fear the land grabbers. They have powerful guns. For the Philippine Americans, it is about time for

the Philippine Americans also to know they are Americans, and no one, no American should be hurt anywhere in the world because America would look for that person, because Philippine Americans, Cambodian Americans, we are all Americans. So they could hurt us, but America would find them.

When it comes to our personal safety, me myself, I am fearful. I am dealing with this general. If the Philippine Government is scared of him, how much more me? I would not say I am brave. I am scared of him, because imagine the powerful Philippine Government is not moving at all. They are scared of him.

So, yes, we are fearful to face the land grabbers. But it is also the job of the Philippine Government—in fact, the Consul General of the Philippines also told the Philippine Government, he asked them in an interagency meeting, he asked them who is the government? Is he the government, or are we the government? Why could we not implement and enforce the laws? And no one answered the question.

Ms. CHU. Mr. Contreras?

Mr. CONTRERAS. For my safety, when I visited the Philippines, especially when we visited our lands out there, because when we go there, they know what car we are driving, and when they find out we are there, a lot of people that live in that neighborhood come around you and threaten you. I would say that I am fearful myself. It is not an easy thing to go there anymore.

I was there three times last year, and I had a horrible experience going there. Sometimes I said I might as well give it up, give it up, but I can't because I inherited that land and I have the right to own it. That is how I feel about that. I don't know if I will go back there again, but I will. I promise, I will go there.

Ms. CHU. Mr. Quinto, I wanted to follow up on what you said about the Millennium Challenge Corporation which provides foreign assistance. It seems like there is an opportunity right now. This MCC currently has a compact with the Philippines that is set to expire in May 2016 and is in the early stages of negotiating a second compact.

What could we in Congress do to improve the situation with regard to land grabbing? I know that the MCC is not part of this hearing, but what, in your opinion, could we do to help the situation?

Mr. QUINTO. When Chairman Royce asked that question to Ms. Hyde, the CEO of the Millennium Challenge in the budget hearing on the conditions, the CEO of the Millennium Challenge, Ms. Hyde, said that if the land tenure is a problem, she will look into it, because all of the money that is coming from Millennium Challenge, the $½ billion, has guidelines, which is government accountability, rule of law, respect for property rights. And if they are not following those guidelines, the Philippines is in violation of the compact, the agreement.

While we want the Philippines to be progressive, we also want everyone to have economic opportunity, not only for the few but for everyone. The land grabbing victims are not having any economic opportunities.

So, to answer the question, in fact, Congressman Ted Lew sent a letter to Ms. Hyde, and she responded to communicate also this

thing to the State Department. So they are waiting for the State Department also to make an action.

Opportunity is here now. If you put conditions to the upcoming compact, I think the Philippines would reform in a few hours. They would say, "We'll do it." They would not wait for 1 year because there is a condition. America doesn't want American taxpayers that goes to waste, because if the Philippine Government would not follow the guidelines of the foreign funding, that is called wasteful spending.

So I think conditions should be put on the next compact that is coming to the Philippines.

Ms. CHU. So it sounds like other Congress members could also write letters to MCC saying that there should be such conditions.

Mr. QUINTO. Yes, because I think MCC CEO is also waiting for an answer from the State Department. The land grabbing victims—what I have been telling the Philippine Government, Congresswoman, is if these people would be able to get into their land, it would create employment. The biggest problem in the Philippines now is employment. I said who would be the carpenter? Who would be the plumber? Who would be the electrician? Do you think the owners? They would hire contractors. And these farms, do you think they would be the ones taking care of all this livestock? They would hire people, and they would have more income. They have problems with tax collection, low tax collection. They would have more tax collection. They would have more employment being built.

So this is the same thing as what Hernando de Soto reported to Congressman Royce, creating a bigger economy.

Ms. CHU. Thank you.

I yield back.

Mr. SALMON. Thank you.

Mr. Rohrabacher?

Mr. ROHRABACHER. Well, thank you very much. This has been very fascinating for me to listen to your tales of woe, and they are tales of woe, and I sympathize, and I know all Americans sympathize with the little guy who is being oppressed by the big guy. That is what we are hearing about.

We do have that problem in our own country, however, and let us note that we have a major problem with eminent domain abuse in our country. So while we are looking at the problems overseas, I hope we all take to heart that we won't permit this to happen here.

It is interesting that I have a friend who came here from a country, from Ethiopia, when his family left when the communists took over, and the communists took over his father's business, and he came here and now spends his entire time in a law firm that defends American property owners against abusive use of eminent domain to steal their property right here in our country.

So we have to take that into consideration, that we are not perfect here, but we have a perfect ideal. We have the ideal of what America is supposed to be and what our Founding Fathers meant it to be, and that motivates us not only to hear but to side with people in other countries who share that vision, that ideal of humankind.

Mr. Royce was absolutely correct about rule of law basically when it comes to title. If you do not have a title, as Mr. Royce pointed out, there is no collateral. If there is no title, there are no loans. If there are no loans, there are now businesses being created. And if there are no businesses being created, there are no jobs being created. So this is a very vicious cycle that starts with, number one, a respect for the rule of law, and then, because you have to have a judge that is giving you a proper assessment, a legal assessment and decision about the title itself.

So what we are talking about here is unless we correct the basic problems that we are talking about today, there will be no prosperity. In the Philippines, where they have a large degree of freedom when it comes to freedom of speech and freedom of religion and freedom of the press, or Cambodia where they don't have a large degree, or Vietnam where they have none of them, we know that these countries will not prosper and people will not live well unless that type of basic reform happens.

I would like to go into one last area of questioning, and I am just sort of probing here. Who ended up with the land there, what you were talking about, Mr. Rogers, in Boeung Kak Lake? Who ended up with that land?

Mr. ROGERS. It is a senator who is a senator in the ruling party, the CPP, that has a company called Pheapimix, who owns huge tracts of land throughout Cambodia and is being given many, many concessions.

Mr. ROHRABACHER. Did they sell any of that land, or the lake, did they sell any of it to the Chinese?

Mr. ROGERS. Not that I know of. I think it is still in the process of being developed. They are filling in the lake with sand, which is causing terrible floods in Phnom Penh, and they are going to develop it themselves as far as I know.

Mr. ROHRABACHER. It has been my understanding that China is pumping large amounts of money into the Philippines and into Southeast Asia, and I am just wondering whether or not that money, for example that senator that you are talking about, whether or not he plans to sell that to somebody who may have already contracted with him to get that property. Our friends from the Philippines, are there any negative situations being caused by Chinese investment that you know of? No? Okay. I am just probing, trying to find out where we can document that, because I have been told by several people that that is becoming a problem, that this Chinese investment comes with the corruption of local officials, who then do the bidding of a very powerful foreign investor rather than watching out for the interests of their own people.

Well, thank you very much, Mr. Chairman, both Mr. Chairman. I have enjoyed it. This has been very illuminating, and I hope that again we don't forget any American citizen who is incarcerated anywhere in the world where they are trying to promote the values that we believe in. We know there is one case in Cambodia that we are not going to forget, and we hope that justice is done to our friends in the Philippines as well.

Thank you very much.

Mr. SALMON. Thank you.

I thank the members of the committee. Some traveled greater distances, some not so much.

We appreciate the staff who have come here today.

We appreciate the great witnesses that we have had.

And I can't tell you how much I appreciate what a polite and wonderful group of attendees have been here today. I am sure many are from Cambodia and many from the Philippines. We are just thrilled to have you here today and really appreciate your courtesy.

Rest assured, this is a serious issue. The chairman of the full committee has a penchant for staying with something until it gets resolved. He is very well known for that in Congress, and we are thrilled to be here with him today.

With that having been said, we are going to adjourn the committee. Thank you.

[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Asia and the Pacific
Matt Salmon (R-AZ), Chairman

August 21, 2015

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN field hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Asia and the Pacific in the Ursa Major Suite at Cal Poly Pomona University (3801 West Temple Ave., Pomona, CA, 91768) and available live on the Committee website at http://www.ForeignAffairs.house.gov.

DATE: Friday, August 21, 2015

TIME: 10:00 a.m. PST

SUBJECT: Property Rights and Development in Southeast Asia

WITNESSES: Panel I

The Honorable Jonathan Stivers
Assistant Administrator
Bureau for Asia
U.S. Agency for International Development

Mr. James Carouso
Acting Deputy Assistant Secretary
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Panel II

Mr. Joey Quinto
Publisher
California Journal for Filipino Americans

Mr. Richard J. Rogers
Partner
Global Diligence LLP
(*Attorney representing Cambodian victims before the International Criminal Court*)

Ms. Faith Bautista
President and Chief Executive Officer
National Asian American Coalition

Mr. Zosimo Laurel Contreras
(*Litigant in Philippines property dispute*)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Asia and the Pacific* HEARING

Day *Friday* **Date** *August 21* **Room** *Cal Poly Pomona*

Starting Time *10:03* **Ending Time** *12:15*

Recesses [ ] (to) (to) (to) (to) (to) (to)

Presiding Member(s)
Salmon

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [ ]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:
Property Rights and Development in Southeast Asia

SUBCOMMITTEE MEMBERS PRESENT:
Sherman, Rohrabacher

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*
Royce, Chu

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*
Jamie Meach

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:15*

Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, COMMITTEE ON FOREIGN AFFAIRS

TESTIMONY OF JAMIE MEACH BEFORE THE U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON ASIA AND THE PACIFIC, AUGUST 21, 2015, POMONA, CALIFORNIA

TOPIC: LAND EVICTIONS AS AN INTEGRAL PART OF POLICIES OF WIDESPREAD HUMAN RIGHTS ABUSES BY HIGHLY REPRESSIVE REGIMES IN SOUTHEAST ASIA

Chair and Members of the Committee:

My name is Jamie Meach. My husband Meach Sovannara and I are both U.S. citizens and live in the Long Beach area of California. A few weeks ago my husband, who serves as the media director for the opposition political party in Cambodia, was arrested and put in prison for a term of 20 years on charges of sedition, for the "crime" of publicly voicing criticism of the despotic Hun Sen regime, and its policies of evicting land owners from their property on a massive and systematic basis for the economic benefit of government officials and the companies they serve, harshly suppressing any form of legitimate and peaceful political opposition, and denying workers in garment factories a fair wage and safe working conditions. By speaking out in support of those losing their land, their jobs and their freedom for exercising their rights of free speech and free political association, Meach Sovannara himself became a target for criminal prosecution, and long-term unlawful imprisonment amounting to torture.

I urge the United States Congress to give attention to the case of Meach Sovannara as a symbol and example of the harsh dangers faced by those being subjected to land evictions in Cambodia and across Southeast Asia. Those dangers are not limited to loss of property, since the land evictions are "enforced" through violent attacks against those being subjected to unlawful evictions who either refuse to leave their farms and lands, or protest against the unlawful actions being taken against them. Like Meach Sovannara, they are being placed in jail for defending their property, or voicing their protests against unlawful evictions, or even worse are being physically attacked, and even killed.

In essence, it is important for this Subcommittee, for the U.S. Congress, and for the public in general to understand that land eviction is not a violation of rights that stands alone. It is an integral part of a much larger pattern and practice of harsh repression and human rights abuses. Land eviction must be recognized for what it is – just one method used by harshly repressive regimes in Asia, such as the Hun Sen government, to maintain its political and economic power through the control and harsh repression of anyone who stands in the way of their economic enrichment and political control.

One of the main strategies that the Hun Sen regime has used over the thirty years that it has been in power has been to misuse the courts and the law enforcement process for their own purposes, forcing the judges, the military and the police to abuse their powers to intimidate members of the public who try to exercise their rights of free speech and free association to criticize government policies like unlawful land evictions. This is exactly what happened to my husband, Meach Sovannara. He was arrested for participating in a protest demonstration, and then falsely accused of fomenting attacks on the police and military personnel that were attempting to suppress the demonstration, and force protesters from the Freedom Park location that is well known in Cambodia as the site where public demonstrations take place. He played no part in the violent confrontation that ensued, and that was initiated by the security forces. But his trial on charges of sedition were far from far and independent. As all of the independent observers such as Human Rights Watch agreed, Meach Sovannara's trial was a sham – a travesty of justice that was used by the Hun Sen regime as a symbol designed to intimidate potential protesters, and prevent public criticism of the government. He was not even permitted to have legal representation at his trial.

This type of "kangaroo justice," where the courts, the prosecutors and the police are used by the government to unfairly impose prison sentences on their critics, has become all too common feature of how the Hun Sen government operates, and how it enforces its will on those who oppose its policies. Human Rights Watch, the United Nations' Special Rapporteur for Human Rights in Cambodia, and many other human rights observers, have frequently cited Hun Sen's interference in the law enforcement process as one of the principal ways he has maintained his power through fear and intimidation of the population. Farmers and land owners are unlawfully evicted from their property, for the benefit of government officials and private companies that have partnered with them, by police and security personnel controlled by the government. Those who protest against unlawful evictions are attacked or arrested by these "law enforcement" officials, and the courts impose harsh sentences on them for seeking to exercise their rights, exactly as happened with Meach Sovannara. Human Rights Watch's report "30 Years of Hun Sen: Violence, Repression and Corruption in Cambodia," finds that the Hun Sen regime has regularly interfered with the courts and the law enforcement process to enforce its repressive policies. It notes, for example, the May 2012 convictions of 13 women, including a 72-year old, for their actions "in a campaign protesting evictions and demanding proper resettlement for people displaced by a development project owned by a Hun Sen crony and a Chinese investor in Phnom Penh's Boeng Kak area." (page 36) The Human Rights Watch report also references the arrest and sentencing to lengthy prison terms of 55 protesters, "after unfair trials on charges such as 'treacherously plotting' to stage an armed insurrection,,, [and] 'violent resistance against a public official.'" These were the arrests and convictions that were associated with the 20 year prison sentence imposed on Meach Sovannara.

The pattern of interference by the Hun Sen government in the judicial process also was carried out against an international court set up to prosecute the crimes against

humanity carried out by the Khmer Rouge regime in the 1970s. The Khmer Rouge Tribunal became the target of a major effort by Hun Sen to stop proceedings that he felt would unearth links between himself and other high level officials of his government with the Khmer Rouge atrocities. He ordered the Cambodian judges of the Tribunal to block investigations and trials, forced the resignations of several international judges that sought to carry out the work of the Tribunal, and "ordered" UN Secretary General Ban ki-Moon to stop additional cases from being heard. This interference with the International court mirrored Hun Sen's approach to how the judicial and law enforcement systems in Cambodia were and are being hijacked to enforce the government's will, and to harshly suppress and punish critics through the judicial process in an extra-legal fashion.

It is not an accident that officials of the Hun Sen government are among the personal beneficiaries of unlawful evictions and other repressive activities. To cite but one example, it has come to light that Chea Kheng, the wife of the Minister of Mines and Energy Suy Sem, is the major owner of the company, KDC International, that is responsible for the unlawful forced eviction of more than 100 families from Lor Peang Village. ADHOC, one of Cambodia's leading human rights groups, has accused KDC of abusing the legal process, and by "using Chea Kheng's husband's political power" as a Minister and member of Hun Sen's inner circle to the law enforcement process to suppress protests and criticism of the company's actions. (Radio Free Asia report, "Cambodian Parliament Panel to Probe Land Dispute Linked to Minister's Wife, Sept. 22, 2014.)

It also is important to note that one of the issues that Meach Sovannara was dealing with when he was arrested was the effort to protest the "land grabs" associated with the border dispute with Vietnam that is now taking place. Vietnam has used chemical agents to kill food crops and force Cambodian farmers from their lands in the border dispute areas. The Hun Sen government, including Foreign Minister Hor Namhong, has fully supported the Vietnamese government because of the substantial political and economic ties that the Hun Sen government has developed with Vietnam. The political opposition in Cambodia has come out in support of the Cambodian land owners and farmers in the disputed border territories, and have questioned the independence and fairness of the Cambodian government in their handling of the border dispute issue. Needless to say, Hun Sen has cracked down very hard on critics of his policy of granting the Vietnamese claims, including Meach Sovannara.

What can Congress, and the U.S. government do to prevent these types of abuses from taking place? First and foremost, when President Obama makes his official trip to Southeast Asia in November, these human rights abuses must be given priority attention. Second, as part of that process, the United States and the international community as a whole should maintain careful vigilance over how the Hun Sen government deals with the electoral process leading up to the national elections in 2018. The elections, and the decisions made by the government related to voting lists

and the rights of the public and non-governmental groups to speak out and to criticize the government need to be carefully monitored. Just a few weeks ago a new NGO law was adopted that would severely restrict the rights of public groups to organize, and to express their views. That law must be voided if the upcoming elections are to be fair and meaningful.

Finally, Congress has a special ability regarding imposing economic sanctions on the government of Cambodia in relationship to World Bank loans. The Appropriations Bills for 2014 and 2015 both contain amendments that prohibit the World Bank from making loans to Cambodia absent progress being made on that government's human rights record, especially as it relates to unlawful land evictions. Those sanction provisions need to be enforced by putting pressure on the World Bank to continue in effect the freeze on loans to Cambodia presently in effect since 2011, unless major human rights and electoral reforms are implemented.

Throughout his life and his career as a journalist, Meach Sovannara has stood for the principles of democracy and human rights. This commitment was doubled when he came to the United States and became exposed to how a democratic government and society really works. His goal is to plant the seeds of democratic reform that he observed and experienced in the U.S., in his native country of Cambodia, and to encourage the Cambodian people to support the principles of the rule of law and democratic participation in their home country. That goal is being threatened by the actions of a highly repressive government seeking to suppress criticism, and to maintain political control, at whatever costs, even if it means the harsh repression and abuse of the people of Cambodia. We urge the Congress of the United States to speak out against these abuses, and to take action in support of democracy and the rule of law in Cambodia, starting with pressures to secure the release from prison of Meach Sovannara and those others who have had the temerity to criticize Hun Sen and his government's policies of land eviction and denial of basic human rights.

Thank you for this opportunity to present my views, and to speak out on behalf of Meach Sovannara and those who have been subjected to repression and abuse in Cambodia.

○