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The Land Reform under Marcos: Not yet the Final One

by Dr Rolf Hanisch, Goettingen *

In countries, where the peasants have no decisive influence on the government, land reform is only instrumental towards achieving various objectives. As a result it loses immediately of its importance when these objectives can be reached in a different way or when the costs of utilizing this means appear to be too high. The Land Reform in the Philippines is such a case.

On September 21, 1972, President Marcos invalidated the constitution of the Philippines and placed the country under martial law. The whole country was declared Land Reform Area and, one month later, the "emancipation of tenants from the bondage of the soil, transferring to them the ownership of the land they till" was decreed¹. The now controlled Philippine press compared these ordinances to those made by Lincoln to abolish slavery in the USA, as they put an end to "450 years of tenant bondage to the landlord"². The tenant-peasant was said to have recovered, at last, his "dignity and self-respect as human being"³. But, was the exploitation of the peasants in the Philippines, which had been going on for centuries, actually brought to an end almost "... with one stroke of the presidential pen" as the Minister for Agrarian Reform, Estrella, jubilated?⁴

Evolution of Agrarian Structure

The institutional agricultural change in the Philippines had led to the increasing proletarianization of the peasants. According to census reports

the proportion of tenants on all agricultural farms increased from 3 p.c. (1903) to 55 p.c. (1960) and fell again to 44 p.c. (1970);

share tenancy made up 86 p.c. (1960) and 79 p.c. (1970) of all tenancy relationships;

agricultural productivity, today one of the lowest in Asia, stagnated over decades;

the average size of peasant farms decreased during the sixties (1960: 3.6 ha; 1970: 3.4 ha).

A minority of tenants, namely in central Luzon, tried again and again, by using political means as well as strikes, demonstrations, riots, revolts, support of revolutionary movements, to rebel against the deterioration of their situation. Although they rarely succeeded in achieving their actual objectives – as they were always neutralized by the military forces – and could, however, rarely be completely eliminated, the administrations of the country, from the US colonial administration (1898–1935), over the Commonwealth regime (1935–40) to the governments of the independent republic (since 1946), have repeatedly passed laws – as reaction to the revolt among the small peasants – which were either to improve the terms of lease or even to redistribute the land. But these, however, did not greatly influence the fate of the small peasants and could not even put a stop to the described trend.

Marcos' Intentions and Objectives

Marcos substantiated the proclamation of martial law with the necessity of bringing political as well as criminal violence and the guerilla – which threatened the system – under control and of being able to effect, at last, the long overdue reforms of the political, economic and social institu-

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¹ Presidential Decree (PD), No. 2, Sept. 26, 1972, and No. 27, Oct. 21, 1972.

² Philippine Sunday Express (Manila), Oct. 22, 1972.

³ Bulletin Today (Manila), Nov. 22, 1972.

⁴ C. F. Estrella, New Thrust for Agrarian Progress, in: Solidarity (Manila), Vol. VIII, 1973, No. 5, p. 12.

tions⁵. He put emphasis on the implementation of the agrarian reform, for the successful realization of which martial law was almost a prerequisite: ". . . Never has land reform succeeded, except under the power of martial law or powers similar to martial law, like military occupancy after a war of liberation or a dictatorship, outright."⁶ Although, since 1969, class struggle and violent disputes had significantly increased, most of the observers agree that there was not an actual threat to the system, above all not by the maoist New People's Army, as Marcos pretended. On the contrary, Marcos, who since 1965 had been President and who had been reelected in 1969 as such for the first time in the history of the Philippines, found himself exposed, in his effort to achieve a further prolongation of his term of office, to the violent opposition of the traditional oligarchy to which he also belonged.

That oligarchy had had, until then, the ready capacity of restricting considerably the efficiency of the government so that it could not fulfil satisfactorily the functions which it had to assume in the framework of a modern capitalistic development (effective implementation of general conditions of law and order, expansion of the infrastructure and of the strategies of social pacification).

In that sense, the aggravation of the economic crisis and, connected with this, the growing social disputes since 1969/70, might have made a strengthening of the government and an expansion of its activities appear necessary for the long-term maintenance and development of the system. The martial law regime tried consequently to retort

- by centralizing government power,
- by relating more effectively the government setup to the central organization,
- by attempting to reduce the political over-head costs caused until then by the class and intra-élite struggle for power and the distribution of the spoils of the system,
- by eliminating the parties,
- by cancelling the right of *habeas corpus*, freedom of the press and of opinion, and the right to strike,
- by intensifying the struggle against non-governmental political and prepolitical violence,
- by increasing the tax rate in order to be able to invest in the expansion of the material and social infrastructure, and

⁵ Keesing's Contemporary Archives, in: Weekly Diary of World Events, Vol. XVIII, 1971/72, p. 25581.

⁶ Philippine Daily Express (Manila), Dec. 7, 1972.

by generally improving the possibilities of investing capital (above all foreign capital as well).

To reduce martial law to an idiosyncratic variable of Marcos' personal struggle for power against the majority of the (remaining) traditional oligarchy rejecting him, as this was variously done⁷, hardly does justice to this development. The loyalty of the army and of the security forces was and is the prerequisite for the realization of this bonapartist policy. However, this did not dispense the regime from the necessity of seeking a basis among the broad mass of the population. Hence, the attempt was made at developing a populist reform strategy and to establish direct pseudodemocratic relations between the executive and the population. Of course, this cannot be confounded with genuine interest in the fate of broad masses of the population.

From the political angle, it was the task of land reform to break the fundamental power of the traditional (land possessing) oligarchy, to bind the rural masses by ideology and organization to the regime and to remove the basis of social disquiet among the rural sub-groups, which, until then, government had not been able to stamp out in a different way.

Economic and Social Impacts

From the economic point of view, as the most important element — as this was always emphasized — of an integrated policy of agrarian reform, it was to create the prerequisite for an increase of agricultural productivity and of rural income which, in turn, would constitute an important condition (contribution to balance of payments and to capital accumulation, to employment, development of a local market for industrial goods) for a development strategy involving all social classes. The distributive element in this agrarian (reform) policy in general and in this land reform policy in particular thus had, right from the start, a subordinate priority only as compared to the other objectives (centralization of power, production increase).

Even the martial law regime is not revolutionary in the true sense. It does not try to bring about a fundamental overturn of the social conditions, but only their gradual shifting and better control by the government setup. David F. Roth's assumption that Marcos, like Cardenas in Mexico, could arm a peasant militia⁸ is rather inapt. Although

⁷ The Economist Intelligence Unit: Quarterly Economic Review: Philippines, Taiwan, 1972, No. 7; Jean Grossholtz, Philippines 1973: Whither Marcos?, in: Asian Survey, 1974, Vol. XIV, No. 1, p. 109.

⁸ David F. Roth, The Deterioration and Reconstitution of National Political Parameters: The Philippines during the 1970s, in: Asian Survey, 1973, Vol. XIII, No. 9, p. 823.

Marcos tried repeatedly to make it appear (this is also of a functional character) that land reform would be given top priority ("If land reform fails . . . then the entire programme of the New Society will also fail" ⁹), this is not the actual case. "The granite determination", which the responsible minister for that regime postulated as regards this question is still lacking ¹⁰. Land reform is only instrumental towards achieving various objectives and, as a result, loses immediately of its importance when these objectives can be reached in a different way or when the costs of utilizing this means appear to be too high. The formulation of the programme of land reform, its limited scope, the dilatory piecemeal realization, finally — after the landlords had expressed great opposition — its gradual restriction, confirm this thesis anyway.

The Land Reform Programme

The land reform programme was conceived only for part of the rural sub-group working on a dependent basis, i. e. for the tenants who cultivate mainly rice and corn on private land ¹¹. Landlords are to retain up to a maximum of 7 ha if they are to keep the land under owner-occupancy (which implies the expulsion of the tenants employed on this land until then and, therefore, the change of their status to that of rural labourers). Those excluded from the first were the tenants who cultivated other crops (sugar cane, tobacco, abaca, coconuts etc.) and the landless rural labourers. The number of rice and corn tenants is stated to be 1,1 mn. Only 36 p.c. of these depend on landlords whose property is not larger than 7 ha. Thus, approx. 40 p.c. of all rice and corn tenants are affected by the clause stipulating that landlords can retain up to 7 ha under owner occupancy. Assuming the number of all dependent peasants working in agriculture (without considering family labour) to be about 4,5 mn. (about 1,1 mn rice and corn tenants, 0,3 mn other tenants, more than 3 mn labourers) ¹², those benefiting from the "Operation Land Transfer" made up just 15 p.c. of this rural sub-group. This already very limited target group was to be still further restricted later on (we shall refer to this once more).

However, the tenants were not to be given land without any further preconditions. The "compensation" which they had to pay to the landlords was fixed at "2/2 times the average harvest of three normal crop years", an amount which they had to clear in 15 years of 15 equal annual amortizations including interest at 6 p.c. per annum. Until a ten-

ant has stilled this debt, he does not have full power of disposition over his land; he is only the amortizing owner.

On the other hand, tenants are only entitled to purchase their land if they become members of a farmers' cooperative. This cooperative guarantees full payment and, eventually, defrays the costs (in the last case, it could make the peasant liable to recourse, i.e. to eject him from his land). Such cooperatives ("Samahang Nayan") set up by the Department of Local Government and Community Development, also have other duties: They "serve as an education arm, a means of generating savings and a way of instituting discipline" ¹³. They have been conceived by the government as an instrument to accelerate the technological breakthrough of the small peasants (as channel for agricultural inputs, credits, agricultural extension, as instrument for capital accumulation and marketing) but with which it also intends to control this development.

Ineffective Credit Programmes

The distributive impact is very different for share and leasehold tenants. A share tenant buys his land at approximately one-half of its agricultural use value, a leasehold tenant may not increase his farm income by more than 2 p.c. ¹⁴. But other charges have to be deducted from this: they have to pay land taxes, irrigation fees, dues and a compulsory savings fee to the cooperative.

For the amortizing owner — as already for the leaseholder — the opportunity presents itself of improving his income by increasing the agricultural productivity. However, this will only be possible for him if the government aid measures well formulated on paper are actually put within his reach. If such is not the case, particularly if he is not in a position to obtain institutional credit, he runs a considerable risk since the landlords who constituted the source of credit until now although a very expensive one, but still always at hand, were no longer to assume that function. The ineffectiveness of already numerous government credit programmes may cause the peasant to be rather sceptical as he is forced to be a risk-minimizer rather than a profit-maximizer. Hence, it is not surprising that a lot of tenants prefer to retain their present status to the prospect of an insecure future under altered conditions, but, sometimes, also on account of a (kindred) feeling of loyalty towards the landlord.

⁹ Philippine Daily Express, Oct. 13, 1972.

¹⁰ C. F. Estrella, op. cit., p. 15.

¹¹ PD, No. 27, Oct. 21, 1972.

¹² Benedict J. Kerkvliet, Land Reform in the Philippines since the Marcos Coup, in: Pacific Affairs, Vol. 47, 1974, No. 3, pp. 295.

¹³ Department of Agrarian Reform (DAR): Annual Report, Fiscal Year 1973-1974, p. 25; DLGCD: Cooperatives Development Program. Phase I. Organization of Samahang Nayan. Manual of Operations, Quezon City, 1972, p. 14.

¹⁴ Duncan A. Harkin, Some Distributional Considerations in the Philippine Land Reform, Manila, USAID, revised 2-21/75, mimeo., pp. 2.

In a representative survey of tenants, conducted in April/May 1973 by DAR, 61 p.c. stated that they expected serious problems, above all because they envisaged financial obligations and difficulties in obtaining credit. 9 p.c. confessed that they did not want to change their status¹⁵.

The government again expanded the credit programme for the small peasants after a severe money shortage in the country's entire banking system had led, in 1970–72, to a considerable recession. However, this programme may not, by far, have been commensurate with the prevailing needs of that group for capital, considering both the scope and amount of the credits allocated.

Compensation Modalities

The landlords were offered six compensation modalities from which they could choose. Besides the possibility of being paid 15 equal annual amortizations by the tenant-farmer, guaranteed by government, these various possibilities also involved investment in government stocks and bonds¹⁶. Thus, an attempt was made at re-directing the landlords' capital for industrial investments.

The confiscatory element of this regulation consists, in the first place, in fixing a relatively low annual rate of interest of 6 p.c. on compensation over a period of 15–20 years. If a more realistic rate of interest of 15 p.c. were fixed, the confiscation ratio for the 15-year amortization period mentioned would amount to about 32 p.c. The possibility for the landlords of demanding payment of 10 p.c. in cash and of accumulating the balance in 25 years tax-free 6 p.c. Land Bank bonds, is thus much more advantageous for them since Land Bank bonds are discounted at 78 p.c. of face value and can be used for other (more profitable) purposes. In this case, the confiscation ratio, under the prevailing conditions, would be only about 8 p.c.¹⁷.

Implementation of the Programme

The Operation Land Transfer (OLT) was implemented by the Department of Agrarian Reform (DAR) created in 1971 by the merging of various offices. The DAR is represented in the country by 11 regional, 25 district and 351 agrarian reform teams (1973/74). The teams last mentioned are the operating units at the grass-root level and should generally consist of 15 staff members, among whom an extension worker, Farm Home and Rural Youth technologists and legal officers, whose field of activities should refer not only to

the OLT, but also to all other fields of the programme of agrarian reform. In June 1974, the DAR had a staff of 6,000 (June 1973: 5,400), 89 p.c. of whom were stationed in the field.

This number is proportionate to the insignificant financial allocation of the DAR and may also, allow the conclusion to be drawn, from this side, that this programme – even under the martial law regime – is not granted great priority, now as formerly. In 1972/73, only 66.33 mn P were appropriated for the DAR. The total budget amounted to about 9,000 mn P. Up to June 30, 1974, the expenditure for the OLT was 9.3 mn P, this corresponding only to 17.2 P/ha or 31.1 P/farmer¹⁸. It is surely remarkable that this circumstance was criticized by the Department itself in its annual report for 1973/74. In its final chapter entitled "Problems", of the 22 points listed, three refer to these questions. The following figures under the sub-head "Administrative Problems": "...2. Inadequate funds released for operating expenses. 3. Low salary rates which could barely cope up with the rise in the cost of living and is also a factor which prevents recruitment of competent personnel, particularly lawyers, accountants, doctors and nurses. 4. Lack of transport facilities in remote teams coupled with the fuel crisis affected very much Operation Land Transfer¹⁹."

Particularly the lack of sufficiently qualified lawyers in the agrarian reform teams was to have a negative influence on the OLT and on the upholding of the tenants' interests, since, contrarily to what had been foreseen, it was not possible to secure a lawyer for every ART.

The fact that the DAR had neither enough personnel nor sufficient funds, forced the reform to be implemented gradually, in a multi-stage approach. Thereby, efforts were made at proceeding accurately from the technocratic point of view. Guzman lists 10 phases of work including the collection of data (landowner classification, farmer-tillers' identification, production survey), the issuance of Certificates of Land Transfer (CLT) to the amortizing owners, the delivery of the Emancipation Patents to the peasants after full payment at the end²⁰. Thus, the landlords were given the possibility, after the first shock caused by the proclamation of emancipation, of assembling, of avoiding the objectives of the reform or even of achieving a retraction of the initial aims by successful exercising pressure on the government.

¹⁸ DAR, Annual Report, 1972/73, p. 18; and 1973/74, p. 9.

¹⁹ DAR, 1973/74, p. 57.

²⁰ Pedro S. de Guzman, *Agrarian Reform and Democracy*, in: *Solidarity* (Manila), Vol. IX, No. 3, Jan.-Febr. 1975, p. 38.

¹⁵ Philippine Daily Express, June 25, 1973.

¹⁶ PD, No. 251, July 21, 1973.

¹⁷ Duncan A. Harkin, *op. cit.*, pp. 4.

Resistance from the Landlords

The landlords tried to intimidate both their tenants and the DAR personnel, to eject them from their land or to hamper the implementation of the OLT. From department files and from personal interviews conducted by the author, the following methods used by the landlords could be ascertained:

- Filing of criminal cases against tenants and officials of the DAR who are charged with such offenses as harassment and extortion, threats, theft, etc.;
- filing of ejectment cases against tenants;
- physical acts of dispossession, like bulldozing of farms, destruction of crops, demolition and/or burning of houses, manhandling, mauling, intimidation, removal of land improvements such as irrigation pumps, etc.;
- subdivision or fragmentation of the land, change in crops from palay and corn to sugarcane, coconuts, etc., conversion of the land to urban purposes;
- sale or mortgage of lands to persons or corporations other than the tenants;
- coercion of tenants into signing petitions seeking exemptions from the implementation of PD No. 27 or forcing them to sign as farm labourers;
- refusal to agree in the conversion from share in leasehold tenancy contracts, to pay real estate taxes due on their tenanted rice and corn lands, or in fair rentals to be paid by the tenant-farmers to the landowners, to submit required documents such as sworn statements, sketch plan, title, etc., to permit entrance in the area of government personnel or refusal to be interviewed, to recognize some identified tenants in their farmholdings²¹.

Government Ceding on Important Points

The government reacted to this opposition by sanctioning once more that the ejectment of the tenants and also share tenancy (which was to be converted immediately into leasehold tenancy) was illegal. In a memorandum, Conrado Estrella instructed his fieldmen, in the framework of the regulations, to act politely, but with assurance, towards landlords. In the memorandum, he told them: "Inform them when entering the premises of their landholdings for operation land transfer. If, however, the landowner refuses to let you in, seek the assistance of the Philippine Constabulary Provincial Commander after exhausting all

available remedies with the landowners. Avoid rudeness²²." However, they did not succeed in putting a stop to these illegal actions since they deterred from really drastic measures like the arrestation of refractory landlords. They did not succeed either in enforcing completely leasehold-tenancy, although the 264,700 oral and registered agreements which are presumed to have been realized with the help of the DAR-personnel in 1972/73–1973/74, as compared to the preceding decade, still represented a considerable progress²³.

On very important points, the government ceded to the pressure of the landlords. Real estate taxes which the landlords refused to go on paying were no longer brought to bear only on the amortizing owners who already obtained Certificates of Land Transfer (CLT), but also on all tenants who worked on estates of 100 ha or more²⁴. The deadline for the first phase, "data gathering", which was to be made known to the constabulary by sworn statements of the landlords, was prolonged several times: in November 1972, it was fixed – for the various land-size categories – to the period of January 15–19, 1973, in December 1972, to the period of January 25–30, 1973, in January 1973, finally put off till June 30, 1973 for land property of less than 100 ha²⁵. In the end, the intention of collecting data for land property of less than 7 ha was completely abandoned. It was not before July 1973 that the data for the remaining 644,191 tenants (occupying altogether 1,058 mn ha) or 59 p.c. of the initial basic total became available²⁶.

On account of the bottlenecks as regards financing and personnel, the DAR teams could not start their work everywhere. Hence, they were instructed by presidential decree "to set up pilot projects in the most strategic areas, if possible in all the regions where tenancy has been generating social unrest"²⁷.

Operation Land Transfer in Nueva Ecija began in November 1972 with the designation of 9 municipalities as pilot areas. Two months later, the number of these pilot areas was raised to 17. Besides, priority was to be given to the cultivation of lands of more than 24 ha "to provide the small landowners, who constitute part of the social middle class, with time to adjust their economic life plans"²⁸.

²² Memorandum, April 10, 1973.

²³ DAR, op. cit., 1973/74, p. 12.

²⁴ Dept. Memorandum Circular No. 5, March 6, 1973.

²⁵ Letter of Instruction (LOI), No. 41 (Nov. 27, 1972), No. 45 (Dec. 6, 1972), No. 52 (Jan. 17, 1973).

²⁶ (Unpublished) files of the DAR.

²⁷ LOI, No. 46, Dec. 7, 1972.

²⁸ op. cit.

²¹ Guzman, op. cit., p. 36; Department Memorandum, Jan. 9, 1973, Memorandum Circular No. 2, June 18, 1973, etc.; DAR, op. cit., 1973/74, p. 58; personnel interviews, February/March 1975.

Arguing that they were members of the social middle class, the small landowners exercised pressure on the government so as to be excluded from land transfer. Since Marcos' regime wanted precisely the support of this middle class and since it was assumed, moreover, that the actual pillars of the regime, i.e. the army and the bureaucrats, had to defend important interests of that group of landowners in particular, the government recoiled from the consistent implementation of its reform in that sector.

Hence, the government put off the problem, at first, then solved it practically in the terms of the small landowners:

In January 1973, C. Estrella gave instructions to concentrate work, besides data collection, on lands of more than 100 ha only. Subsequently, this limit was reduced to property of more than 50 ha and, in October 1973, to property of more than 24 ha. The decisive breach of the reform intention hitherto occurred in the same month as a result of an order from President Marcos to exclude absentee landlords from land transfer if DAR ascertains that "the absence of such landlord is on account of circumstances beyond his control such as having been driven from the land by fortuitous circumstances of forces beyond his control, services in the armed forces of the Philippines or other branches of the Government"²⁹. This was a decision which was publicly approved by the Chamber of Agriculture and Natural Resources of the Philippines³⁰.

A survey conducted by the DAR among 10,800 small landowners at the beginning of 1974 showed that 89 p.c. of those were absentee landlords, and, of these, only 11 p.c. were employed in the administration, a further 7 p.c. in private industry (or had already retired), while the great majority, 83 p.c. designated themselves as self-employed. The average income was stated to be 4,200 P, 60 p.c. of which represented the earnings from

land property. Thus, the small landowners are among the top fifth of the income pyramid (median income of all households in 1971: 2,400 P)³¹. The exclusion of the small landowners (of up to 24 ha) from the reform means, however, that 70 p.c. of all tenants of land, on which rice and corn are cultivated, are excluded from land transfer. This is a situation which was also observed with anxiety by the technocrats of the DAR, some of whom showed great involvement in fulfilling their duties³².

Not the Last Land Reform

In spring 1975, almost two and a half years after the reform had started, the following results could be registered according to statements made by the DAR³³:

- More than 644,000 tenants (with 1,058 mn ha) were covered by the data.
- Parcellary map sheets were prepared for 240,000 tenants (with 442,000 ha).
- Certificates of land transfer were printed for 191,000 tenants (with 339,000 ha) but 75,000, at most, were delivered to tenants according to the estimates of American experts.
- Agreement on the amount of compensation and the mode of payment could be achieved between 129 landlords only and 4,500 tenants (altogether more than 8,400 ha for 51,9 mn P).

It seems that the Philippines still have a long way to go towards the realization of an equitable land tenure and that this land reform will not be the last.

²⁹ LOI, No. 143, Oct. 31, 1973.

³⁰ Bulletin Today (Manila), Dec. 4, 1973.

³¹ Philippine Almanac 1975, Manila 1975, p. 187.

³² Cf. José C. Medina, Dimensions and Strategies of the Agrarian Reform Program, in: Solidarity (Manila), Vol. IX, 1975, No. 3, p. 45.

³³ DAR: Summary Operation Land Transfer (As of February 17, 1975) (mimeo.).

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