



Fish vendor and mother of four Felisa Abas hopes relocation in Pago, Leyte, will bring her a better life (2014). Caroline Gluck/Oxfam

# THE RIGHT MOVE?

## Ensuring durable relocation after typhoon Haiyan

Typhoon Haiyan (known locally as Yolanda) left four million people homeless. Amid the transition from a largely successful relief effort to recovery, local authorities are preparing to relocate thousands of survivors to protect them from future disasters. This is an opportunity for the government to 'build back better'.

However, current plans ignore key elements of sustainable relocation processes, and lack technical guidance and support. The legal rights of thousands of people to be informed and consulted are not being met. This is likely to leave many survivors poorer and more vulnerable to disasters.

Similar flaws have occurred previously in the Philippines and led to failed relocation initiatives. For current relocation plans to succeed, the government should demonstrate increased political will to 'do it right' this time.

# SUMMARY

Typhoon Haiyan (known locally as Yolanda) hit central Philippines on 8 November 2013, killing more than 8,000 people and leaving 4 million homeless and displaced. Led by the Philippines government and backed by valuable international support, a strong relief operation helped to save thousands of lives.<sup>1</sup> Assistance is now focusing on helping communities recover from the disaster. The government has promised to 'build back better' in Haiyan-affected areas. In this context, prompted by a presidential announcement, local authorities have embarked on a major permanent relocation process to move people away from the seashore to safer areas.

Two hundred thousand typhoon Haiyan survivors are now targeted for relocation.<sup>2</sup> However, if they are not given a chance to voice their needs and participate in the planning, then relocation efforts are likely to fail and push survivors deeper into poverty.

Along with many other agencies, national and international, Oxfam is providing assistance, such as water, sanitation, livelihoods and shelter to more than 650,000 people, many of whom may be relocated in the near future. In February and March 2014, Oxfam conducted a survey in areas targeted for relocation, to understand the needs and perceptions of affected groups. Oxfam interviewed 453 individuals (243 women and 210 men), organized 14 focus groups, and spoke with more than 30 key informants across three provinces in Eastern Samar, Leyte, and Cebu.

This paper summarizes key findings from the survey, to help inform the relocation strategy of national and local government officials. **It urges decision makers to prioritize the suitability and sustainability of relocation processes, rather than to rush and risk wasting scarce resources and increasing the poverty of vulnerable groups.**

Of the 14 million people affected by Haiyan, 40 per cent were already living below the poverty line before the disaster.<sup>3</sup> It is often the poorest people who are now targeted for relocation. These people do not formally own land and have little option but to live close to the seashore, often in flimsy shelters. Physical safety is the official argument to justify relocation and is indeed an important incentive.

However, for the process to be durable and successful, authorities need to integrate certain crucial elements into their planning. Livelihood was cited by 49 per cent of people surveyed as the most important criterion for the authorities to consider in site selection. Without effective livelihood opportunities in new areas, people relocated will either stay and become poorer and more vulnerable to disasters, or leave. Both outcomes undermine the official strategy to build back better. People interviewed also expect relocation to provide them with tenure security and many said they do not want to be relocated without such guarantees.

Engaging communities should be a vital element of relocation. Plans must integrate their needs and gain their support to ensure the

*'The Government told us to relocate – we don't have any choice. Now I have a mini store. I want to tell the president that if we are relocated, we want a small business and capital to start it. The government told us to not build concrete homes because we will be relocated but they didn't say when.'*

Man, Leyte

government's strategy succeeds. Previous relocation efforts in the Philippines have failed in part due to lack of consultation with communities. Informing and consulting affected groups is also required by Philippines' legislation<sup>4</sup> as well as international standards. However, the results of Oxfam's survey show that the rights of affected communities to access information and participate in the planning and implementation of the relocation process are not being met.

Of the people interviewed, 81 per cent stated they are not aware of their rights regarding permanent relocation. Very few had received information about relocation, and only 7 per cent of individuals interviewed said they have been consulted by a government official – either at the government, municipal or district (or 'barangay'<sup>5</sup>) level – regarding the relocation process. Municipalities should empower people to make informed choices about relocation and involve them in the early stages of planning.

The Philippines has been a global leader in enacting legislation aimed at reducing the impact of hazards such as typhoons and earthquakes (part of an approach known as disaster risk reduction). However, this legislation is seldom implemented, due to lack of political will at the national and local levels, and a corresponding lack of prioritization of resources, including technical expertise. When failing to implement regulations, authorities fail to protect people from the impact of disasters, as demonstrated time and again in the Philippines. Typhoon Haiyan is just the latest occurrence. Government officials, who justify the relocation in Haiyan-affected areas on the imperative of public safety, should muster political will and translate this rhetoric into action. This would involve:

- using technical and scientific information – rather than arbitrary and random estimates – to determine hazard-prone areas in a process led by the Mines and Geo Science Bureau (MGB);
- passing national legislation on land use planning and implementing legislation related to zoning, local land use planning, and sustainable management of natural resources;
- supporting local authorities' capacity to implement disaster risk reduction measures;
- repairing or building evacuation centres urgently, as up to 92 per cent are no longer usable in some areas.<sup>6</sup>

The capacity of local government units (LGUs) has been severely disrupted by the impacts of typhoon Haiyan. The government announcement on relocation was made without prior consideration of its ramifications, of the potential number of people affected and of the lack of local capacity. Due to the decentralized government structure, the responsibility of implementing government statements falls on LGUs. Yet most LGUs do not have the financial and technical capacity, or the workforce, to address the challenges related to relocation. Challenges can include limited land availability, lengthy and expensive land acquisition processes, housing, land and property issues (including the question of compensation for property owners in 'unsafe areas'), and the complexity of having to plan various technical aspects concurrently, requiring sophisticated expertise.

Several mayors in affected areas requested government-issued guidelines on various aspects of the relocation process – including selection criteria for recipients of permanent housing and tenure security arrangements.<sup>7</sup> This guidance and technical support are urgently required to ensure that the relocation process is equitable, gender responsive,<sup>8</sup> safety- and rights-based, and meets minimum standards.

Other actors can play their part too to ensure that safer and more resilient communities emerge from the destruction caused by typhoon Haiyan. International donors can build on their collectively generous support for the humanitarian response by supporting the provision of technical assistance to LGUs and backing crucial disaster risk reduction measures (such as evacuation centres and early warning systems).

Additionally, local and international NGOs can help affected communities understand and assert their rights and become constructively involved in the relocation planning, thereby helping to ensure that the process delivers successful and lasting results.

## RECOMMENDATIONS

The Philippines government should:

- **Provide policy guidelines to local authorities** on: compensation for land or house owners in ‘unsafe’ areas, tenure security in permanent relocation sites and selection criteria for recipients of permanent housing.
- **Provide the necessary financial support** – through clear and transparent procedures, and backed up with strong accountability measures – to local authorities to ensure they can complete the relocation process in line with international and national standards.
- **Fast track the determination of ‘safe’ and ‘unsafe’ zones** and the production of more detailed geo hazard maps by the MGB.
- **Pass the national land use policy in the 16<sup>th</sup> Congress** to institutionalize coherent land planning.

LGUs should:

- **Delay the transfer of people to permanent relocation sites** until the ‘safe’ and ‘unsafe’ zones have been determined through a scientific process led by the MGB and until **people are selected through a fair and transparent process**.
- Where relocation is justifiable, **conduct information campaigns and organize meaningful consultations with affected communities to develop durable relocation plans**.
- **Make livelihoods an integral part of relocation planning**. This should include conducting socio economic studies in the early stages of planning, and developing livelihood opportunities for men and women before relocating people.
- **Ensure robust evacuation centres are available as a matter of urgency**.

- **Update or adopt local land use plans** based on comprehensive hazard and vulnerability mapping.

International donors should:

- **Support the provision of technical expertise to LGUs.**
- **Urgently support risk reduction measures such as the construction of safe evacuation centres** and the installation of early warning systems in cities and municipalities not equipped with these.

National and local NGOs and civil society organizations should:

- **Empower affected communities to learn and invoke their rights concerning relocation.** This should include information campaigns, awareness-raising activities, community organizing, advocacy capacity building, and supporting grievance mechanisms.

# 1 INTRODUCTION

Typhoon Haiyan and its accompanying storm surge not only cost thousands of lives but damaged or destroyed more than one million homes, many of them by the sea. As part of its efforts to build safer communities, the government has instigated a process to move 200,000 people away from the seashore.

Municipalities are currently identifying available land and housing unit providers for relocation sites, sometimes reviving forsaken urban development projects. This process is part of a wider national effort to relocate people (often poor informal settlers) from areas deemed unsafe. If conducted the right way, such initiatives can support the development of safer, more resilient and prosperous communities.

However, such efforts after previous disasters have often failed to adopt a rights-based approach – including consulting with communities to understand their needs – and to meet minimum standards<sup>9</sup> – including the provision of livelihoods and basic services in permanent relocation sites.

As a result, relocated communities often become poorer and more vulnerable and return to where they used to live (see text box below). Present practice in Haiyan-affected areas raises concerns that such a failure and waste of scarce resources may be witnessed again, far from the ‘building back better’ government mantra. Indeed, the confusion among municipalities and affected communities in these areas is striking. Many local authorities have been trying to implement a vaguely defined “no build zone” policy – measuring a 40 metre zone along the coastline and erecting banners declaring a ‘no build zone’ – despite being unsure of the legal basis for the policy. Most also lack the capacity to ensure that the process is equitable, hazard- and rights-based. Affected communities are neither informed about the risks of unsafe areas, nor their rights regarding relocation plans or alternative options. They are also not given the opportunity to participate in the decision-making process.

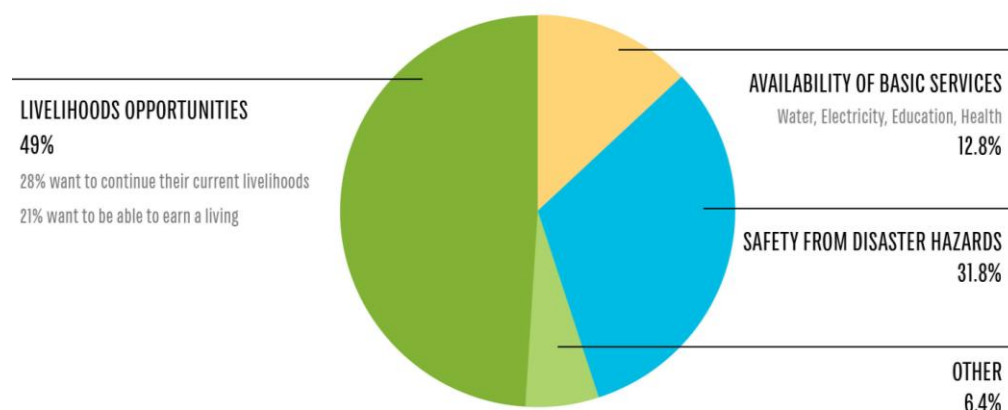
Oxfam’s survey in February and March 2014 aimed to give a voice to affected groups and understand their needs and perceptions towards permanent relocation. Oxfam interviewed 453 individuals (243 women and 210 men), organized 14 focus groups (seven with women and seven with men) and spoke with more than 30 key informants across three provinces in Eastern Samar, Leyte, and Cebu (in the cities and municipalities of Daan Bantayan, Guiuan, Hernani, Madridejos, Ormoc, Tacloban, and Tanauan). Such a survey provides general trends and does not aim to reflect the perceptions and views of all Haiyan-affected populations.

This report summarizes key findings from the survey, to help inform national and local relocation strategies. It finds that the priority of decision makers must be to ensure the suitability and sustainability of relocation processes and to make certain that vulnerable groups are not left behind in the rush to complete housing programmes.

## 2 MORE THAN HOUSES

When Typhoon Haiyan swept through central Philippines, 40 per cent of the 14 million people affected were already living below the poverty line. Fishing communities are often the poorest among the poor<sup>10</sup> and do not own land. They have no choice but to live close to the seashore, often in flimsy shelters and under informal arrangements. After suffering the brunt of the typhoon and the storm surge, these people are now targeted for permanent relocation. Government officials justify relocation on the basis of physical safety. However, the emphasis on livelihoods and tenure security in the responses to Oxfam's survey demonstrates that their needs and expectations, in relation to relocation, are broader than physical safety. Local authorities should ensure that relocation planning integrates these elements for the process to be durable and successful.

**Figure 1. What is the most important thing that authorities should consider in choosing a relocation site? (Oxfam survey)**



### Livelihoods: Priority consideration

Typhoon Haiyan destroyed or severely damaged the livelihoods of almost 6 million people.<sup>11</sup> Small stores were flattened, 30,000 boats were damaged or demolished, millions of coconut trees were destroyed<sup>12</sup> and more than 1 million tonnes of crops lost.<sup>13</sup> The poorest people were disproportionately affected. With meagre income and limited or no access to social security prior to the disaster, these groups are most vulnerable to any disruption in employment and income flows. This holds true particularly for women, who are overrepresented in informal work (home-based livelihoods, vending of fish, vegetables and other non-food items or unpaid work in family enterprises).

#### What was your livelihood before Yolanda?

*(Multiple answers possible)*  
Oxfam survey

**Overall: fishing industry** (35%), petty traders (26%).

**Women: petty traders** (36%), fishing industry (23%), housewife (20%).

**Men: fishing industry** (49%), labour (32%), petty traders (16%).

For the people surveyed, the key concern about permanent relocation is the disruption or end to their livelihoods. **Forty-nine per cent of people interviewed said that livelihood is the most important criterion that authorities should consider when selecting a permanent relocation site** – either to enable them to continue their existing livelihoods (28 per cent), or to provide new opportunities to make a living (21 per cent). Various professions rated it as their first concern: fishing industry (56 per cent), labourers (47 per cent), and petty traders (47 per cent), showing the need for a comprehensive livelihoods strategy in permanent relocation sites. Women rated livelihoods almost as highly as men (44 per cent vs. 55 per cent). In focus-group discussions, people emphasized the responsibility of the government to provide economic opportunities if they are relocated.

The farther away the permanent relocation sites are from original districts (or 'barangays'), the more anxious people are and the more emphasis there is on the livelihood opportunities of a relocation site. For instance, in Tacloban, where the relocation site is about 15 km away, livelihood is the most important factor for 56 per cent of people interviewed. In focus-group discussions, women also emphasized the maintenance of social relations. If relocated too far, women may be removed from their long-term social networks or extended family. These networks often support them with childcare enabling them to have other income-generating work. Therefore, for relocation to be successful, the new site should provide equivalent livelihood opportunities, including physical access to essential markets (i.e. customers, trading opportunities and inputs), and be as close as possible to the original location of the community.

*'Our problem is our livelihoods. In this barangay, the majority of men engage in fishing. How can we continue our livelihoods if we are relocated to a mountainous area?'*

Men focus group, Leyte

*'We want to stay in the same barangay, we do not want to be transferred to another one. We would prefer the authorities to give us housing materials so we can build our own house in a lot owned by our relatives within the barangay.'*

Women's focus group, Bantayan Island

#### **Learning the lessons from past relocation processes: Providing livelihoods opportunities in permanent sites**

- After Typhoon Ketsana hit the Philippines in September 2009, many urban informal settlers were relocated to Bayan ni Juan, a rural area. With no livelihoods opportunities and few basic services, many people left the relocation site and the local government had to issue a moratorium banning further relocation to this site.<sup>14</sup>
- After Tropical storm Washi in December 2011, people relocated far from their livelihood opportunities in the central business districts of Cagayan de Oro and Ilian, found themselves constrained by the cost of transport and the time needed to get there. Studies found that their assets were eroded and vulnerability increased.<sup>15</sup>

Haiyan-affected communities have suffered a drastic reduction in basic services and livelihoods opportunities, and the incidence of poverty in the Visayas is expected to soar as a consequence of the typhoon.<sup>16</sup> There is a real risk that relocation processes, unless improved, may add to the economic vulnerability of these communities. People may lose their productive assets or income sources, face new financial costs (i.e. transport) or find themselves in environments where their productive skills may be less applicable.



Oxfam is concerned that municipalities planning relocation are currently focusing their efforts on identifying available land and housing units providers, with less attention paid to livelihood generation. Livelihood and housing requirements should be addressed and planned for simultaneously to safeguard against impoverishment. Authorities should conduct socio economic studies in the early stages of planning, along with a census survey on the demographics of displaced households including livelihoods and skills, social needs, and vulnerable groups. They should also study market opportunities to identify suitable opportunities, verify feasibility and demand, and assess whether alternative or diversified livelihoods support is required.

Providing livelihoods opportunities will also strengthen resilience to disasters. Both the Philippine Climate Change Act and the Disaster Risk Reduction and Management Act promote an integrated approach to social and human development in order to reduce risks and vulnerability to disasters.

*Qualified acceptance of relocation:*

*'I am ok to be relocated as long as I have guarantees on ownership of the lot in the permanent site';*

*'I am willing to be relocated as long as there are livelihood opportunities there for me';*

*'We agreed to be relocated because we have no other choice, but there must be livelihoods given to us in the relocation site'.*

Focus group discussions in Haiyan-affected communities



**Lionel Advincula**, 48, is a fisherman and father of nine children, who lost his boat and house during the typhoon.

'I'm now living in a rebuilt house, which is 20 metres from the coast. I have no schedule for when we must move from here. I learnt that I'd have to move in February. There were lots of rumours, then the barangay officials came and told us we'd have to move. Signs were put up telling people about the 40 metre no build policy. If the government provides us with more assistance or help us with some business support, I'll agree to relocate because where we are living is dangerous and we are scared of living so close to the shoreline... If I was relocated, I'd still like to be able to fish. If it's far, we would ask the government to provide us some transport so that we could easily get to our fishing site. Or we would need some financial assistance to help us start some other work. . The government should help us especially since we lost our livelihoods. We really need help. I worry we will sink into poverty because our livelihoods haven't been restored. I have no work right now. I'm very worried, especially for my children because I don't know how we'll eat.'

## Safer locations

After the trauma caused by typhoon Haiyan, communities' desire for safety is a significant incentive for permanent relocation. Nearly 32 per cent of people interviewed believe that safety from hazards is the most important consideration for authorities when selecting a permanent relocation site. This percentage was higher in areas hit hardest by the storm surge and where identified relocation sites are closer (thus reducing concerns about disruption to livelihoods). In Eastern Samar, where the typhoon made its first landfall, 56 per cent of interviewees identified safety as the most important criterion.

In focus-group discussions, people emphasized options other than relocation to improve their safety, for instance, building robust evacuation centres. Fishing communities, particularly worried about the lack of guaranteed livelihoods in relocation sites, support this alternative. A recent assessment in Eastern Samar found that only 53 of 643 (8 per cent) pre-Yolanda evacuation centres would be usable in case of a typhoon.<sup>17</sup> The typhoon season will begin in June.

Permanent relocation will take time. At the moment, 40 per cent of disaster-affected households live in makeshift shelters. If the government is serious about safety, it should prioritize the repair or re-building of evacuation centres as a matter of urgency.

## Security of tenure

Many people affected by Haiyan and targeted for relocation are people living in poverty on the seashore, with no tenure security, considered as 'informal settlers'. They hope that relocation will provide them with a permanent housing solution and protect them from future eviction. In the focus groups, people requested information regarding ownership arrangements in the permanent site. They do not want to be relocated unless they obtain guarantees on their right to live permanently in the new site.

Municipalities planning relocation do not yet have a clear policy on tenure arrangements in permanent sites. Although they recognize that providing security of tenure would be a powerful incentive for relocation, they do not want families to be able to sell their houses and return to their original location. Municipal officials interviewed often mentioned a usufruct arrangement, whereby households would have a house title, the right – likely to be time-bound – to use the house and to keep it in the family through inheritances, but not to sell it.

Tenure security is a key element of the right to adequate housing. Without this protection, relocated families remain vulnerable to forced evictions and further displacement. They are also more likely to return to their original location, as demonstrated in previous relocation efforts. Secure access to housing can also facilitate the process of rebuilding lives and accumulating assets needed to reduce vulnerabilities, risks, and poverty.

*'Relocation needs to be attractive, otherwise it will fail and people will go back to where they used to live. There are several criteria I want to follow:*

- 1. Proximity: the relocation site must be within walking distance from where people live now, 1 km maximum.*
- 2. Access to transportation.*
- 3. Availability of electricity and water.*
- 4. Schools, churches and markets must be on the site.*
- 5. Site development costs should be limited.*

*People are happy to relocate if these criteria are met'.*

Mayor, Haiyan-affected municipality

Municipalities should clarify their policies and inform people of them as a matter of urgency before relocation. All options (including usufruct, time-bound titles for ownership, time-bound possession rights, fixed-term leases, rent to buy or a mortgage) should be explored. This policy should also include compensation to land and house owners in areas deemed unsafe. National guidelines should be issued by the government urgently to provide direction to local authorities and ensure a consistent and fair treatment of affected communities across the areas.



Lucena Antipolo, 54 years old, has one daughter and a grandchild. She is married to a rice farmer and lives in Hernani, Eastern Samar.

'We used to live very close to the sea, but our house was totally destroyed. After the typhoon, the mayor said people would be relocated but it's not clear when we will be relocated and if it is certain. We are expecting the municipal authorities or the LGU to build houses in that site. We are expecting the land will be given to us; that the government will buy land for relocation. I want an assurance from the municipal government that we will own the house; that it will be given to us by the government. It is very important to know this, if we can own our own land in this area. If not, we won't transfer. We will stay. We owned our house and the land titles, but they were washed away. The municipality did not ask people here in the barangay if they want to be relocated or not. They just gave us information. We were surprised to hear we would have to be relocated.'

# 3 ENGAGING COMMUNITIES

Oxfam's survey shows that the rights of affected communities, enshrined in national legal instruments, are not being met. These include the right to information and to participate in the planning and implementation of the relocation process. As a result, municipalities fail to understand people's expectations and to integrate them in their planning for the relocation process, thus reducing its prospects of success.

## Providing information

For relocation to be successful and enjoy essential popular support, it must be a voluntary process. This involves ensuring that affected communities have several options available and that they receive the information necessary to make an informed decision, free of any physical, psychological or material pressure.

Oxfam is concerned that people directly targeted for relocation have received very little information. For instance, in Tacloban city, where relocation to an identified site is expected to start in a few months, 56 per cent of people interviewed (in barangays targeted for relocation) do not know where they might be relocated.

Oxfam is also concerned by people's extremely low awareness of their rights: **81 per cent of people interviewed stated they are not aware of their rights regarding permanent relocation** (women 83 per cent and men 78 per cent). Their sense of powerlessness is striking: one-third of people interviewed (31 per cent) said that they would accept being relocated because they feel they have no choice.

National and local government officials must meet their obligations to provide affected communities with relevant information. These obligations are enshrined in international standards and national legislation such as the Constitution of the Philippines, the Urban Development and Housing Act and the Magna Carta of Women – such information will help communities to evaluate and decide on the acceptability and viability of relocation.

Those surveyed by Oxfam expressed a need for information regarding the geographical location (most cited) of the relocation, the timing (second most cited) and the target population (third most cited). According to communities surveyed, the two most effective means to provide this information are: community meetings (cited by 80 per cent) and barangay officials (60 per cent).

## Organizing meaningful consultations

Under the same national legislation, affected populations also have a right to consultation:

*Do you know where you will be permanently relocated to?*

**Yes 52 per cent**  
**No 48 per cent.**

Oxfam survey

*'We need information from the government. It's all rumours! We need clear information and face to face meetings.'*

Woman, Guiuan

‘Affected populations have a constitutional right to be meaningfully consulted on all matters concerning their resettlement, including proposed sites for temporary or permanent shelter, parameters in the selection of site beneficiaries, manner and time of relocations and all other relevant considerations relating to return, relocation and other shelter options’.<sup>18</sup>

However, these laws have not been translated into active participation by Haiyan-affected people in decision-making processes. **Only seven per cent of individuals interviewed – men and women alike – say they have been consulted by a government official** – at any level – regarding the relocation process. Interviews with municipal officials do not demonstrate effective plans to organize meaningful consultations.

Several factors explain this:

- the reluctance of some municipal officials to involve people in the planning, because they think they ‘know better’ the needs of the communities;
- municipal officials feeling that their plans are too tentative to be shared with communities;
- the lack of municipal officials from the department of Social Welfare and Development (DSWD) to carry out the consultations (or ‘social preparations’);
- the inadequacy of consultations: these often become, at best, a top-down information session. As a result, even in municipalities where local authorities undertook consultations, interviewees did not mention them;
- the focus on physical infrastructures and the rush to provide housing.

Consultation should aim at enabling affected communities to identify their concerns and to recommend solutions to relocation challenges, through dialogue with local authorities. Ensuring women’s meaningful participation in consultations is also an opportunity to address pre-existing gender inequality, thus truly ‘building back better’. Meaningful and free public consultations must be carried out before plans are fully designed and approved, so this feedback can be integrated. Effective and sustainable relocation plans are ones that the affected population helps develop and are viewed positively by all those concerned – including the host community.

*‘Meaningful consultation is a process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.’*

Asian Development Bank –  
Safeguard Policy Statement  
(June 2009)

#### Example of meaningful consultations

In May 2013, after the Typhoon Bopha disaster, Oxfam supported community consultations in the Compostela Valley Province. The UN Office for the Coordination of Humanitarian Affairs facilitated this initiative as part of the Communicating with Communities project. These meetings provided a platform for communities to raise issues and questions about long-term recovery plans and for local authorities and other agencies to articulate their actions and future plans and to seek feedback from communities. Action plans were developed detailing agreements between communities and local authorities. Such a process should be standard procedure in Haiyan-affected communities targeted for relocation.

## 4 POLITICAL WILL

The Philippines has been a global leader in enacting legislation related to disaster risk reduction. The efforts of the Philippines authorities – including early warnings that triggered mass evacuations – helped save many lives and limit losses from Haiyan. However, such legislation is seldom implemented, due to absence of political will at the national and local levels, and a corresponding lack of prioritization of resources, including technical expertise. When failing to implement regulations, authorities also fail in their responsibility to protect people from the impact of disasters, as demonstrated time and again in the Philippines, with Typhoon Haiyan as the latest occurrence. Government officials, who justify the relocation in Haiyan-affected areas through the imperative of public safety, should muster greater political will and translate this rhetoric into action. This means using technical and scientific information – rather than arbitrary and random estimates – to determine hazard-prone areas and supporting local authorities' capacity to implement disaster risk reduction measures.

### **Delivering on the promise of safety**

In November 2013, the government used media statements to instruct municipalities to implement a 40-metre 'No Build Zone' in coastal areas. The request was loosely based on existing legislation. The Water Code provides for public easements of 3 metres in urban areas, 20 metres in agricultural areas and 40 metres in forestry areas, with the classification of the land based on local land use plans. However, this legislation applies to the management of water resources rather than safety.<sup>19</sup> The statement led to several months of confusion among municipalities (who often have little knowledge of the relevant legislation) and to inconsistent implementation.<sup>20</sup>

In March 2014, the Presidential Adviser on Recovery and Reconstruction (PARR) stated that a blanket 40-metre 'No Build Zone' 'will not address exceptional circumstances and may be impractical for certain areas'<sup>21</sup> and recommended instead distinguishing between 'Safe Zones' and 'Unsafe Zones', based on geo-hazard mapping. Later, PARR indicated that hazard mapping would divide areas into three categories: 'safe', 'controlled' and 'high risk'. Geo-hazard mapping, carried out by the MGB of the Department of Environment and Natural Resources (DENR) identifies areas susceptible or vulnerable to various geologic hazards. The mapping, already completed on a 1:50,000 scale, is scheduled to be reduced to a 1:10,000 scale.<sup>22</sup> This effort should be prioritized and fast tracked to enable municipalities to relocate only people living in 'Unsafe areas'. The DENR and the Department of Science and Technology (DOST), who are due to work on guidelines to clarify this policy, should issue those urgently. The selection of people targeted for relocation and their transfer to permanent sites should be put on hold until the hazard mapping is finalized and people are adequately informed of the hazards they are facing.

The geo-hazard mapping process should be combined with land use

plans. Cities and municipalities are mandated to prepare Comprehensive Land Use Plans and its implementation instrument, the zoning ordinance, to define and regulate the use of land (including its water resources). Few cities and municipalities have updated land use plans, however. Out of 1,635 local government units, 203 have no such plans and 929 have outdated plans.<sup>23</sup> Local land use plans tend to be done in a haphazard manner: they are rarely informed by geo-hazard, resource, climate and/or soil maps, and are sometimes adjusted to accommodate investment priorities and dominant commercial interests. A national land use policy should be adopted to provide guidance to LGUs that will ensure stricter measures (for instance on construction and investment developments in high-risk areas).

### **Learning the lessons: Implementing DRR legislation**

The impact of disasters in the Philippines is often increased by the lack of implementation of legislation related to zoning, local land use planning and subsequent development plans, and sustainable management of natural resources. For instance, the great majority of people affected by tropical storm Washi had been living in areas officially acknowledged as high risk prior to the disaster. Yet, no disaster risk reduction measures had been implemented, due to lack of political will. The storm killed more than 1,500 people, damaged over 50,000 homes and displaced more than 430,000 people.<sup>24</sup>

## **Supporting local authorities**

Typhoon Haiyan caused considerable damage to local government infrastructure<sup>25</sup> and disrupted LGU capacity. In places hit hardest by the storm surge, municipal buildings, equipment and records were destroyed; local officials and municipal staff were themselves affected by the disaster. With little support from the national government so far, no additional staff, and little understanding of applicable legislation and policies, LGUs are now struggling to cope with the daunting task of leading the recovery efforts and organizing the relocation of thousands of people.

LGUs involved in relocation face the following challenges:

- limited land availability: municipalities are often struggling to identify available and suitable land for permanent relocation sites;
- lengthy and expensive land acquisition processes: municipalities, especially the poorest ones, often lack the financial resources to buy land. It has led some of them to suggest to people that they buy land themselves,<sup>26</sup>
- housing, land and property issues: with many tenurial records washed away, re-establishing land ownership will be difficult and time consuming. In addition, there is no clear compensation policy for people owning land or houses in 'Unsafe zones', and LGUs do not have the financial resources for such compensation;
- lack of expertise: relocation requires a wide range of technical expertise, from hazard mapping to concurrently planning many aspects beyond re-housing people, including reviving livelihoods, rebuilding the community and protecting the environment.

Most LGUs do not have the financial and technical capacity or the workforce to face these challenges.



Wilmar Candido, 38, Vice Mayor of Hernani (Eastern Samar)

‘Our biggest challenge is the purchase of the land. We need special funds from the national government for the relocation of our constituents because the municipality of Hernani is very dependent on the internal revenue and allotment of the national government. We also have problems with staffing. Most of our employees are still focused on rebuilding their homes. They are victims. We don’t have enough office space. Our offices are destroyed. Employees are reporting for duty, but they are a bit like squatters. As of now, the help we have received from the municipal government is the bunkhouses, medicines and food. But in terms of relocation and recovery, we have had no help from the national government.’

*‘The government is not thinking about our safety. They just think of themselves and want to build an open harbour’.*

Women, Eastern Samar

The government announcement on relocation was made without prior consideration of its ramifications, of the potential number of people affected and of the lack of local capacity. Due to the decentralized government structure, the responsibility of implementing government statements falls on LGUs. At a minimum, the national government should support LGUs by providing guidance on various aspects of the relocation process – for instance, selection criteria for beneficiaries for permanent housing, tenure security arrangements, land use plans. This was requested by several mayors.<sup>27</sup> Oxfam is concerned that in the absence of such guidelines, LGUs may take inconsistent decisions unrelated to people’s best interests or safety. This is already happening: city and municipal officials, who are responsible for the selection of beneficiaries, are delegating much of this power to private sector housing construction contractors. This is worrying as there are no guarantees that they will respect minimum standards and transparency. In addition, affected communities have expressed concerns about some municipalities using the process to oust informal settlers, or to develop private commercial resorts and restrict access for fisherfolk to their source of livelihood.

*‘We are worried that if the government allows businesses to be built near the shore, they will use the sea and will evict our pump boats. Where will we go?’*

Fishers, North Cebu,

Guidance from central government and technical support are urgently required to ensure that the relocation process is equitable, safety- and rights-based, and meets minimum standards.



# 5 CONCLUSIONS

Typhoon Haiyan's unprecedented scale raises major challenges for national and local authorities. With tens of thousands of people potentially affected by relocation, the government must demonstrate strong leadership to ensure that the process will be sustainable, fair and beneficial for those affected. People's broad definition of safety – livelihood opportunities and tenure security in addition to physical safety – should be heard and acted upon by authorities. For this process to be successful, the government will need to learn the lessons from past relocation efforts, engage communities and muster the political will to implement decisions based on scientific and technical expertise.

## RECOMMENDATIONS

### The Philippines government should:

- **Provide policy guidelines to local authorities** on: compensation for land or house owners in 'unsafe' areas, selection criteria for recipients of permanent housing, and tenure security in permanent relocation sites. Titles or other documents that secure tenure rights should not be automatically registered on a 'heads of households' basis. Laws upholding female ownership<sup>28</sup> should be implemented and women should be secured as the sole or joint holder of title, lease or other form of tenure.
- **Provide the necessary financial support** – through clear and transparent procedures – to local authorities to ensure they can complete the planning, land acquisition, and relocation process in line with international and national standards. This should be accompanied by strong accountability measures for both national and local government for financial expenditure for relocation efforts.
- **Fast track the determination of 'safe' and 'unsafe' zones** and the production of more detailed geo hazard maps by the MGB.
- **Pass the national land use policy in the 16<sup>th</sup> Congress** to institutionalize coherent land planning.

### Local government units should:

- **Put the transfer of people to permanent relocation sites on hold** until the 'safe' and 'unsafe' zones have been determined through a scientific process led by the MGB and **people are selected through a fair and transparent process.**
- Where relocation is justifiable, **conduct information campaigns towards affected communities** about the risks faced in unsafe zones, their rights, relocation plans and alternative options.
- Where relocation is justifiable, **organize meaningful consultations with affected communities and develop durable relocation plans.** This should include: getting the views of affected communities, including women, in the design and implementation of the relocation

plans and integrating their needs in the planning, presenting relocation alternatives to people and letting them choose, ensuring that vulnerable groups are adequately represented and setting up complaints mechanisms.

- **Make livelihoods an integral part of relocation planning.** This should include conducting socio economic studies in the early stages of planning, and developing appropriate and sustainable livelihood opportunities for men and women before relocating people. The relocation must take into account the needs of fishing communities and the facilities and landing sites they require, and should support existing or new micro enterprises, with equal opportunities for women and men. The focus should also be on access to training, employment, and credit.
- **Review existing evacuation centres, assess their suitability and repair them or, when needed, build robust evacuation centres urgently,** so that people can seek refuge during the next typhoon season.
- **Update or adopt local land use plans** based on comprehensive hazard and vulnerability mapping.

#### **International donors should:**

- **Support the provision of technical expertise to LGUs,** including through embedding technical experts in LGUs, peer-to-peer programmes, and the setting up of UNDP-led Disaster Risk Management Hubs, to provide LGUs with information and specialist technical expertise in human rights, urban planning, disaster risk reduction, and community consultations.
- **Urgently support risk reduction measures such as the construction of safe evacuation centres** and the installation of early warning systems in cities and municipalities not equipped with these.

#### **National and local NGOs and civil society organizations should:**

- **Empower affected communities to learn and invoke their rights concerning relocation.** This should include information campaigns, awareness-raising activities, community organizing and advocacy capacity building.
- **Encourage and support the establishment of grievance mechanisms** which the community may use for any complaints and requests on relocation matters.

# NOTES

<sup>1</sup> For more information about the initial humanitarian response, its success and challenges, see Oxfam's report (December 2013) 'Typhoon Haiyan, The response so far and vital lessons for the Philippines recovery', <http://www.oxfam.org/en/policy/typhoon-haiyan-one-month-lessons>

<sup>2</sup> There is no official figure on the estimated caseload of people targeted for relocation, but officials use a working figure of 200,000 people. See "Lacson eyes P106-B 'Yolanda' rehab masterplan", Philippines Daily Inquirer (24 April 2014) <http://newsinfo.inquirer.net/596953/lacson-eyes-p106-b-yolanda-rehab-masterplan>. With the revised policy based on hazard mapping announced in March 2014, Oxfam assumes that such zones will need to be identified before a final figure can be derived

<sup>3</sup> For instance, Eastern Samar poverty incidence rate among families is 59.4 per cent. See NCSB: [http://www.nscb.gov.ph/poverty/data/1stsem\\_2012/tab1.xls](http://www.nscb.gov.ph/poverty/data/1stsem_2012/tab1.xls) and Family Income and Expenditure Survey, National Statistics Office, <http://www.census.gov.ph/content/2012-fies-statistical-tables>

<sup>4</sup> Including the Constitution of the Philippines, the Urban development and Housing Act and the Magna Carta of Women.

<sup>5</sup> A Barangay is the smallest administrative division in the Philippines and is the native Filipino term for a village, district or ward.

<sup>6</sup> International Office for Migration, Damage assessment of designated evacuation centres in Typhoon affected areas, Eastern Samar (April 2014), <https://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014/pbn-listing/iom-report-shows-coastal-populat.html>

<sup>7</sup> Statement of principle, Cebu, 11 April 2014. Copy on file with the author.

<sup>8</sup> For instance, the Philippine Risk Reduction Management Act of 2010 requires the government to 'ensure that disaster risk reduction and climate change measures are gender responsive' (Section 2 (j)). It also makes gender analysis mandatory for post-disaster and early recovery needs assessments (Section 9 (m)). The Magna Carta of Women (Republic Act 9710) requires the state to address the particular needs of women from a gender perspective in the context of disasters.

<sup>9</sup> Including the Urban development and Housing act of 1992 and the UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991.

<sup>10</sup> See Oxfam's report 'Rebuilding Fishing Communities and Fisheries: Post-Haiyan Reconstruction in the Philippines', February 2014, <http://www.oxfam.org/en/policy/rebuilding-fishing-communities-and-fisheries>

<sup>11</sup> According to the Early Recovery and Livelihoods cluster, 5.9 million workers (of which 60 per cent were men and 40 per cent women) lost their sources of income and livelihood. Cluster update, April 2014.

<sup>12</sup> See Oxfam report, 'Building Inclusive Coconut-Based Livelihoods: Post-Haiyan reconstruction in the Philippines', (February 2014), <http://www.oxfam.org/en/policy/building-inclusive-coconut-based-livelihoods>

<sup>13</sup> According to OCHA, (February 2014).

<sup>14</sup> <http://www.rappler.com/move-ph/issues/poverty/44363-failure-relocation-housing>

<sup>15</sup> 'Disaster Induced Internal Displacement in the Philippines: The case of Tropical Storm Washi/Sendong', IDMC and NRC, January 2013.

<sup>16</sup> Government's plan 'Reconstruction Assistance on Yolanda', December 2013.

<sup>17</sup> International Office for Migration, Damage assessment of designated evacuation centres in Typhoon affected areas, Eastern Samar (April 2014)

<sup>18</sup> Commission on Human Rights of the Philippines, Human Rights Advisory CHR – A2014-001: Human Rights Standards on Housing, Land and Property Rights of Populations Affected by Typhoon Yolanda (March 2014)

<sup>19</sup> For more details on concerns related to the 'No Build Zone' policy, see Inter-Cluster Advisory to the HCT on the provision of assistance in proposed 'no dwelling zones' (February 2014), <https://www.sheltercluster.org/Asia/Philippines/Typhoon%20Haiyan%202013/Pages/HLP-Advisories.aspx>.

<sup>20</sup> Some municipalities – such as Tacloban – sought to implement a 40-metre blanket 'No Build Zone', posting signs through the city. Others, such as Tanauan, passed local ordinance for a 50-metre blanket zone. Still other municipalities, in Leyte and Cebu provinces, did not put up 'No Build Zone' signs.

<sup>21</sup> PARR: "No Build Zone" Policy not recommended in Yolanda-affected areas

<http://www.gov.ph/2014/03/14/parr-no-build-zone-policy-not-recommended-in-yolanda-affected-areas/>

<sup>22</sup> Interviews with DENR and MGB representatives.

<sup>23</sup> Housing and Land Use Regulatory Board, 2012 annual report.

<sup>24</sup> 'Disaster Induced Internal Displacement in the Philippines: The case of Tropical Storm Washi/Sendong', IDMC and NRC, January 2013.

<sup>25</sup> The government's rehabilitation plan ('Reconstruction Assistance on Yolanda', or RAY) estimates damages to the local government sector at 4,300 million pesos.

<sup>26</sup> Interviews with local officials and affected communities in Hernani, Eastern Samar, February 2014.

<sup>27</sup> Statement of principle, Cebu, 11 April 2014. Copy on file with the author.

<sup>28</sup> Civil Code, the Indigenous People Rights Act or the Comprehensive Agrarian Reform Program.

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