

Life after Yolanda

The Philippines government's proposal for a 40-m no-dwelling zone, in the wake of Typhoon Yolanda, should be participatory and consultative

The damage to life and property in the Philippines caused by Typhoon Yolanda (international code name: Haiyan) is unimaginable, amounting to billions of pesos, not counting the incalculable trauma that befell survivors. For the fisheries sector, this has meant the loss of fishing boats that are the foundation of livelihoods, the loss of daily catch that feeds people, the destruction of homes that provide shelter, and the loss of family members. On the national level, it has resulted in a major economic setback.

Philippine President Benigno Aquino III publicly pronounced in

year, the no-dwelling zone were further categorized by OPARR into 'safe' and 'unsafe' zone to protect livelihood-related structures.

The Department of Environment and Natural Resources (DENR) and the Department of the Interior and Local Government (DILG) were tasked by the President to formulate an Executive Order on the no-dwelling zone, which should address the said immediate issues.

The long-term and strategic solution to this issue is the passage of a national land-use policy. While the policy guideline is not yet in place, the rights of the internally displaced—such as non-discrimination, the right to an adequate standard of living, and access to basic shelter and housing—should be protected.

Several civil society groups in the Philippines, led by the non-governmental organizations (NGOs) for Fisheries Reform, the Save the Fisheries Now Network, the Campaign for Land Use Policy Now, Alternative Lawyering Group, Asian NGO Coalition on Rural Development and Agrarian Reform, and OXFAM, conducted consultations and discussions with local government units (LGUs) and formulated the following principles in drafting guidelines for such a policy.

Science-based policy

The policy should be science-based and area-specific. Science should inform the policy. A thorough study should be conducted to generate information such as, but not limited to, high-risks areas vulnerable to geological hazards like tsunamis, storm surges and sea-level rise, among others. Updated maps should be made available and put to use

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December last year a 40-m no-build zone policy in coastal areas from the highest tidemark. This was the administration's response to the devastating impacts brought about by storm surges generated by the super typhoon Yolanda.

The declaration of the 40-m no-build zone is supposed to prevent people from going back to their houses, which lie in danger areas. In early 2014, Secretary Panfilo Lacson, the appointed Presidential Assistant in the Office of the Presidential Assistant for Rehabilitation and Recovery (OPARR), announced that the no-build zone shall be changed into no-dwelling zone to protect tourism-related structures located within the 40-m zone. In March this

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in determining the safe and unsafe zone.

The adaptive capacity of the area and the community must be taken into account. This will help lessen chances of displacement.

Local knowledge should be tapped into, particularly on changing coastlines, to show that coastal integrity is highly vulnerable in areas with constantly changing coastlines. Substrate type, elevation and wave breakers are factors that need to be considered.

An ecosystem-based rehabilitation approach is required in the no-dwelling zone policy. Policymaking should be participatory in nature. Multi-sectoral, indigenous and community-based processes of assessments, consultations, monitoring and continued education campaigns should be conducted, which are rights-based, needs-based and gender-fair.

In coastal areas, Fisheries and Aquatic Resources Management Councils (FARMCs) ought to be consulted on any proposed area utilization and/or management, either temporary or permanent, to ensure community participation in the decision-making process and to allow community members to identify possible impacts to the fisheries sector and other stakeholders. In indigenous communities, free, prior and informed consent from tribal councils/councils of elders should be secured.

The no-dwelling zone policy should recognize and respect existing legal and customary tenurial rights. In the implementation of the policy, property rights should be protected. The policy should be inclusive, taking into account its impact on sectors and stakeholders.

The policy should not be a standalone policy. Review and harmonization of the no-dwelling zone to existing policies should be done. The policy should form part of the comprehensive land-use plans (CLUPs).

CLUPs are consistent with the State policy on provision for a rational, holistic and fair allocation, utilization, management and development of the

country's land resources to ensure their optimum use, consistent with the principles of social justice and sustainable development.

The policy should recognize the integrity of the shoreline. It is recommended that the following shoreline management principles be taken into account:

- non-disposition or alienation of shore lands and natural resources;
- regulation of private lands and property located on the margins of the coast to ensure public safety, and to protect the shoreline from the deleterious natural processes in the coastline environment, such as, but not limited to, coastal erosion, storm surges and sea-level rise;
- equal and equitable public access to, and from, the foreshore and adjacent beaches and shore lands;
- strict observance and enforcement of legal restrictions on construction of structures along the shore, particularly the setback requirements mandated by law; and
- undeveloped coastal frontage to be considered as highly valuable areas on account of their aesthetic appeal, naturally protective characteristics, support for livelihoods of coastal communities, environmental benefits, public utility and recreational use.

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Survivors of Typhoon Yolanda in the Philippines have very little option but to return and rebuild in their original locations

Access to foreshore areas, especially for livelihood, should be secured. Access to the foreshore areas that are traditionally used by artisanal fisherfolk as docking sites, for fish and seaweed drying, as gleaning areas, fish-landing sites, small wet markets and fish gear storage areas, among others, should be given priority. Preferential use of these areas by municipal fisherfolk as guaranteed

Particularly in foreshore areas, extractive industries should not be allowed as these affect coastal integrity.

under the 1987 Philippine Constitution and the Philippine Fisheries Code of 1998, should be recognized.

Areas bordering the no-dwelling zone should, likewise, be identified on their best uses consistent with the law, and be ecologically viable, economically feasible, socially acceptable, culturally appropriate and be compatible with adjacent uses. Particularly in foreshore areas, extractive industries should not be allowed as these affect coastal integrity.

The policy should address institutional relationships to prevent overlapping of functions. A co-ordinated effort between the National Disaster Risk Reduction Management Council (NDRRMC), OPARR and other relevant national government agencies is necessary to ensure:

- the conduct of comprehensive post-Yolanda assessments with the active participation of different stakeholders, including local communities, local governments and civil society organizations;
- integration of recovery and restoration plan into the NDRRM Plan, consistent with the NDRRM framework; and
- assistance for LGUs in developing and/or reviewing their plans and frameworks, including CLUPs, Local Climate Change Action Plan (LCCAP), Local Disaster Risk Reduction Management Plan, Integrated

Coastal Resources Management Plan, Ancestral Domain Sustainable Development Protection Plan (ADSDPP) among others.

The roles and responsibilities of government agencies should be clarified. DENR, in co-ordination with relevant government agencies, shall map out the no-build zone areas. DILG, on the other hand, shall provide support to the LGUs in the implementation of the guidelines. The LGUs shall implement the guidelines, incorporating them into their comprehensive land-use plans, CRM plans, DRRM Plan and LCCAP, among others.

The following are the relevant government agencies and their functions in relation to the no-dwelling zone policy:

- DENR: generation of maps on no-dwelling zone, geo-hazards, resources (mangroves and beach forests, coral reefs, seagrass beds), mangrove and beach reforestation areas, and cadastral maps (alienable and disposable lands, government lands, titled lands);
- DILG: technical support for formulation of CLUPs, provision of guidelines on the implementation of no-dwelling zone, and capacitating LGUs on matters relating to the implementation of the guidelines;
- LGUs: formulation and issuance of ordinances on no-dwelling zone, identification of resettlement sites, implementation of the no-dwelling zone policy, DRRM Plan, ICM Plan and CLUPs, engaging stakeholders in assessment, planning and monitoring;
- Department of Social Welfare and Development: provision of livelihood opportunities for affected families/communities, basic social services;
- Department of Public Works and Highways: construction of road networks;
- Department of Agriculture: construction of post-harvest facilities;
- NDRRMC: overseeing formulation of local DRRM Plan;
- Department of Science and Technology: conduct of scientific



The community members of Barrangay Calugcog have come together to rebuild their lives and livelihoods in the wake of Typhoon Yolanda

research and generation of climate maps that are needed in planning;

- OPARR: co-ordination among government agencies in relation to reconstruction and rehabilitation; and
- National Commission on Indigenous Peoples: ensuring the protection of the rights of indigenous peoples.

The National Land Use Act (NLUA) should be passed in the 16th Congress. The NLUA should govern the determination of resource use in terms of four critical policy themes: protection, production, settlement and infrastructure. 3

For more



www.ohchr.org/Documents/Issues/Housing/Advisory_Yolanda.pdf

Human Rights Advisory : Standards on Housing, Land and Property Rights of Populations affected by Typhoon Yolanda

bitsinbits.wordpress.com/2014/03/15/understanding-parrs-no-no-build-zone-policy-good-bad-or-what-and-who-will-have-the-final-say/

Understanding PARR's "No-build Zone" Policy : Good, Bad, or What and Who Will Have the Final Say?

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

PARR: "No-build Zone" Policy not Recommended in Yolanda-affected Areas