




Philippines 

Disaster-induced internal displacement in the Philippines

The case of Tropical Storm Washi/Sendong

Acknowledgements

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Cover photo: Two men stand helpless amid the pile of debris in the aftermath of the devastating Typhoon Sendong, at the Rizal Boulevard, Dumaguete City (in Negros Oriental, Philippines), December 2011.

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Executive summary

Background

On 16 December 2011 Severe Tropical Storm Washi (known in the Philippines as Sendong) reached peak intensity as it made landfall along the east coast of Mindanao. Despite its relatively weak winds Sendong caused catastrophic damage: it killed more than 1,500 people, damaged over 50,000 homes and displaced some 430,900 people. The greatest impact was felt in and around the cities of Cagayan de Oro where over half the population (461,877) was displaced and Iligan where approximately one third of the population (285,061) was displaced. While the macroeconomic impact of Sendong was relatively modest, the economic impact of the disaster fell heavily on already poor households and small and medium-sized enterprises.

This report, from a consortium of experienced international and Filipino actors, highlights the strengths and weaknesses of the response to the Sendong disaster and the recovery process. It describes in detail the Philippines' developing corpus of laws on disaster risk reduction (DRR) and draws out linkages between disaster preparedness, disaster impacts, responses, displacement and the subsequent, often prolonged, search for durable solutions for internally displaced persons (IDPs).

The report includes contributions from staff of the Internal Displacement Monitoring Centre (IDMC), Green Mindanao, Civil Society Organization Forum for Peace, the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and Philippine Action for Community-led Shelter Initiatives, Inc.

The report is informed by the results and insights of surveys of several hundred people affected and displaced by Sendong, and interviews with key state and non-state actors. It shows that understanding how Sendong was transformed from a tropical storm into a major catastrophe must be based on an analysis of the physical, environmental, socio-economic, institutional and political factors that led to the disaster and post-disaster outcomes in northern Mindanao.

Vulnerability

Filipinos face high levels of disaster risk. Astride both the typhoon belt and the Ring of Fire, the Philippines

is one of the world's most at-risk nations, exposed to multiple recurring hazards such as cyclones, floods, earthquakes and landslides. The nation's high levels of ecological degradation and socio-economic vulnerability leave substantial numbers of vulnerable people at risk of loss of life, health, home and sustainable livelihoods. In the 2012 *World Risk Report* the Philippines ranks 3rd out of 173 countries in terms of disaster risk. The Philippines has been ranked the tenth-most-vulnerable country to climate change. Manila is ranked by the Climate Change Vulnerability Index (CCVI) as the most vulnerable of the world's 20 "high growth cities" to the effects of climate change.

To put the Philippines' disaster risk into perspective, there are approximately equal numbers of people exposed to tropical cyclones in Japan and the Philippines. A cyclone of the same intensity would kill 17 times more Filipinos due to the nation's greater level of vulnerability, particularly the poor standards of Philippine housing and infrastructure and the numbers of vulnerable people settling in at-risk areas. Displacement risks are also dramatically higher: in 2011 (while the world focused on displacement resulting from Japan's Tōhoku earthquake and tsunami) five times as many Filipinos were internally displaced by natural disasters.

Poor urban governance and lack of accountability increase the risk of displacement since they often result in ineffective or unenforced building codes and land use plans which further expose vulnerable settlements to floods, landslides and other hazards. Other factors contributing to the Philippines' high disaster risk include the scale of poorly managed migration to already densely populated and low-lying urban areas, insufficient understanding of the impacts of climate change and other hazards and lack of effective early warning systems for extreme weather events.

Philippines takes legislative lead

The report's publication comes at an opportune time. On 5 December 2012, as this report was being finalised, Typhoon Bopha (known in the Philippines as Pablo) followed a broadly similar track across Mindanao. Government reports indicate that Pablo killed more than 1,000 people in total (834 people are still reported missing) and displaced at least 702,746 people, but only one person in Cagayan de Oro and none in Iligan due to large-scale

pre-emptive evacuations.¹ The latest tragedy further underscores the relevance of this report's findings and recommendations, demonstrating that large-scale casualties can be prevented and that disaster-related internal displacement can be managed when there is political will to implement the Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRM-2010).

The Philippines has been a global leader in enacting legislation related to disaster risk reduction. Its lynchpin is the innovative Philippine Disaster Risk Reduction and Management Act, which was signed into law by then President Macapagal-Arroyo in May 2010. PDRRM-2010 puts into practice the Philippines' commitment to reforming its main disaster law in accordance with the *Hyogo Framework for Action* (HFA), a ten-year plan to reduce disaster risks which has been adopted by 168 UN Member States. The new law has been broadly welcomed as a signal of government intent to move from a paradigm of disaster response to one of risk reduction. It complements the Climate Change Act of 2009 (CCA-2009). Refocusing disaster management involves a conceptual repositioning in which disaster risk reduction (DRR) and development are understood to be simultaneous and fundamentally interdependent. Margareta Wahlström, the Special Representative of the UN Secretary-General on DRR, has noted that the country's laws on climate change adaptation and DRR are the "best in the world, indicative of a "shift from a react[ive] to a proactive stance in addressing disasters."

Response to Sendong

The human impact of Sendong was devastating and the humanitarian response reflected this. Around 70,000 families (some 390,000 people) received assistance, some three quarters of them in and around Cagayan de Oro. Camps and other emergency shelter projects were reasonably well funded but donor's post-disaster response has been poor. Many relief efforts targeting livelihoods and early recovery have not been fully funded.

Findings of the research show that:

- The great majority of those displaced had been living in extremely high-risk informal settlements prior to the disaster. They had been officially acknowledged as high-risk areas yet people were forced to build there and to use techniques and lightweight materials unable to withstand floods.
- Of those who lost their homes only an estimated six per cent have been able to access a process whereby they could receive compensation or reclaim lost property or occupancy rights: very few had had proof of ownership or formal tenancy agreements prior to Sendong.
- The location of some temporary shelters and perma-

nent relocation sites in areas prone to landslides means that people have effectively moved from one risky home to another, trading flood risk for landslide risk.

- Some families have been unable to move on because they cannot access cash and insurance benefits to which they are entitled as Sendong victims. They cannot produce the necessary death certificate to trigger their entitlements as the government has not yet issued death certificates for those still judged as "missing."
- Some internally displaced Sendong survivors have not been recorded as Sendong victims but rather as politically motivated migrants. This is often via the *hakot* system of patronage politics whereby politicians, often from elite families, encourage or allow people to move onto state-owned land in exchange for their votes.
- Most of those who have been officially relocated have found themselves far from livelihood opportunities in Cagayan de Oro's and Iligan's central business districts and constrained by the cost of transport and the time needed to get to them. This is eroding their assets and increasing their vulnerability.
- Lack of available land and the high cost of building materials have delayed the ability of local governments to resettle displaced families in permanent relocation sites.

Legal gaps remain

There are considerable challenges concerning the implementation of laws and procedures and there are significant gaps in protection of those internally displaced by disasters. For example, there has been no official codification of a binding human rights framework for disaster response. Thus, PDRRM-2010 and CCA-2009 should both be amended so as to clarify how they interact with other laws in order to build a comprehensive and coherent legal protection framework for disaster-related IDPs.

Over a year after the disaster that struck on 16 December 2011, we have an opportunity to reflect on how Sendong lessons can help inform the work of national legislators who are engaged in a mandated review of PDRRM-2010 and considering new IDP and national land use bills. There is an opportunity for the latter to be linked to PDRRM-2010 in a way that could strengthen the implementation of each. This report is also addressed to national and local civil servants involved in implementing the law, the international community, the media and civil society organisations. Lastly, it suggests how local communities may hold officials to account.



Recommendations

All actors – civil servants, civil society and communities – need to work together to reduce the exposure of vulnerable people, homes and other assets to natural hazards. Below are some key recommendations for doing so.

- **Address the implementation gap.** The Sendong disaster shows that legislation is insufficient unless it is supported by strong political will. National, regional and local authorities must enforce existing laws and policies much more robustly, particularly those related to zoning, land use, construction and management of natural resources – including the prohibition of mining and logging in disaster-prone/vulnerable areas.
- **Amend existing laws and review policies and guidance.** Where necessary, PDRRM-2010 should be amended and its implementation plans revised in order to address legal gaps and to facilitate more effective compliance with the law.
- **Systematically collect disaster-related data.** Robust baseline information is needed about disaster impacts on housing and patterns and trends of internal displacement. Without this information, it will be difficult to address the underlying conditions that result in disaster-related death and displacement or to compare potential interventions and weigh trade-offs.
- **Support DRR training.** Government and civil society actors need skills and information to develop and act upon hazard and risk maps and provide relief assistance in a more timely and focused manner. The risk of disaster-related displacement will continue to rise unless local officials more effectively address the exposure of vulnerable communities to natural hazards and displacement.
- **Raise public awareness.** People have the right to know which hazards they face and understand what their rights are and what support they can expect from authorities to mitigate any risk. This understanding can also enable communities to utilise legal procedures, including those through which they may hold public officials to account.
- **Rebuild better – and taller.** Post-disaster reconstruction and recovery processes must avoid recreating the same conditions of vulnerability and exposure that led to the disaster in the first place. Rebuilding with taller, more durable buildings will reduce future disaster risk and maximise the limited land available for resettling those displaced by disasters.
- **Improve the security of land tenure.** Addressing land tenure security is something that needs to occur before rather than after a disaster. Local governments must bridge the gap between policies on informal settlements in high-risk areas and their duties set out in the country's impressive and detailed framework of laws and procedures to reduce and manage disaster risk.
- **Use the May 2013 nation-wide elections to demand accountability from elected officials.** Civil society and faith-based organisations should encourage those running for office to sign up to the *Mindanao Declaration on Disaster Risk Reduction Priorities* (a statement of principles adopted by the first island-wide gathering to discuss and learn lessons from the Sendong tragedy), to commit to implementing PDRRM-2010 and to ensure that resources are made available to do so.
- **Ensure transparency in the reconstruction process.** In order to avoid political patronage and corruption, the rebuilding process needs to follow a fair and transparent tendering process that will ensure local government resources are deployed in the most effective manner. An independent body should assess the merit of each contract and oversee its implementation.



Abbreviations

ACTED	Agency for Technical Cooperation and Development
Cat DDO	Catastrophe Deferred Drawdown Option
CCA-2009	Philippines Climate Change Act of 2009
CCC	Climate Change Commission
CCVI	Climate Change Vulnerability Index
DENR	Department of Environment and Natural Resources
DILG	Department of Interior and Local Government
DOH	Department of Health
DOST	Department of Science and Technology
DRR	Disaster Risk Reduction
DRRM	Disaster Risk Reduction and Management
DRRMP	Disaster Risk Reduction and Management Plan
DSWD	Department of Social Welfare and Development
GPID	<i>Guiding Principles on Internal Displacement</i>
HFA	<i>Hyogo Framework for Action</i>
HLP	Housing Land and Property
HPFPI	Homeless Peoples Federation Philippines, Inc.
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
LDRRMC	Local Disaster Risk Reduction and Management Council
LDRRMO	Local Disaster Risk Reduction and Management Office
LGC	Local Government Code
LGU	Local Government Unit
MGB	Mines and Geosciences Bureau
NDCC	National Disaster Coordinating Council
NDRRMC	National Disaster Risk Reduction and Management Council
NDRRMP	<i>National Disaster Risk Reduction and Management Plan</i>
OCD	Office of Civil Defense
OCHA	UN Office for the Coordination of Humanitarian Affairs
OpCen	Operations Center
PACSII	Philippine Action for Community-led Shelter Initiatives, Inc.
PAGASA	Philippine Atmospheric, Geophysical and Astronomical Services Administration
PD	Presidential Decree
PDNA	Post Disaster Needs Assessment
PDRRM-2010	Philippine National Disaster Risk Reduction and Management Act of 2010
RDRRMC	Regional Disaster Risk Reduction and Management Council
UNFCC	United Nations Framework Convention on Climate Change
UNISDR	UN International Strategy for Disaster Reduction

1

Introduction

The Philippines is considered one of the nations most “at risk” of being struck by disasters due to its geographic location (astride both the typhoon belt and the Ring of Fire), a high degree of ecological degradation and socio-economic vulnerability due to the large number of people and economic assets exposed to multiple recurring hazards such as cyclones, floods, earthquakes and landslides).² In the *2012 World Risk Report* the Philippines ranked third out of 173 countries in terms of disaster risk.³ While country-by-country rankings may create a false sense of precision and mask differences between different locations within countries, the Philippines’ high level of disaster risk is nearly universally accepted.

To put the Philippines’ disaster risk into context, there are approximately equal numbers of people exposed to tropical cyclones in Japan as in the Philippines. However, a cyclone of the same intensity would kill 17 times more people in the Philippines due to the greater level of vulnerability.⁴ Philippine buildings and roads are not built to the same standards or according to the same land use plans as in Japan, therefore the risk of damage to homes and infrastructure that could lead to displacement in the Philippines is also much higher than in Japan. In 2011, for example, there were more than five times as many people displaced internally following disasters in the Philippines than in Japan despite the fact that Japan suffered one of its largest disasters in decades: the Tōhoku earthquake and tsunami.⁵

The higher risk of displacement in the Philippines (compared to Japan) means that when a disaster does occur a relatively larger portion of the population is likely to be displaced, straining the ability of local communities (those not displaced) to absorb the shock. In the wake of tropical storm Sendong (internationally known as Washi),⁶ which struck Mindanao in December 2011, 54 per cent of the population of Cagayan de Oro and 34 per cent of the population of Iligan were displaced, overwhelming the response capacity of local and regional governments.⁷ The impact overwhelmed the response capacity of the authorities in Mindanao despite the fact that the latter have been dealing with internal displacement for decades owing to conflict between the Armed Forces of the Philippines and the Moro Islamic Liberation Front (MILF) and other groups. Between January and October 2012, 164,228 people were displaced by armed conflict, clan feud, crime and violence, of whom all but 11,378 had reportedly returned home by 9 November. In November 2012, the UN Office for the Coordination of Humanitarian

Affairs (OCHA) estimated that some 911,000 people in Mindanao were “at risk” due to high level of vulnerability caused by a combination of displacement history, exposure to natural hazards, conflict and violence. Of the 522,000 people considered “affected” most were internally displaced persons (IDPs) and returnees who remain in need of protection and assistance.⁸

There are four key factors underlying disaster risk in the Philippines (and elsewhere): vulnerable livelihoods; poor urban governance and weak political accountability; ecosystem degradation and climate change.

Poor urban governance and lack of accountability increase the risk of displacement since they often result in ineffective or unenforced building codes and land use plans which further expose vulnerable settlements to floods, landslides and other hazards. Other factors contributing to the Philippines’ high disaster risk include the scale of rapid and unplanned migration to already densely populated and low-lying urban areas, insufficient understanding of the impacts of climate change and other hazards and lack of effective early warning systems related to extreme weather events.

The Philippines has been ranked the tenth-most-vulnerable country to climate change based on an analysis of more than 40 social, economic and environmental factors, and Manila is ranked by the Climate Change Vulnerability Index (CCVI) as the most vulnerable of the world’s 20 “high growth cities” to the effects of climate change.⁹ The country is exposed both to climate-related disasters and sea level rise. Its population is vulnerable due to conflict, unregulated and precarious settlement patterns and a reliance on agriculture.

In response to its high risk levels, the Philippines’ government has enacted two linked pieces of legislation relating to existing and projected climate change impacts: the Climate Change Act of 2009 (CCA-2009)¹⁰ and the Philippine National Disaster Risk Reduction and Management Act of 2010 (PDRRM-2010).¹¹ The latter seeks to integrate disaster risk reduction and management (DRRM) into development and sectoral plans and to decentralise authority, responsibility and resources to sub-national and local authorities.

1.1 Purposes of this report

The Philippine Congress passed the Disaster Risk Reduction and Management Act of 2010 (PDRRM-2010) on 1 February 2010. Signed into law by then President Macapagal-Arroyo on 27 May, it has been welcomed as a signal of intent to move from a paradigm of disaster response to one of risk reduction. It has been seen as a potential model for other national legal frameworks for DRR and DRRM.¹²

This report assesses PDRRM-2010 and its implementation in order to inform proposed amendments, revisions to its implementation plans and other measures that would enhance the effectiveness of DRRM and the protection of the rights of those displaced by disasters. This report comes at an opportune moment because legislation aimed at protecting the rights of IDPs is being considered by the Congress of the Philippines. Any gaps related to the protection of IDPs in PDRRM-2010 must be addressed in new legislation. The two laws need to be linked in the same way that the implementation of PDRRM-2010 CCA-2009 are linked.

There have been relatively few analyses of PDRRM-2010, especially from a displacement lens. The internal displacement observed during and after tropical storm Sendong provides an opportunity to examine the effectiveness of the law while it is under review so that in the future the government will be better positioned to prevent disaster-related displacement and to protect those who have lost or had to flee their homes as a result of a disaster.

It is hoped that the knowledge created by the research project which forms the basis of this report will facilitate dialogue and raise issues with the public and policy makers in order to inform decision-making concerning the implementation of PDRRM-2010. The conditions observed in this report may be relevant in the Philippines and in other countries that are considering similar DRRM legislation or policies.

1.2 Organisation of the report

Section 2 describes the impacts of tropical storm Sendong with a focus on issues related to displacement. The report is informed by the results of surveys of several hundred displaced and Sendong-affected people (conducted at different points in time following the disaster) and it highlights the strengths and weaknesses of the disaster response and recovery process. It additionally includes insights resulting from interviews with key state and non-state actors concerning implementation of PDRRM-2010.

Section 3 contains an analysis of PDRRM-2010 and the relevant, sometimes linked, laws that might potentially affect its implementation. This analysis focuses on the legal architecture and does not address the issue of how effectively the law is being implemented. The section highlights potential legal and protection gaps, tensions or contradictions between PDRRM-2010 and other legislation, as well as other problems with the way the law is framed that could inhibit its effective implementation.

Section 4 seeks to understand why the disaster had such an impact, to explore the underlying factors that transformed Sendong from a tropical storm into a major catastrophe. It considers the physical, environmental, socio-economic, institutional and political factors that led to the observed disaster outcomes and post-disaster conditions in northern Mindanao.

The report also contains a series of recommendations for national legislators involved in reviewing PDRRM-2010, national and local civil servants involved in implementing the law, the international community, the media, civil society organisations and communities so that they may hold officials to account.

2

Sendong impacts and response

2.1 Scale of the disaster

Tropical storm Sendong reached peak intensity as it made landfall in northern Mindanao on 16 December 2011 (Figure 1). As measured by wind velocity it was a “weak” storm, but it deposited an extreme amount of rainfall, causing severe flooding, particularly in the cities of Cagayan de Oro and Iligan.¹³ Sendong caused more than 1,500 deaths and 6,071 injuries, damaged 51,144 homes and displaced an estimated 430,900 people, with the majority of the impacts concentrated in and around the two cities.¹⁴ Both Cagayan de Oro and Iligan are officially classified as “cities” but contain some remote rural areas, which may have had an impact on the effectiveness of aid relief and assistance.

The 180.9mm of rain recorded over a 24-hour period in Cagayan de Oro exceeded the December monthly average by 60 per cent. The intense rainfall in the Cagayan de Oro river basin was channeled into a gorge, producing a strong current that uprooted trees and eroded riverbanks. Tree-, debris- and sediment-filled water washed over the sandbar islets of Isla de Oro and Isla Verde. Unplanned development along riverbanks restricted the flow of floodwaters.¹⁵ Several dams were breached. More than half the population lost their homes and were internally displaced, the majority staying with friends or relatives.¹⁶

Iligan residents were struck by a riverine tsunami of destructive debris, sweeping away everything in its path and causing a temporary dam behind a major bridge which when it burst caused a wall of water mixed with debris to sweep away houses and people in Barangay Hinaplanon, the low-lying Bayug Island and Orchids Subdivision in Barangay Santiago near the mouth of the river. In total, one third of Iligan’s population was displaced and forced to seek refuge in temporary shelters or with friends or family members.¹⁷

In February 2012, there were 47 evacuation centres in and around Cagayan de Oro and Iligan, providing temporary shelter to 4,863 families (21,448 people). An additional 46,150 families (262,790 people) were estimated to be displaced and staying with friends or relatives.¹⁸ In June 2012, OCHA reported that the 47 centres continued to accommodate 18,405 people, of whom 10,932 remained in tents or makeshift shelters. The estimated number of displaced people living outside shelters had declined to 189,600.¹⁹

In addition to damage to housing (estimated at \$75.7 million), government statistics indicate that Sendong also had an impact on transport infrastructure (\$6.3 million), education (\$2.2 million), health (\$16.1 million), agriculture (\$10.8 million), power (\$14.3 million), water (\$5.6 million) and telecommunications (\$600,000): total damage was estimated at \$293 million.²⁰ The macroeconomic impact of Sendong was estimated to be marginal, even at the regional level. However, negative economic effects of the disaster were heavily felt at the household level and among small and medium-sized enterprises.²¹

2.2. The response

The National Disaster Risk Reduction and Management Council (NDRRMC) is tested

Reflecting the paradigm shift toward DRR, the Philippines’ *National Disaster Risk Reduction and Management Plan* (DRRMP) specifies mostly proactive measures that should be taken to prevent disasters or mitigate their impacts. The DRRMP also indicates several activities that should be undertaken in the event of a disaster. These include:

- activation of Incident Command Systems and the cluster approach at national and local levels
- issuance of public advisories
- establishment of coordination systems for relief and response operations
- activation of relief distribution points/centres
- publication of damage and needs assessments
- implementation of search, rescue and retrieval operations
- activation of evacuation systems
- provision of tents and other temporary shelter facilities
- provision of spaces in evacuation centres for children, livestock, poultry and pets
- design and implementation of temporary livelihoods and income-earning activities for IDPs
- medical consultation and nutritional assessments and traumatic and/or psychological stress debriefings
- design and construction of disaster-resilient housing
- identification of suitable relocation sites for affected populations
- enforcement of building codes
- promotion of sustainable technology.²²

Many of these activities were carried out fully, but others were implemented partially or after a long delay. Further-



Figure 1: Path of Tropical Storm Sendong across the southern Philippines: 15 – 17 December 2011

more, PDRRM-2010 is not sufficiently clear about the specific rights of those displaced and otherwise affected by disasters. While the law acknowledges the constitutionally guaranteed socio-economic rights, it is unclear how private citizens can claim these rights in practice.²³

By 13 December 2011, three days before Sendong struck Mindanao, the NDRRMC Operations Center (OpCen) had raised alert levels to blue and on 14 December to red. This upgraded OpCen to an emergency operations centre and obliged NDRRMC member agencies to take turns on duty monitoring the situation. The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) continuously monitored Sendong's track and issued bulletins while OpCen issued advisories to areas likely to be affected by the storm. The NDRRMC Executive Director issued a directive to relevant Regional Disaster Risk Reduction and Management Councils (RDRRMCs) to undertake precautionary measures and to issue advisories to Local Disaster Risk Reduction and Management Councils (LDRRMCs) for which they were responsible. For their part, national agencies began pre-positioning relief supplies and equipment, alerted emergency responders and conducted pre-emptive evacuations for residents of some low-lying and landslide-prone areas (6,574 families, or 38,985 persons). Local authorities replicated these actions and implemented the directives they had received.²⁴

On 17 December, the morning after the storm, the NDRRMC convened in Quezon City joined by the Philippine president and heads of NDRRMC member agencies. Joining the Office of Civil Defense (OCD) and other government responders, the Philippine Red Cross, churches and mosques, civil society organisations, the United Nations, local and international NGOs, shipping companies, private individuals and others started participating in life-saving search and rescue efforts and emergency response.²⁵ The presence of government, civil society and humanitarian agencies in northern Mindanao prior to the disaster, and their complementary stockpiles of food and non-food items, helped jumpstart the disaster response and meet the immediate needs of affected communities.²⁶

At the peak of the emergency response, there were over 600 Red Cross staff and volunteers assisting with search and recovery, identifying remains and providing other services.²⁷ The Red Cross, together with many other agencies, continues to assist, working with displaced people to achieve durable solutions. The Roman Catholic Church in the Philippines was also at the forefront of aid operations to help displaced people. Hundreds of volunteers from Caritas and other local Catholic associations worked tirelessly in the evacuation shelters set up by local authorities in public schools in Cagayan de Oro and Iligan. In the first two weeks after Sendong the ACT Alliance and the

Dalai Lama Trust also donated more than \$300,000 in humanitarian assistance. The Islamic Development Bank donated \$100,000 worth of kits containing school supplies, shoes, uniforms and bags to 500 elementary students in Barangay Balulang, Cagayan de Oro, as well as milk supplies, clothes and vitamins to families with infants.²⁸

Responding to displacement

Within the Philippines' Region X (northern Mindanao), some 388,319 people (70,314 families) received assistance, the majority (74 per cent) in and around Cagayan de Oro.²⁹ Although 70.1 per cent of the humanitarian response appeal for Sendong-related camp coordination and camp management (CCCM) and emergency shelter projects was met, only 9.1 per cent (\$57.9 million) of the total Post Disaster Needs Assessment (PDNA) funding had been released by July 2012. Thus many relief efforts targeting livelihoods and early recovery were not fully funded.³⁰ According to government statistics, in October 2012 210,200 people were still displaced in Cagayan de Oro and Iligan, 7,511 of whom were living in temporary shelters in and around Cagayan de Oro and 5,152 in shelters in and around Iligan (Figure 2).³¹ Given that most people had yet to be permanently resettled, this means that approximately 94 per cent of the people who were displaced by Sendong had returned home or found shelter outside the camps.

The *Guiding Principles on Internal Displacement* (GPID) were developed over several years in the 1990s by the then Representative of the UN Secretary-General on Internally Displaced Persons, Francis M. Deng, in collaboration with a team of international legal experts. They identify the rights and guarantees relevant to protection of IDPs in all phases of their displacement and set forth guarantees for safe return, resettlement and reintegration. Although nonbinding, the GPID are consistent with international human rights and humanitarian laws. Several of the GPID relevant to this case study are highlighted in text boxes.

Providing information

Lack of information can exacerbate the harm caused by any disaster to the affected population. For example, it can increase peoples' level of anxiety or lead people to make dangerous choices in the belief that they are reducing their risk. It is also important for people to know where they can access support before, during and after a disaster.

In order to address this need, the Department of Social Welfare and Development (DSWD), the Department of Interior and Local Government (DILG), the Philippines Commission on Human Rights, the Philippine Information Agency, the UN Children's Fund (UNICEF), the UN

High Commissioner for Refugees (UNHCR), Protection Standby Capacity (ProCap) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) set up an information working group in February 2012 to help Sendong survivors receive accurate information in a timely manner. Information needs included how to access services and entitlements for those with and without formal title deeds or tenancy agreements, as well as relocation plans and sites, geo-hazard zones and grievance procedures.³²

Rebuilding livelihoods and dealing with delayed assistance

The International Labour Organization contributed \$280,000 to help rebuild livelihoods in Cagayan de Oro and Iligan, providing support for cash-for-work and other emergency employment programmes and targeted assistance for female-headed households and other vulnerable groups.³³ Both the Catholic Church and the Islamic Development Bank have also established and resourced longer-term livelihoods programmes for people displaced by Sendong.

Restoring and strengthening livelihoods has not been accomplished quickly and problems remain – including conflicts between some beneficiaries and those providing assistance. In Cagayan de Oro, for example, there have been at least two protests decrying the slow pace of delivery of livelihoods support. Survey participants reported tensions between the Catholic Archdiocese of Cagayan de Oro and the mayor’s office. The latter classifies some Sendong survivors as “community based beneficiaries.” Until recently they have not been able to access relief goods distributed monthly by the government. As a result of this classification these families are not sure if they will be relocated to resettlement areas designated for Sendong victims.

Due to the lack of an effective, transparent process for demarcating No Build Zones (areas national authorities deem too unsafe to build on) and a lack of safe public land on which to build, many people displaced by Sendong remained displaced for longer than expected. In the immediate aftermath of the disaster it was hoped

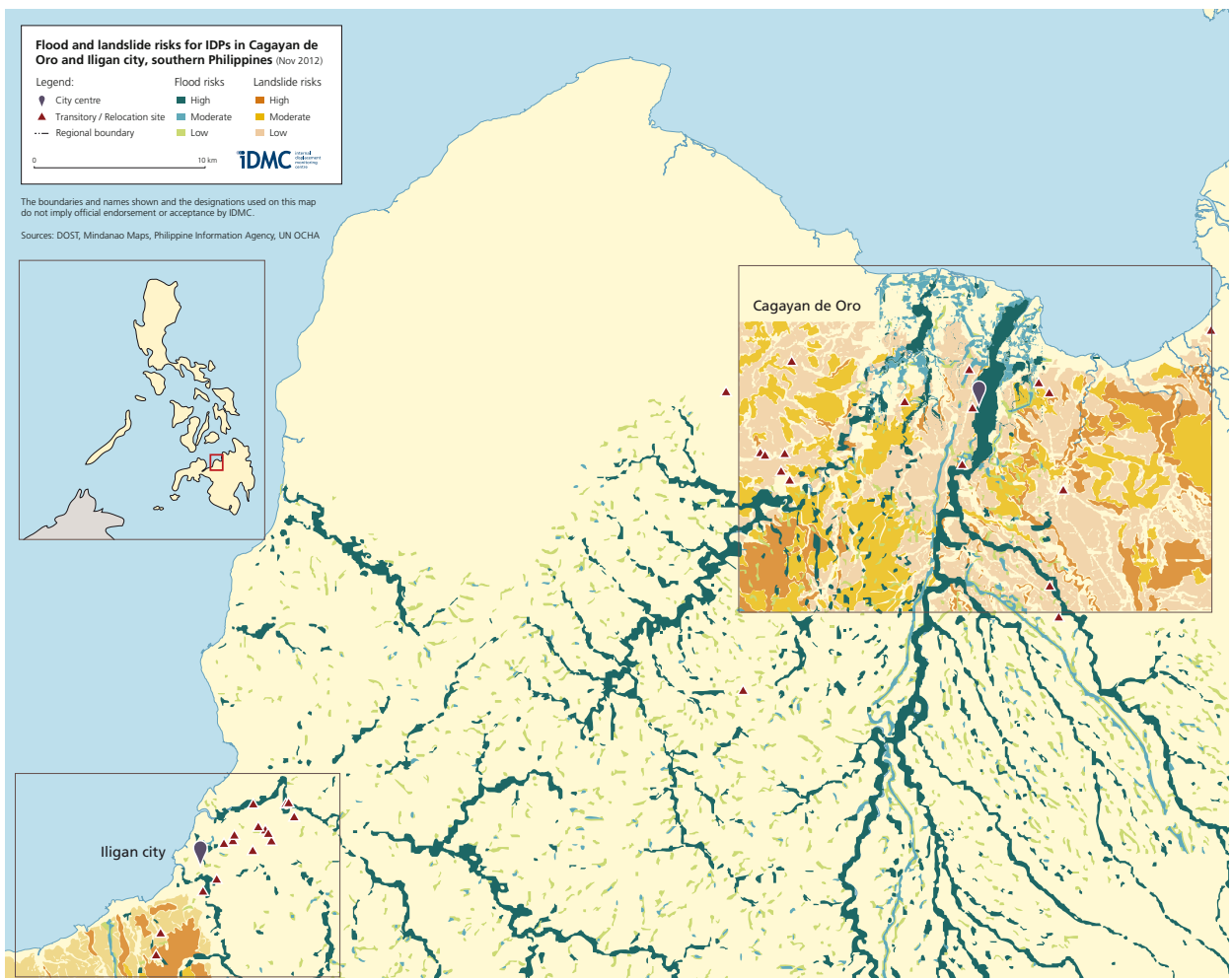


Figure 2: Temporary shelters and relocation sites in and around Cagayan de Oro and Iligan and flood and hazard profiles (Sources: OCHA Philippines, DENR-MGB, DOST and IDMC)

that all evacuation centres, especially schools, would be vacated within a matter of weeks. In reality, some evacuation shelters housed families until the start of the new school year in August 2012. As of October 2012, nearly 3,000 families continued to reside in tents and temporary shelters, vulnerable structures that were intended to be used for a period of only a few months and which were not built to withstand the 2012 typhoon season.

Civil society and faith-based organisations have been vocal advocates for people displaced by Sendong, often demanding more accountability from the government. In January 2012, the Roman Catholic Diocese of Iligan criticised the city's mayor for disbursing relief too slowly.³⁴ In July, 300 displaced Sendong survivors staged a protest to raise awareness of the slow pace of the recovery – seven months after the disaster, only 1,696 out of 5,559 shelter units had been completed.³⁵ In mid-November, the 300 Sendong survivors staged a follow-up protest because they had still not received promised compensation for their destroyed homes, forcing them to borrow money to make repairs. They reported that staff in some shelters refused to serve them because of the type of ID card they held.³⁶

2.3 Survey results

The following section draws on both desk research and surveys conducted in September and October 2012 of 305 Sendong-affected people in and around the cities of Cagayan de Oro and Iligan. The objective of these surveys was to assess the extent to which displacement impacted people's ability to enjoy their rights, as well as Sendong's impact on their homes, property and livelihoods.

GREEN Mindanao interviewed 205 people in 21 locations in and around Cagayan de Oro, and the Civil Society Organization Forum for Peace, Inc. conducted surveys with 100 participants at 39 locations in and around Iligan. The sample groups from both areas consisted of people who were still displaced, displaced and subsequently relocated as well as people who were affected but not displaced by Sendong.

The findings from the September-October surveys were complemented by two additional surveys conducted in January 2012. The first, implemented by IMPACT Initiatives and the Agency for Technical Cooperation and Development (ACTED), was commissioned for the Shelter Cluster. The second, a socio-economic survey, was initiated by the Homeless Peoples Federation Philippines, Inc. (HP-FPI) and the Philippine Action for Community-led Shelter Initiatives, Inc. (PACSI).

Of the people who participated in our survey in September-October 2012, 96 per cent had been internally dis-

placed at least once after Sendong. Prior to the disaster, approximately 57 per cent of the survey participants in and around Cagayan de Oro had received some form of early warning, whereas in Iligan only 11 per cent of the respondents reported having received any warning.

Of those surveyed, 26 per cent in Cagayan de Oro and 16 per cent in Iligan reported the deaths of family members or that relatives were still regarded as "missing." The fact that many people are still classified as missing nearly a year after the disaster has had negative financial impacts on their already traumatised families. In April 2012, one survivor had to file a petition with the Family Court of Cagayan de Oro to declare his wife dead so that he could receive her accrued salary. The Philippines' Family Code thus can inhibit or delay recovery because it stipulates that one must wait for two years to petition for a spouse's death certificate "for extraordinary absence of a person like in war, shipwreck or storm" and provide proof that s/he exerted earnest and diligent efforts to locate the whereabouts of the missing spouse.³⁷

Principle 16, Paragraphs 1-2: All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing.

It has been well documented that this has not been the case after Sendong.

Principle 17, Paragraph 3: Families who are separated by displacement should be reunited as quickly as possible. . . .

Based on the survey results, the Philippine authorities successfully reunited family members who had been separated due to Sendong.

At the time the surveys were conducted OCHA – using statistics provided by the Philippines Department of Social Welfare and Development (DSWD) – reported 156,000 Sendong-related displaced people in Cagayan de Oro (approximately 54 per cent of the total population) and 53,600 displaced people in Iligan (approximately 34 per cent of the total population).³⁸ The fact that more than 90 per cent of the survey participants reported having been displaced by Sendong suggests that the September-October survey may have had a selection bias, over-representing those displaced relative to the total affected population in Cagayan de Oro and Iligan.

Participants displaced by Sendong came from several areas and cited multiple reasons for their displacement (summarised in Tables 1 and 2 in the Appendix). The high percentage of people living in officially designated No Build Zones in Cagayan de Oro shows how many people

had been living in extremely high-risk areas prior to the disaster.

Of those who lost their homes, only 7.5 per cent from Iligan and 5.9 per cent from Cagayan de Oro have been able to access a process whereby they could receive compensation for or reclaim their lost property or occupancy rights. This is primarily because they had no proof of ownership or tenancy agreement prior to the disaster (Table 3). This underscores a general problem, not confined to the Philippines, of the reluctance of authorities to help rebuild homes for those lacking titles. General comments made by the UN Secretary-General's Special Rapporteur on the Right to Adequate Housing, apply to Sendong:

The poor often stand to lose most in disaster contexts because they often have to settle on fragile and exposed land that is highly susceptible to the effects of disasters. When a disaster strikes, their pre-existing vulnerabilities are exacerbated, with women, children and marginalized groups bearing the brunt of the impact. After the disaster, the poor often also find their attempts to return to their homes officially denied on the grounds that return would be unsafe, and/or not permissible as they did not have official proof of a right to live there in the first place.³⁹

Principle 21, Paragraph 1: No one shall be arbitrarily deprived of property and possessions.
The application of this principle is difficult to assess in the context of those displaced by Sendong given the absence of documentation or formal tenancy agreements and property titles.

In Cagayan de Oro, 46.7 per cent of survey participants had no formal ownership or tenancy agreement and instead lived in shared housing with family members or lived on others' property as caretakers in order to prevent the land from being seized by other. This means that a sizable proportion of the population was not entitled to compensation for damaged or destroyed property, including personal items, because the homes they lived in were not legally regarded as their own.

The map in Figure 2 shows the location of some temporary shelters and permanent relocation sites in areas prone to landslides. It is disturbing to note how many people have moved from one risky home to another, trading flood risk for landslide risk.

Eighty per cent of those displaced in Iligan were displaced multiple times and 53 per cent were displaced at least twice. In Cagayan de Oro, 75 per cent were displaced more than once and 44 per cent were displaced two or more times. Approximately one third of the survey par-

Principle 29, Paragraph 2: Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind. . . . When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation in another form of just reparation.
Displaced people whose property was damaged or destroyed by Sendong have had great difficulty receiving compensation.

ticipants have been permanently relocated, the majority of whom (81 per cent in Iligan and 97 per cent in Cagayan de Oro) were consulted during this process.

Age, sex, ethnicity and education levels

Of the 51 women who participated in the Cagayan de Oro-based surveys, 50 had been displaced and 69 of the 70 women who participated in the Iligan-based surveys had been displaced, suggesting that women were more susceptible to being displaced within the survey populations. Women and girls were reported to be at risk of gender-based violence (GBV) and coercion to engage in transactional sex. The age and ethnic breakdown of those surveyed and displaced is summarised in Tables 4 and 5.

Principle 11, Paragraphs 1-2: Every human being has the right to dignity and physical, mental and moral integrity.
Internally displaced persons . . . shall be protected in particular against:
(a) Rape, . . . acts of gender-specific violence, forced prostitution and any form of indecent assault. . .

Although the survey did not include a specific question about rape, gender-based violence and prostitution, participants raised concerns that these had occurred, or were still occurring, inside the shelters.

In Cagayan de Oro, 99 per cent of the survey participants who had been displaced had received some education: within this group 29 per cent had received only primary education, 54 per cent secondary education, two per cent vocational training, 15 per cent tertiary education and one per cent post-graduate education. In Iligan, 96 per cent of those displaced had received some education, with 19 per cent receiving primary education, 63 per cent secondary education, two per cent vocational training, ten per cent tertiary education and one per cent post-graduate education. Education levels of the displaced population mirror those of the general populations of Cagayan de Oro and Iligan.⁴⁰ Education, often a proxy for social or human capital, has had a negligible effect on preventing displacement. However, it may be the case that those with

more education may have more readily found temporary housing and work and obtained replacement documents.

2.4 Ongoing protection risks and lack of access to basic services

The survey suggests that a number of significant protection risks remain for those displaced by Sendong. These include access to water and adequate health care, resolution of housing, land and property (HLP) issues as well as replacement of lost documentation.

Survey participants from Cagayan de Oro raised concerns about political and social discrimination, as did the survivors there who staged protests in July and November 2012. Some reported that they have not been officially recorded as Sendong survivors but rather as migrants, meaning they do not qualify for assistance. These people had come to Cagayan de Oro via the *hakot* system of patronage: politicians encouraged them to settle on public land so that they could secure their block votes for electoral purposes. In Cagayan de Oro, residents on islets and sandbars such as Cala-Cala and Isla de Oro, and riverbanks in Acacia, Carmen and Tibasak have been accused by members of Local Government Units (LGUs) of being *hakot* migrants, as have those living in tents in Vicente de Lara Park.

Principle 24, Paragraphs 1-2: All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

Humanitarian assistance to internally displaced persons shall not be diverted. . . .

Evidence suggests that Sendong survivors in Cagayan de Oro have not received equal treatment on the basis of their political opinion or ethnic or social origins.

Water, health care and education

In Iligan, 88 per cent of those displaced have access to drinking water, but of these 51 per cent indicated they had to pay for it. In Cagayan de Oro, only 43 per cent of those who have been displaced have access to potable water of whom 69 per cent have to pay for it.

In Iligan, 67 per cent of the displaced respondents indicated that they have access to some health care. Of these, 41 per cent indicated they can see a doctor at their shelter, 47 per cent go to a clinic and the remaining 12 per cent through a hospital accident and emergency department. In Cagayan de Oro, even more respondents (92 per cent) indicated that they have access to medical treatment. However, during the post-survey discussions in Cagayan de Oro, participants said that many people who are still

Principle 18, Paragraphs 1-2: All internally displaced persons have the right to an adequate standard of living.

At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

(a) Essential food and potable water;

(b) Basic shelter and housing. . . .

Eleven months after the disaster, thousands of displaced Sendong survivors lack both sufficient food and access to potable water and basic shelter and housing. While many people in northern Mindanao do not enjoy easy access to food, water and shelter, those displaced by Sendong appear to be even worse off.

experiencing trauma require –and lack– medication and psychological counselling. Though participants had access to mental health programmes immediately after Sendong, these initiatives lasted for only a month or two, which has not been sufficient to recover from the trauma.

In Iligan, the children of 41 per cent of survey respondents continued to attend the same schools as before Sendong. However, 23 per cent reported their children have had to change schools as a result of their displacement and five per cent that they have stopped attending school altogether. Some participants linked the drop-off in school attendance to ongoing trauma: they report children cry and panic whenever it rains.

Livelihoods

Many participants said there was little point in waiting for the government to take action to rebuild livelihoods for this would mean “waiting forever.” In addition to the problems in Cagayan de Oro described above, survey participants from Iligan noted that the recovery has been slowed due to the lack of materials for rebuilding and reconstruction, which has in turn had a negative impact on livelihoods. Many respondents indicated that even when they could find jobs, including those connected to Sendong relief and recovery interventions, they were not paid for work they had done. Survey participants also reported that a number of people died in the temporary evacuation sites and shelters due to poverty and illness.

The location of the evacuation sites, temporary shelters and even relocation sites may be a contributing factor in the ongoing livelihoods crisis. Many Sendong survivors have been resettled in permanent relocation sites some five to 15 kilometres away from their established social networks and livelihood opportunities in Cagayan de Oro's and Iligan's central business districts (Figure 2). Transportation between the city centres and the shelters and relocation sites is expensive, infrequent and time

consuming. These difficulties are borne out in the survey results: although 91.9 per cent of the survey participants from Iligan and 83.6 per cent of the participants from Cagayan de Oro reported having access to some form of livelihood subsequent to their displacement, the majority reported a loss of income compared to their pre-Sendong earnings (Table 6).

Recovering lost documentation

Wherever they are in the world, IDPs without basic identity documents face difficulties restoring lives and livelihoods. Survey participants who had been displaced also reported having lost such important documentation as passports, birth certificates, marriage licenses, voter registration documents, tenancy agreements, title deeds and proof of education (Table 7).

There are consequences of having lost identity documents. Those who have lost voter registration documents may be unable to participate in the national, provincial and local elections scheduled for May 2013. The large number of people who have lost, and been unable to recover, marriage or birth certificates may face the risk of loss of such familial rights as inheritance. Because local registrars' offices were damaged during Sendong, those who want to replace birth certificates and marriage licenses are obliged to acquire them for a fee (from national authorities).

A third of those displaced in and around Cagayan de Oro and 44.4 per cent of those from Iligan reported having lost their high school or university diplomas. This is a concern because more than half of the displaced population in each city had received secondary education and at least ten per cent had been to university. Without proof of education, these Sendong survivors may be at an additional disadvantage when competing for jobs compared with those not displaced in northern Mindanao or when trying to obtain work outside the disaster-affected region.

Principle 20, Paragraphs 1-2: Every human being has the right to recognition as a person before the law.

To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement. . . .

Those displaced by Sendong who lost documents have, by and large, not been able to recover them.

3

Legal history and analysis

3.1 History of disaster risk reduction policies prior to PDRRM-2010

The *Hyogo Framework for Action* (HFA), a ten-year plan to make the world safer from natural hazards which was adopted by 168 UN Member States at the 2005 World Disaster Reduction Conference, indicates that a country's legislative and executive systems provide the basis for plans and organisation in all areas of DRR.⁴¹ Among the HFA's five priorities for government action is the need to reform or promulgate laws on disasters.⁴² An assessment of the existing legislative and administrative frameworks is thus crucial in helping reveal a country's current capacities, strengths and shortcomings regarding DRR.⁴³

The ability of Filipinos to respond and adjust to disasters pre-dates Spanish colonisation.⁴⁴ During colonialism a law-based disaster management system was not established but a system of recording disasters was set up and the records of events from 1521 to 1898 have informed today's early warning systems. The Spanish established an observatory with the first technology for early warning and set up some response systems.⁴⁵ The era of American colonial rule (1898–1935) and the period as a US commonwealth (1935–1946) saw changes in approaches to disaster management, including the promulgation of the first laws on disasters associated with natural and human-induced hazards. Laws and institutions on disaster management were introduced. A similar system was in place during the Japanese occupation (1942–1945).⁴⁶

Presidential Decree No. 1566 (PD 1566), Strengthening the Philippine Disaster Control, Capability, and Establishing the National Program on Community Disaster Preparedness, issued by President Ferdinand Marcos in 1978, was the “foundation for disaster management”⁴⁷ in the Philippines and remained its lynchpin until 2010. It provided for a National Disaster Coordinating Council (NDCC) as the highest policy-making body on matters of disaster. The coordination of responses through councils was retained, but an innovation in the decree was the specific roles assigned to barangays (the lowest administrative unit in the country). It became state policy for planning and operations to be undertaken at the barangay level as part of an inter-agency, multi-sectoral system to optimise the use of resources.⁴⁸ Leadership responsibilities lay with the heads of provinces, cities/municipalities and barangays, each with their own areas of responsibility.⁴⁹ So that operational activities could become routine, exercises and periodic drills were conducted at all levels,

principally at the barangay.⁵⁰ All municipalities (i.e., LGUs) were involved in disaster management.

Additionally, PD 1566 clarified the responsibilities of the NDCC and regional and local disaster coordinating councils; mandated the Office of Civil Defense (OCD) to prepare a National Calamities and Disaster Preparedness Plan; set out plans for NDCC member agencies; required periodic drills and exercises and authorised government units to allocate funds for disaster preparedness activities. This was in addition to the establishment of a Calamity Fund (monies set aside and pre-allocated for disaster relief and reconstruction) whereby two per cent of each LGU's annual budget is allocated to pay a premium for an emergency response payout. The implementing rules and regulations of PD 1566 mandated that during an emergency phase the concerned local disaster council, in coordination with some other agencies, should undertake an immediate survey of the disaster area. The results would be reported to the operations centre for initial assessment until they reached the NDCC for final evaluation and appropriate action.⁵¹ For decades, this was the main law that regulated disaster management in the Philippines.

3.2 Analysis of PDRRM-2010

It is widely recognised that PDRRM-2010 has contributed to several major paradigm shifts in Philippine disaster management. The government described it as acknowledging the need to adopt a DRR/DRRM approach that is “holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters” and which includes the participation of multiple sectors and stakeholders.⁵² Some civil society analysts have commented that it represents a move from a military-led focus on relief and recovery to “a proactive, preventative approach in which civil society groups foster community-based participation for vulnerable populations who historically had been most at risk from disasters.”⁵³ Margareta Wahlström, the Special Representative of the UN Secretary-General on DRR, has noted that the country's laws on climate change adaptation and DRR are the “best in the world,” indicative of a shift from a reactionary to a proactive stance in addressing disasters.⁵⁴ The new law puts in practice the Philippines' commitment to reforming its main disaster law in accordance with the HFA.

There are additional internal drivers of DRR policy evolution. In 2011, a government report criticised PD 1566 for

being myopic, reactive, uninvolved in DRR and not taking account of new developments and indicated weaknesses.⁵⁵ For its part, prior to enactment of PDRRM-2010, the NDCC had been moving toward a more proactive approach to disaster management.⁵⁶

PDRRM-2010 includes just one displacement-related provision: the need for evacuation centres to accommodate breastfeeding mothers. However, it contains substantive provisions to shape the legal and policy orientation of the law and increase accountability of authorities responsible for DRRM. PDRRM-2010 has a monitoring and evaluation mechanism and requires an annual report to be submitted by the National Disaster Risk Reduction and Management Council (NDRRMC) through the Office of Civil Defense (OCD) to the Office of the President, Senate and House of Representatives on progress in implementing a national DRRM plan.⁵⁷ A congressional oversight committee was created to monitor and oversee the implementation of the law, comprising members from both houses of Congress, with the chairpersons of the Senate and House Committees on National Defense and Security serving as co-chairs.⁵⁸ Within five years of promulgation of the law, or as the need arises, the committee is mandated to conduct a “sunset review,” a systematic evaluation of the law’s accomplishments and impact.⁵⁹ The sunset review clause provides scope for improving understanding of the law, its strengths and weakness and how it relates to the rights of people displaced by disasters.

A comprehensive and detailed summary of PDRRM-2010’s relevant provisions is included in Appendix II.

3.3 Interaction between PDRRM-2010 and other policies and laws

DRR encompasses several facets of disaster response, from disaster preparedness to post-disaster recovery and thus involves interaction with a wide body of legislation in addition to PDRRM-2010.

Law on climate change

The Climate Change Act of 2009 (CCA-2009) affirms that the state shall afford full protection and the advancement of “the right of the people to a healthful ecology in accord with the rhythm and harmony of nature.”⁶⁰ What has been said about this right in case-law as a potent source of state obligations is relevant to CCA-2009. This right was set out in 1993 legal judgment:

Such a right belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation – aptly and fittingly stressed by the petitioners – the advancement of which may even be said to predate all governments

and constitutions. As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind.⁶¹

CCA-2009’s definitions of “disaster,” “disaster risk reduction” and “climate change” match those in PDRRM-2010.⁶² CCA-2009 similarly refers to international commitments. It declares that as a party to the UN Framework Convention on Climate Change (UNFCCC),⁶³ the Philippines adopts the ultimate objective of the Convention: “to achieve . . . stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”⁶⁴ It also adopts the strategic goals of the HFA to build national and local resilience to climate change-related disasters.⁶⁵ This is one of the first ‘link’ references between CCA-2009 and PDRRM-2010. Furthermore, it recognises that climate change and DRR are closely interrelated and that effective DRR will enhance climate change adaptive capacity. CCA-2009 further declares cooperation with the global community to address climate change issues; adoption of the principle of protecting the climate system for the benefit of humankind, on the basis of climate justice or common but differentiated responsibilities and the Precautionary Principle.⁶⁶

While PDRRM-2010 created the NDRRMC, CCA-2009 led to a Climate Change Commission (CCC) to “ensure the mainstreaming of climate change, in synergy with disaster risk reduction, into the national, sectoral and local development plans and programs.”⁶⁷ It is mandated to coordinate and liaise with NDRRMC so as to reduce people’s vulnerability to climate-related disasters.⁶⁸ This coordination is strengthened by the fact that the Secretary of the Department of National Defense (in his capacity as chair of the NDRRMC) sits as a member of the CCC advisory board together with 22 others drawn from organisations forming the NDRRMC. At least one of the sectoral representatives is from the DRR community.⁶⁹ A panel of technical experts constituted by the CCC is made up of those with DRR and climate change expertise.⁷⁰

Law on local governance and related administrative issuances

Another law consistent with the objectives of PDRRM-2010 is the Local Government Code of 1991 (LGC).⁷¹ It mandates LGUs to provide immediate basic relief assistance such as food, clothing, emotional support and temporary shelter to those displaced due to conflict or disaster, both natural and human-made.⁷² This supports the role of the Local Disaster Risk Reduction and Management Councils (LDRRMCs) in preparing for, responding to and facilitating recovery from the effects of any disaster. In addition, the LGC gave *sangguniangs* (municipal and city government legislatures) the power to reduce property

taxes and interest rates after a calamity, upon recommendation of LDRRMCs.⁷³

Accountability for disasters

The LGC and PDRRM-2010 indicate that anyone (including an LGU official) may be held accountable if it is proved that s/he failed to provide immediate basic relief assistance in the aftermath of a disaster. A local official may be administratively liable for negligence and dereliction of duty, which leads to destruction, loss of lives, critical damage of facilities and misuse of funds. If found guilty, s/he may be imprisoned or disqualified from public office for life.

The LGC provides “for a more responsive and accountable local government structure instituted through a system of decentralization.”⁷⁴ Because the principle of local autonomy is enshrined in the national constitution LGU ordinances form part of the DRR landscape in their respective localities.

To further strengthen DRRM policy the Department of the Interior and Local Government (DILG) launched in April 2012 a Seal of Disaster Preparedness through Memorandum Circular No. 79 (series of 2012). It seeks to “recognize and incentivize local government performance in institutionalizing disaster preparedness,” and “to assess performance gaps, link gaps to policy or program intervention and monitor improvement(s) on disaster preparedness.”⁷⁵ DILG has issued many DRR-related directives to LGUs.⁷⁶ One specifically instructs LGUs to reorganise and enhance the capacities of their respective LDRRMCs in compliance with PDRRM-2010. Another policy directive was on activating disaster command and auxiliary command centres, area-wide warning and alarm systems and development of emergency response.⁷⁷ By 2011, 14 per cent of provinces, 40 per cent of cities and 22 per cent of municipalities had complied with these instructions.⁷⁸

The Cluster Approach

The Philippines’ cluster approach follows the global model introduced by the UN in 2005. It is intended to strengthen preparedness and response to humanitarian emergencies by ensuring that there is predictable leadership and accountability in all the main sectors or areas of humanitarian response provided by NGOs, international organisations, the International Red Cross and Red Crescent Movement and UN agencies.⁷⁹ Members of the Inter-Agency Standing Committee (IASC) designate global “cluster leads” in nine sectors or areas of activity (nutrition; health; water and sanitation; emergency shelter; camp coordination and camp management; protection; early recovery; logistics; and emergency telecommunications).

The Philippines cluster approach differs in that the cluster leads are Philippine state institutions. It was institution-

alised by the NDCC, which designated cluster leads and laid down their terms of reference at national, regional and provincial levels.⁸⁰ Other relevant national agencies and the private sector became involved, thus expanding the number and network of actors in any DRR situation.⁸¹

The cluster approach was activated in response to tropical storm Sendong to facilitate proper and efficient coordination of humanitarian response in Cagayan de Oro and Iligan. The United Nations International Strategy for Disaster Reduction (UNISDR) notes that the cluster approach provides a forum for stakeholders sharing a specific concern to be proactive in terms of all phases of DRRM. Regular cluster meetings have increased “prospects for DRR integration in the disaster cycle,” including prevention and preparedness.⁸²

There are legal implications of the cluster approach. Since it is based on administrative rules and regulations, it is vulnerable to political changes and differences in the implementation of coordination mechanisms. Thus, the cluster approach may be set aside if not adopted by an incoming administration. Roll-out of the cluster approach took place under the now defunct NDCC. There has been no official guidance from the NDRRMC concerning the cluster system, although in principle it supports it.

It has not been determined how the principle of local autonomy relates to the cluster approach in its activation by national actors. There is currently no clarification of when the national government may step-in, apart from the president’s discretionary right to intervene upon the recommendation of the NDRRMC.⁸³ Though the lack of clarity didn’t appear to hamper the Sendong response, the potential remains for post-disaster political jockeying among officials from different levels of government.

Human rights laws and advisories with reference to DRR

There has been no official codification of a binding human rights framework for disaster response in the Philippines. The Philippines has recommended a human rights-based approach to recent disaster response efforts. A bill that provides for the rights of IDPs is under consideration by Congress and may be enacted before the May 2013 elections. The Commission on Human Rights issued an advisory at the time of the 2009 Mayon volcanic eruption for actors to observe human rights standards during emergency evacuation.⁸⁴ It also issued a Sendong advisory to consider the human rights of IDPs, especially in relation to housing, land and property. The implementing rules and regulations of PDRRM-2010 mention the adoption of principles in the Universal Declaration of Human Rights, the GPID and some other human rights instruments in its policy statements.⁸⁵



An area near the Marcos Bridge which crosses the Cagayan River in Cagayan de Oro City, where many people lost their homes and their belongings. Some even lost their lives as this area was flooded during the storm. (Photo: Gabriel Komarnicki, December 2011)

The Special Protection of Children Against Abuse, Exploitation and Discrimination Act considers disasters as a circumstance that endangers the normal survival and development of children.⁸⁶ It does not specify how to protect children following disasters. However, there are provisions for their evacuation, preservation of family life and temporary shelter as well as monitoring and reporting of the situation of children during armed conflict.⁸⁷

Republic Act No. 9710, or the *Magna Carta of Women*, provides for women's "right to protection and security in times of disasters, calamities, and other crisis situations especially in all phases of relief, recovery, rehabilitation, and construction efforts."⁸⁸ The state should provide immediate humanitarian assistance, allocate resources and facilitate early resettlement if required. The response should include provision of services.⁸⁹

Other laws, rules and regulations

Government agencies such as the Department of Social Welfare and Development, the Department of Education and the Department of Health, have issued administrative rules and regulations in their disaster response efforts.

PD 1096 (National Building Code of the Philippines) specifies minimum requirements and standards of building designs to protect buildings against fires and natural hazards. Rule 1040, as amended, provides for the formation of disaster control groups and health safety committees in every place of employment and periodic drills. Under PD 1185 (Fire Code of the Philippines), administrators or occupants of buildings should comply with inspection requirements, safety provisions for hazardous materials, fire safety regulations, protection and warning systems and should conduct periodic fire and exit drills.⁹⁰

4

Analysis

PDRRM-2010 seeks the reduction and better management of disaster risk. It is shaped by two key assumptions:

- that disaster risk is something that is endemic rather than a concern only when a cyclone, flood, drought or earthquake occurs
- that it is within the power of the state to reduce disaster risk even though it is unable to prevent cyclones, earthquakes or other natural hazards.

Governments have an ability to alter the configuration of disaster risk at local level by managing such underlying risk factors as poorly managed urban growth, environmental degradation, lack of accountability and vulnerable livelihoods.⁹¹ Since the enactment of PDRRM-2010 it has become the formal responsibility of the government (at national, provincial and local levels) to address these factors.

Given the magnitude of the impacts of Sendong and in light of the recent passage of legislation intended to reduce disaster risks, Senators Aquilino “Koko” Pimentel III and Teofisto “TG” Guingona III convened a two-day summit in Cagayan de Oro in February 2012. It set out to identify lessons learned from Sendong and to analyse shortcomings in the management of relevant risk factors. The event was attended by other national legislators, members of local government as well as representatives

from NGOs, academia, civil society organisations and the private sector. They collectively produced a document, the *Mindanao Declaration on Disaster Risk Reduction Priorities*, which stressed the need for: stronger laws; improved enforcement of existing laws; more strategic planning and institutional arrangements for implementing laws and policies; more effective emergency preparedness and response and better ecosystems management.⁹²

In March 2012, OCHA convened a two-day workshop for organisations that had participated in the humanitarian response in order to identify what went well and how response efforts could be improved for future humanitarian emergencies. One of the workshop report's key findings is that humanitarian actors themselves needed to support local governments to fully implement PDRRM-2010.⁹³ Participants found that the response efforts left room for improvement:

- Local authorities had not developed or fully implemented contingency and evacuation plans. Thus, loss of life was probably higher than it might have been.
- The Incident Command System (an on-site mechanism used to coordinate disaster response, especially when there are multiple responders and/or multiple LGUs involved) was activated prior to Sendong but its implementation was inconsistent and there was a coordination gap between local and national/regional

The *Global Assessment Report*: A framework for understanding and addressing disaster risks

The United Nations defines risk using the equation:

$$\text{Risk} = \text{Hazard} \times \text{Exposure} \times \text{Vulnerability}$$

Taking flood-related displacement as an example, *risk* is the probability that internal displacement will occur in a particular disaster context as a result of the other three factors. The *hazard* represents the magnitude and intensity of the flood, often characterised by the frequency with which it occurs (e.g., a “50-year flood” is one that occurs, on average, once every 50 years). As has been noted elsewhere, and as observed in the case of Sendong, processes such as urbanisation and environmental degradation can influence the configuration of a hazard by altering drainage and stream flows. *Exposure* includes the number of homes and people located within the flood plain being assessed. Finally, *vulnerability* is the susceptibility of people, homes and infrastructure to withstand damage. (Coping capacity, which appears in some forms of the disaster risk equation, is captured under vulnerability.)

Based on this understanding of disaster risk, the risk of being displaced by a disaster is determined by the occurrence of a hazard of a particular size and intensity, the number of people and settlements exposed to the hazard and the vulnerability of those people and settlements to the hazard (i.e., the propensity of homes to be damaged or destroyed or of people having to be evacuated as a result of the hazard). These underlying conditions are the result of government policies, public and private investments and the choices of individuals. The HFA, whose implementation is reviewed periodically in a *Global Assessment Report*, offers a means for addressing the two factors that governments and individuals can address most easily: exposure and vulnerability.

counterparts and among local civil society organisations and private citizens.

- Addressing the needs of the IDPs living with host communities or in makeshift shelters was a major challenge because IDPs were mobile and hard to locate. Furthermore, it was difficult to differentiate between storm-affected IDPs and those non-IDPs in need of assistance due to poor living conditions. Assistance focused on IDPs in evacuation centres, which caused jealousy among IDPs outside them.
- The relief operation focused on Cagayan de Oro and Iligan, leaving more remote and hard to reach areas underserved.
- Aid delivery was delayed and duplicated at the initial stages of the emergency. Some IDPs received more than enough assistance while others none at all. Assistance provided was not recorded and tracked in a coordinated manner.⁹⁴

4.1 Linkages between environmental vulnerability and internal displacement

Cagayan de Oro and Iligan are each located in flood plains at the mouths of rivers and thus are at risk of periodic flooding. The flood hazard maps prepared by the

Department of Science and Technology (DOST) (Figure 2) illustrate the expected extent of flooding associated with floods of different magnitudes and “return periods”: floods that occur once a decade, once every 50 years and once a century.

Following Sendong, authorities prevented residents from returning to areas considered to be especially unsafe with respect to future floods. They previously designated as No Build Zones at least seven hazard-prone locations within three barangays whose total population was more than 35,000 according to the 2010 national census (Figure 3).⁹⁵ Given that these densely populated settlements had already been deemed unsafe for habitation, the question remains why people were allowed to settle there in the first place.

In both Cagayan de Oro and Iligan rapid and unplanned urbanisation (accompanied by the failure to implement local zoning and conservation easement laws) also contributed to the severity of the flooding and the magnitude of the impacts: concrete roads, buildings and other structures prevented soil infiltration. In-migration and population growth has resulted in the growth of informal settlements in hazardous locations on riverbanks and floodplains. The government has estimated that 85 per cent of the homes affected by Sendong could be clas-

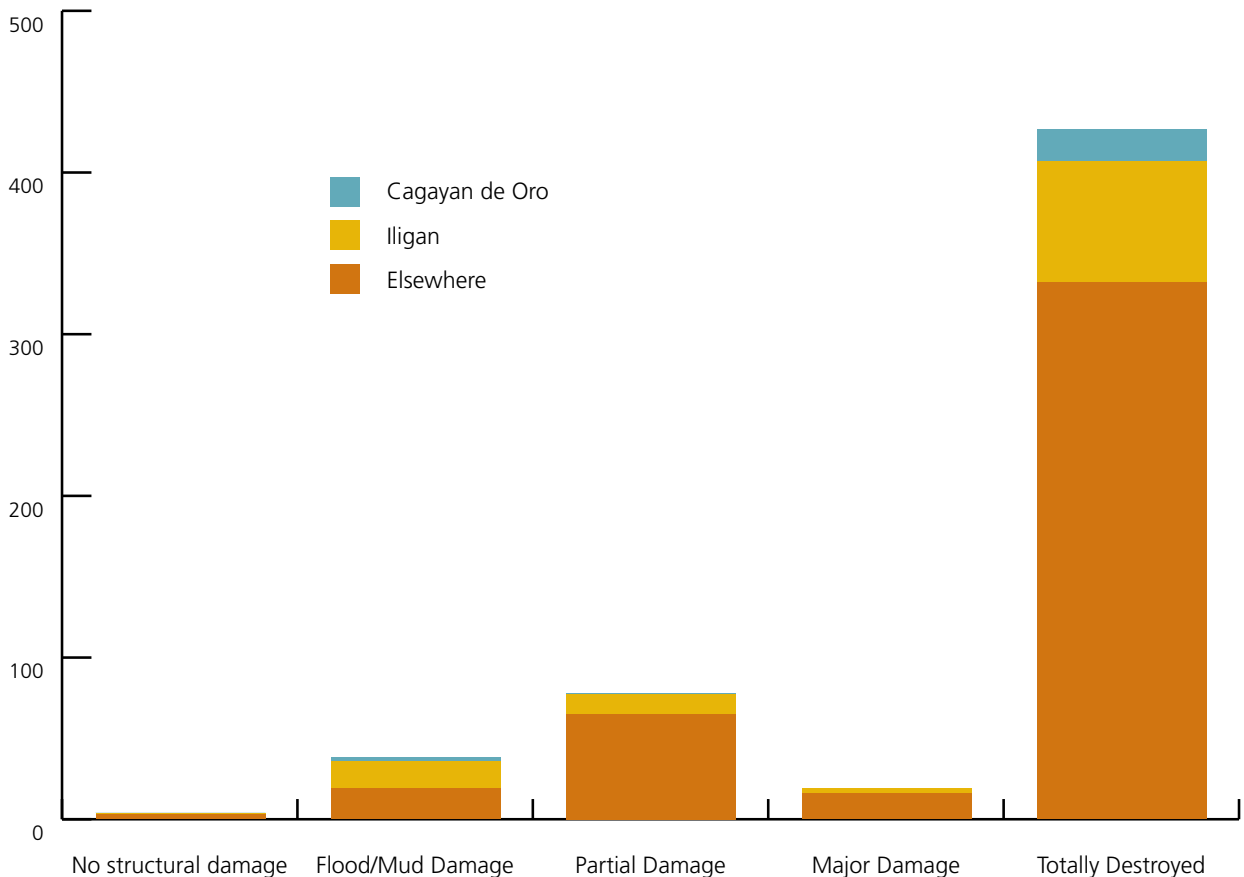


Figure 3: Houses in No Build Zones, by Location and Category of Damage (Source: REACH, 2012)

sified as informal settlements,⁹⁶ built using techniques and lightweight materials unable to withstand floods or other extreme events.⁹⁷ This is supported by a survey of flood damage by type of building material used to construct homes (Figure 4) in Cagayan de Oro and Iligan, as well as a second survey of a barangay in Cagayan de Oro which found that 82 per cent of the affected homes were constructed only of wood and the remaining 18 per cent from wood with a concrete foundation.⁹⁸ At the time of Sendong, some 70 per cent of the population of Cagayan de Oro and Iligan lived in homes whose walls were constructed from wood, bamboo, galvanised iron, aluminum or a combination of concrete or stone with these materials.⁹⁹ Those living in the sturdiest homes and on safer land were spared displacement.

Both Iligan City's mayor as well as the commander of the disaster response and rescue task force in Iligan partially blamed the flood impacts on illegal logging, mining and quarrying, especially along the Kapai and Bayog Rivers.¹⁰⁰ As a result of these activities, logs and mud accumulated in the Mandulog River, creating debris that swept away homes and people.

At the time of Sendong, approximately 500 families (or 7,000 people) lived in informal settlements on Isla de Oro,

a sand bar islet in the mouth of the Cagayan River formed through the accumulation of sand and silt.¹⁰¹ When the Cagayan River flooded, the water, logs, trees, stones and debris that it carried wiped the entire islet – and everyone and everything on it – into the sea.¹⁰²

The timing of the floods during the night made matters worse as many were asleep and caught unawares. Those who were awake had not been forewarned. For example, one survivor from Isla de Oro recalled that she had not woken her husband and two children until the water was waist high, having earlier thought it would be sufficient to merely raise their possessions off the floor.¹⁰³

4.2 Socio-economic linkages with internal displacement

According to an October 2012 report published jointly by the UN Economic and Social Commission for Asia and the Pacific (UNESCAP) and UNISDR, “the urban poor were significantly more seriously affected” by Sendong than the general urban population.¹⁰⁴ Poverty, poor housing and displacement are linked because vulnerable households lack means to build or to rent safe accommodation. A post-Sendong survey in February found

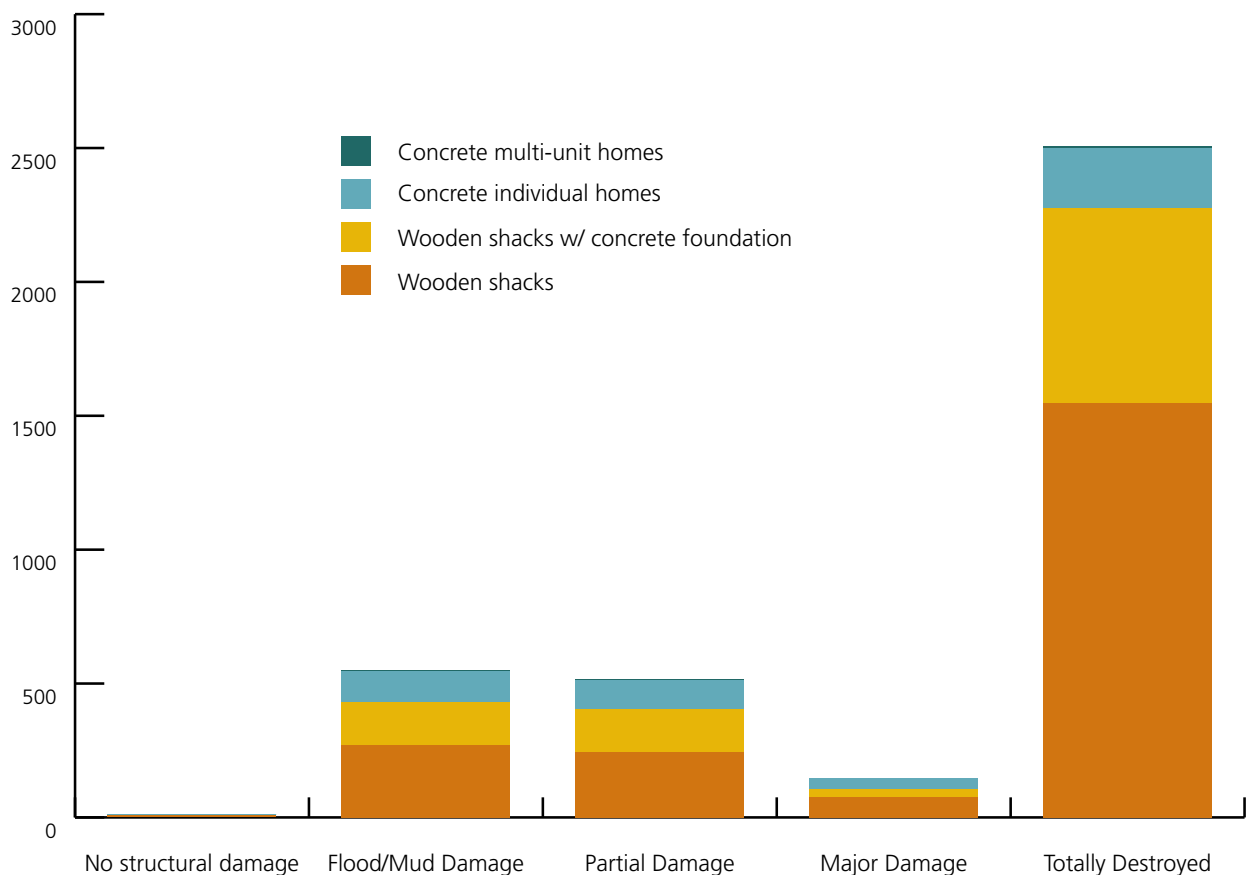


Figure 4: Extent of damage by type of construction (Source: REACH, 2012)

an “intricate relationship of livelihoods needs as well as shelter needs”: 77 per cent of those surveyed claimed to be living below the poverty line,¹⁰⁵ a figure that is in line with the results from the September-October surveys.

The socio-economic and physical factors that configure disaster risk are closely correlated and mutually reinforcing. Informal settlements, such as those in Cagayan de Oro and Iligan, are often located on marginal land or on the periphery of cities because of the lack of alternative and affordable locations on which to build. Areas close

to river systems or the coast are sometimes state-owned land that can be more easily accessed than privately owned land.¹⁰⁶ Concentration of income-earning possibilities and livelihoods is obviously welcome but this brings risks if not adequately regulated by responsible authorities able to mitigate the risk that the urban poor will live in areas not intended for settlement.¹⁰⁷ In Cagayan de Oro alone, some 2,700 homes were estimated to be located within No Build Zones, a risk factor that should have been addressed before Sendong.¹⁰⁸

Summary of relevant “priority and/or flagship” activities to be implemented immediately

Activity	Progress expected between 2011–2013:	Outcome observed in the context of Sendong	Lead agency responsible for implementation:
Development of local disaster risk reduction and management plans (DRRMPs)	National and regional level: 70% complete Local level: 30% complete	No evidence that local DRRMPs were published or implemented prior to Sendong.	Office of Civil Defense
Risk financing options	100% available	The Government of the Philippines drew down the full amount of its \$500 million Catastrophe Deferred Drawdown Option (Cat DDO) from the World Bank’s Global Facility for Disaster Reduction and Recovery, but funds received were not entirely committed to post-disaster recovery efforts.	Department of Finance
Development of guidelines on local flood early warning systems and evacuations	National level: 50% Local level: 30%	Early warnings were not received by a significant number of people in the most at-risk areas. The majority of affected people were not evacuated pre-emptively.	Office of Civil Defense
Development of tools to address psychosocial concerns	To be implemented after a disaster according to Department of Health guidelines and protocols	Anecdotal evidence suggests that psychological trauma remains a concern, especially in children, but is not being addressed.	Department of Health
Establishment of “end-to-end local flood early warning systems through integrated and sustainable management of river basins and water sheds in areas like . . . Cagayan de Oro [and] Iligan City” ¹¹²	100%	Despite the fact that the NDRRMP identified the need for a flood early warning and river basin management of Cagayan de Oro and Iligan there was poor management of river basins and little evidence of effective early warning systems.	Department of Science and Technology
Review, amendment and/or revision of building codes	100% of all critical facilities (hospitals, schools, government buildings, etc.)	While critical facilities may have, by and large, survived the disaster, there are many problems related to location of informal settlements in high-risk areas.	Department of Public Works and Highways

(Source: NDRRMP)

In both Cagayan de Oro and Iligan those living in the most flood-prone locations were among the least likely to receive an early warning that the flood was coming: only 53 per cent of the people living on the sand bar islands in the Cagayan River or in Cala-Cala received any warning and in Iligan only 11 per cent of survey respondents received a warning. The lack of a warning not only increased the risk of death, but it exacerbated the impact of the flood by denying households the chance to gather their belongings prior to flight.

Adding to the stress of families displaced by disasters is the uncertainty of life in informal settlements. In addition to displacement people must often cope with the threat of demolition, forced evictions, lack of secure land tenure and difficulty accessing material to rebuild their homes or credit with which to purchase them.¹⁰⁹ Prior to Sendong, inhabitants of informal settlements enjoyed some security of land tenure in both Cagayan de Oro and Iligan due to local government policies that granted informal settlers lifetime usufruct (i.e., secure land tenure but with no title), sometimes in exchange for a nominal sum.¹¹⁰ However, due to the fact that many of the informal settlements destroyed by Sendong were built in high-risk areas, displaced families were not allowed to return, build or rebuild on sites that they had previously occupied. There is anecdotal evidence, however, that people are moving back to these areas in defiance of official orders in order to both be closer to livelihood opportunities and potentially benefit from compensation payments when there are further disasters.

Thus, to a significant extent, security of land tenure became a problem only after the disaster. It was one that the local governments were ill prepared to address. This is further evidence of the disconnect between local government policies that allow informal settlements in high risk areas and their duties as described in the country's impressive and detailed framework of laws and procedures to prevent, mitigate and address disaster risk.

4.3 Governance and accountability

PDRRM-2010's implementation plan, the *National Disaster Risk Reduction and Management Plan* (NDRRMP), defines three time scales: short (2011–2013), medium (2014–2016) and long term (2016–2028).¹¹¹ Medium- and long-term provisions were not scheduled to have been implemented by December 2011 when Sendong struck. However, in the "immediate or short term" the NDRRMP specifies a number of "priority and/or flagship" projects as indicated below.

The successful implementation of these projects assumed, among other things, "enabling policy mech-

anisms," "good governance," "strong political will and leadership" and "strong support from LGUs and national government." DILG has identified risks such as "delayed program [or] project implementation," "lack of political will," "non-implementation of policy," "weak leadership" and "weakened delivery mechanisms and structures."¹¹³

Funding

PDRRM-2010 was supposed to mark a paradigm change toward the prevention and mitigation of disasters. Unfortunately, this new mindset has not resulted in new budgeting priorities. A National DRRM Fund, a Quick Response Fund and a Calamity Fund for local governments were created and funds still flowed toward response rather than prevention. As he vetoed the national 2011 budget, President Aquino argued against the use of Calamity Funds for DRR activities: "While laudable, [preparation of relocation sites/facilities, and training of personnel] must be weighed against the . . . need of maintaining sufficient provision under the Calamity Fund for actual calamities and prevent its full utilization for pre-disaster activities."¹¹⁴

The Calamity Funds could have helped address many of the outstanding needs of people displaced by Sendong. Some have questioned how they have been used – or delayed. In January 2012, the slow release of Calamity Funds prompted Senator Loren Legarda to introduce a Senate Resolution requesting that they be audited,¹¹⁵ noting that "we have the best law on natural disaster in the world but what is the use of these laws if the local government units cannot implement it."¹¹⁶ Six mayors subsequently petitioned the president to help them access their Sendong Calamity Funds whose release had been authorised but without the money reaching their cities.¹¹⁷ An investigation was launched in another city where Calamity Funds went to pay salaries and improve parking facilities in the public market.¹¹⁸

Governance failures and negligence

Despite increased efforts to enforce forest- and environmental-protection laws the government, and LGUs in particular, has had little success halting illegal logging and mining in Mindanao.¹¹⁹ Officials from the Department of Environment and Natural Resources (DENR) have known for years that these activities exacerbate flood damage and increase the risk of flood-triggered landslides.¹²⁰ There is growing pressure from civil society and communities to ensure authorities are enforcing regulation of mining and logging restrictions, one of the key objectives set out in the *Mindanao Declaration*.

Church groups and civil society organisations, including mining-affected communities and environmental groups, have been promoting an alternative mining bill – the Philippine Mineral Resources Act of 2012 (House Bill 5473). It aims to regulate the exploration, development and uti-

lisation of mineral resources and ensure the equitable sharing of benefits for the state, indigenous peoples and local communities.

There is evidence that illegal practices continue in a climate of impunity. On 17 October 2012 a joint civil and military operation found evidence that a large sawmill was continuing to operate illegally in Kapaï town, Lanao del Sur. This is the place from which illegally felled logs traveled downriver in the Sendong floodwater, greatly accelerating damage and leveling Iligan.¹²¹ That this illegal logging continues is all the more alarming considering that in February 2012 the Philippines House of Representatives ordered an investigation into the role of local officials, DENR, the police and the military in illegal logging activities in the region.¹²²

Further evidence of negligence can be seen in the way some local governments ignored flood risk warnings, instead encouraging people to stay in informal settlements in high-risk areas. In 2009, DENR and its Mines and Geosciences Bureau (MGB) produced an accurate flood hazard map of Cagayan de Oro. The MGB also issued a recommendation to local governments indicating that residents should be relocated from the sand bar islets in the rivers running through Cagayan de Oro and Iligan. In September 2011 it warned the mayor of Cagayan de Oro that tropical storms were expected before the end of the year. Both warnings were ignored: an assessment has confirmed that mayors and local residents had been forewarned that these were risky flood-prone areas.¹²³ A gap in the legal framework exists in that MGB's hazard maps and assessments are only recommendations and cannot legally compel LGUs to act.

The failure of the government – at multiple levels but especially the local – to enforce or implement existing laws, policies and recommendations contributed significantly to the severity of Sendong. Local government has extensive influence over access to land and established powers over zoning, land use applications and plot specifications. Yet it is clear they chose not to carry out their official responsibilities regarding disaster preparedness. Most of those living in No Build Zones in Iligan and Cagayan de Oro were never told that their homes were located in high-risk zones.¹²⁴

In March 2012, the Philippines Commission on Audit found Cagayan de Oro's mayor, Vicente Emano, to be in violation of PDRRM-2010 for the way he established the Cagayan de Oro Disaster Risk Reduction and Management Council and appointed people to it. To date, no action has been taken by the central government to address this. In the late 1990s when Mayor Emano initiated a pro-poor housing scheme people were offered the right to settle in marginal areas that had been identified as unsafe for

one Philippine peso (approximately \$0.02). More than 1,000 families took up the offer, many residing along the banks of the Cagayan River and on sand bars and in other areas most affected by the storm.

After the disaster Mayor Emano did not implement President Aquino's order to prevent people from returning to dangerous areas like Isla de Oro. He instead reportedly suggested "that residents will be allowed to return on condition that there would be a more efficient evacuation system wherein if a typhoon strikes in the future, they would leave the area immediately."¹²⁵ As a result, the Philippines Department of Interior and Local Government has opened an investigation. If charges are proven Mayor Emano could be imprisoned or debarred from running for office for life.

The NDRRMP indicates that Local Disaster Risk Reduction and Management Offices (LDRRMOs) should keep a database of human resources, equipment and capacities of hospitals and evacuation centres. However, prior to Sendong an insufficient amount of land had been specifically designated for temporary IDP camps and local governments had not developed plans for housing hundreds of thousands of IDPs.¹²⁶ Insufficient pre-disaster purchasing of land by the state, particularly in Iligan, meant that substantially more land had to be acquired after Sendong in order to meet the need for public housing for the many thousands of informal settlers who had lost their homes or who were living in No Build Zones.¹²⁷ These newly acquired parcels of land had to be surveyed and environmentally assessed by the MGB and also had to be accessible by road and located close enough to the cities so that the IDPs sheltered or relocated there could access livelihood opportunities without excessive time or cost. The plan states that land has to be situated in areas where water, electricity and other services can be provided.¹²⁸

Finding and acquiring such plots of land has proven difficult and costly, thus prolonging IDPs' residence in temporary shelters or forcing many to leave and try to fend for themselves rather than wait for sluggish state responses. Their number is considerable. Four days after the storm it was estimated that half of the Sendong-related IDPs had sought refuge with family or friends, a proportion that has only grown over time due to the slow pace of recovery.¹²⁹ By January 2012, a significant number of IDPs had moved to temporary shelters or damaged houses on their own property. Many owners of informally held properties refused to leave for fear their homes would be destroyed or occupied by others. Sixty per cent of those who returned to their damaged homes lacked formal land titles.¹³⁰ Despite official policy, both temporary shelter and permanent relocation sites are often located many kilometers from the city centres and do not provide water.¹³¹

There are three explanatory factors why PDRRM-2010 has failed to engender a greater degree of accountability among those responsible:

- extensive (and potentially willful) lack of awareness of the law
- unwarranted assumptions that communities necessarily have great powers of resilience and civil society volunteers will fill the breach
- the impact of the nation-wide system of patronage.

LGUs have repeatedly claimed they were unaware or improperly informed of the disaster risks facing their communities. When asked about the flood risk map of Cagayan de Oro produced after the January 2009 floods, a representative from the mayor's office claimed that local officials lacked the expertise to interpret risk maps.¹³²

Patronage

Patronage has been called “the *sine qua non* of political success” in the Philippines.¹³³ Its roots can be traced to Spanish colonialism, but the modern form of patronage is a remnant of a decentralised, “subtle colonialism” that dates back to American colonial rule of the early twentieth century.¹³⁴ Some have argued that in the more than six decades since independence, things have become worse: “Tribute consists . . . of the material wealth

[politicians] steal . . . through kickbacks, through over-priced government purchases, through rules that favor selected entities, through sweetheart deals that allow cronies to acquire lucrative monopolies, through diverting public funds . . . to private pockets.”¹³⁵ Contracts for public construction projects are typically prearranged, with companies bidding 15–35 per cent over the project's actual costs in order to pay off elected officials and the contractors who “lost” the bid.¹³⁶ Members of Congress exert or have an “enormous influence over who is recruited and promoted within the bureaucracy, and how projects are formulated and implemented.”¹³⁷ Some have complained that they spend most of their time “running an employment agency.”¹³⁸

This governance failure has a cost, resulting in lack of responsiveness to the needs of the majority of the population.¹³⁹ Despite enactment of PDRRM-2010, the patronage system forms the socio-cultural foundation of the current disaster management system in the Philippines, thus prohibiting a risk management ethos. As a result of patronage, decisions are based on electoral considerations rather than on evidence or technical assessments. This results in “underinvestment in vital national-level infrastructure projects (e.g., national transportation networks and port facilities), and the concurrent resourcing



People affected by the Tropical Storm washing their muddy clothes and other belongings. (Photo: Gabriel Komarnicki, December 2011)

of micro-level projects with the most visible political impact (e.g., basketball courts whose backboards proclaim the sponsorship of a congressman or local politician).¹⁴⁰ This state of affairs is reinforced by the fact that local government officials or their proxies are themselves often from large and influential landowner families.¹⁴¹

Patronage politics is apparent in Cagayan de Oro. Mayor Emano has created a local political dynasty: his son, Yevgeny, is a member of the Philippines' House of Representatives; his daughter and son-in-law are both members of the Cagayan de Oro city council; his brother is mayor of a neighbouring town, Tagoloan and other Emano relatives and proxies own local media companies.¹⁴² In early October 2012, an estimated 20,000 people marched in support of Mayor Emano's re-election. They were allegedly coerced into doing so: a village chief has testified that barangay council members and all employees were urged to attend and warned that their absence would be noted.¹⁴³

4.4 Institutional architecture

Participants in the February 2012 post-Sendong summit in Cagayan de Oro concluded that "mitigation and adaptation measures by all sectors and levels of government have been inadequately implemented and weakly coordinated resulting in inefficient use of resources and lack of accountability."¹⁴⁴ Even where authorities are committed to implementing PDRRM-2010, the challenge of institutional coordination is enormous as responsibility for implementing the law is shared vertically by national, regional and local governments and horizontally across several institutions. A list of just the cluster "lead" agencies includes:

- the Department of National Defense (DND)
- the Office of Civil Defense (OCD)
- the Department of Environment and Natural Resources (DENR)
- the Department of Social Welfare and Development (DSWD)
- the Department of Interior and Local Government (DILG)
- the Department of Education (DOE)
- the Department of Health (DOH)
- the Department of Public Works and Highways (DPWH)
- the Department of Science and Technology (DOST)
- the Department of Finance (DOF)
- the Philippine Information Agency (PIA)
- the National Housing Authority (NHA).¹⁴⁵

Pre-Sendong coordination around disaster prevention among this plethora of actors was found to be lacking, but coordination during the response was better due to national authorities' familiarity with the international

humanitarian response system, a factor which initially facilitated the flow of relief to affected communities.¹⁴⁶

Coordination between local institutions and national and international actors was a challenge because LGUs were given the responsibility to lead but lacked the capacity and technical expertise to manage disaster risks. This major constraint had been identified even before PDRRM-2010 was enacted.¹⁴⁷ A statement in a 2007 study of local disaster risk management in the Philippines is still pertinent, despite additions to legal structures in the intervening years:

"[M]ost often local governments do not understand their city-specific disaster risk management 'options,' nor do they comprehend the 'process' for successfully implementing these options. The bottom line is that across the spectrum of local government duties, disaster risk management is not very well understood, is difficult to implement, and is sometimes a risky proposition for local governments."¹⁴⁸

Flood risk management requires coordination of both formal institutions (such as government institutions and the Philippine Red Cross) and informal institutions (such as community groups and social networks). The PDRRM-2010 implementation plan assigns responsibility to official government institutions that, in turn, depend upon informal institutions for implementation, operations and assessment.¹⁴⁹ The mismatch between institutional responsibilities and capacities, particularly at the local level, has been identified as a major impediment to effective implementation of disaster risk reduction and management policies.¹⁵⁰

Allocation of responsibilities under PDRRM-2010 poses another challenge. The OCD has experience responding to disasters and it played a lead institutional role before PDRRM-2010 passed into law. Its traditional role, disaster response, means that it is not well equipped to mainstream and integrate DRR and DRRM into national, sectoral, regional and local development plans and policies, as is required by the new law.¹⁵¹ Moreover, given the long-running conflict between the Philippine Armed Forces and the Moro Islamic Liberation Front (MILF) in Mindanao, including some areas affected by Sendong, the OCD was not regarded as a neutral actor by some communities of Moro (the mostly Muslim indigenous inhabitants) affected by the flooding.

5

Conclusions

The Government of the Philippines should be commended for enacting proactive legislation intended to reduce and manage disaster risks and to mitigate the impacts of disasters, including internal displacement. If it is amended to close certain gaps, PDRRM-2010 could potentially serve as a useful template for national legislation in other countries seeking to move toward a more proactive risk reduction and risk management approach to disasters.

The impacts associated with Sendong show that legislation is insufficient unless it is supported by strong political will to ensure implementation. The disasters in Cagayan de Oro and Iligan were precipitated by an intense storm, but the magnitude and intensity of the impacts were largely the result of decisions taken before, during and after 16 December 2011. Many of the tragedies caused by the storm could have been averted or minimised had relevant authorities been held more accountable – or had they focused more on risk reduction than disaster response.

The slow pace of recovery and reconstruction has meant that tens of thousands of people have become more vulnerable since the disaster, especially those who remain displaced and have not been able to achieve a durable solution to their displacement. These people were at risk when Pablo struck Mindanao in December 2012.

LGUs that received extensive funding from international and local donors must be asked to account for monies received for the rehabilitation of disaster victims/survivors. LGUs should be required to maintain stand-alone accounts for disaster-related donations to ensure transparency and ease of audit.

Sendong occurred less than two years after PDRRM-2010 passed into law, but institutions such as DENR, DOST, OCD and DSWD have many years of experience assessing hazards and risks and responding to disasters. Thus, the government has the necessary technical capacity to reduce and manage disaster risks, including the risk of being displaced by a disaster. As responsibility for managing disaster risks is devolved to LGUs these capacities must also be speedily devolved. National institutions such as OCD, DENR and DSWD should take a more active coordination role in order to fill current gaps.

Most importantly, there is a need to change development paradigms so that poverty alleviation, climate change adaptation and DRR plans are better integrated. In areas

affected by Sendong, this means planning interventions that are coherent at the river basin level and implemented by concerned institutions in partnership with communities. It also means addressing the longer-term housing, land and property needs of the IDPs currently in need of durable solutions and for communities at risk of displacement in the future due to their vulnerability and exposure to natural hazards.

Appendix I: September-October survey results

Table 1: Displacement by place of origin in and around Iligan and Cagayan de Oro

Residence at time of Sendong (Iligan)	Per cent of IDPs surveyed (n=99)	Residence at time of Sendong (Cagayan de Oro)	Per cent (n=195)
Bayug Island	13.1%	Balulang	8.2%
Bonbonon	5.1%	Carmen	14.9%
Digkilaan	5.1%	Isla Copa	1.0%
Hinaplanon	20.2%	Isla de Oro	10.3%
Mandulog	5.1%	Isla Delta	11.8%
San Roque	9.1%	Kauswagan	2.1%
Santiago	15.2%	Macasandig (Biasong)	2.1%
Sta. Felomina	14.1%	Macasandig (Cala-Cala)	13.8%
Tambo	4.0%	Macasandig (Tambo)	13.3%
Tubod	3.0%	Macasandig (Tibasak)	15.9%
Other	6.1%	Other	6.7%

Table 2: Impact on housing and ability to return home following Sendong

Reason for losing home	Iligan (n=99)	Cagayan de Oro (n=195)
House destroyed	95.7%	14.7%
Was evicted	0.0%	2.9%
Lacked proof of ownership	0.0%	2.4%
Home located in No Build Zone	3.2%	78.8%
Other	1.1%	1.2%

Table 3: Pre-Sendong housing type of those displaced

Housing type prior to Sendong	Iligan (n=99)	Cagayan de Oro (n=195)
Owned with title	15.2%	16.4%
Owned with no title	65.7%	23.6%
Rented with proof of agreement	3.0%	2.0%
Rented without proof of agreement	11.1%	11.3%
Other	5.0%	46.7%

Table 4: Age of survey respondents displaced by Sendong

Age	Iligan (n=99)	Cagayan de Oro (n=195)
Under 19 years old	2%	< 1%
Between 19 – 59 years old	89%	93%
60 years old and older	9%	7%

Table 5 Ethnicity of people displaced by Sendong in Iligan and Cagayan de Oro

Ethnicity	Iligan (Surveyed, n=99)	Iligan (Total, n=285,061)	Cagayan de Oro (Surveyed, n=195)	Cagayan de Oro (Total, n= 459,824)
Binisaya/Bisaya	51.5%	53.1%	65.6%	44.3%
Boholano	5.1%	0%	8.2%	4.4%
Cebuano	24.2%	32.0%	11.3%	22.1%
Hiligaynon/Ilonggo	2.0%	1.8	3.6%	1.4%
Maranao	7.1%	6.6%	0.5%	< 1.0%
Other or not reported	10.1%	6.5%	10.7%	26.4%

Source of Total Population for Iligan and Cagayan de Oro: Republic of Philippines National Statistics Office, Results of the 2000 Census of Population and Housing

Table 6 Comparison of pre and post Sendong income

Current income amount	Iligan (n=91)	Cagayan de Oro (n=163)
Greater than before Sendong	1.1%	7.4%
Same as before Sendong	34.1%	41.7%
Less than before Sendong	64.8%	50.9%

Table 7 Summary of lost documentation issues for those displaced by Sendong

Document	Iligan (Percentage of displaced participants who responded Yes)	Cagayan de Oro (Percentage of displaced participants who responded Yes)
Lost birth certificate	62.6%	64.1%
Were able to replace lost birth certificate	41.9%	25.6%
Had to pay to replace lost birth certificate	84.6%	90.6%
Lost marriage license	46.5%	31.3%
Were able to replace lost marriage license	41.3%	36.1%
Had to pay to replace lost marriage license	84.2%	86.4%
Lost voter registration documents	26.3%	32.8%
Were able to replace lost voter registration documents	7.7%	26.6%
Had to pay to replace lost voter registration documents	0%	17.6%
Lost ID card	37.4%	16.9%
Were able to replace ID card	27.0%	24.2%
Had to pay to replace ID card	40.0%	62.5%
Lost proof of education	44.4%	33.3%
Were able to replace lost proof of education	2.3%	0.0%
Had to pay to replace lost proof of education	N/A	N/A
Lost proof of land ownership	6.1%	4.6%
Were able to replace lost proof of land ownership	0%	11.1%
Had to pay to replace lost proof of land ownership	N/A	100.0%
Lost proof of home rental agreement	8.1%	0.5%
Were able to replace lost proof of home tenancy agreement	37.5%	0%
Had to pay to replace lost proof of home rental agreement	N/A	N/A

Appendix II: Detailed summary of PDRRM-2010

Section 2 of PDRRM-2010 sets out state DRR policies. Its innovations include:

- adherence to and adoption of universal or internationally accepted norms or principles in humanitarian assistance and DRR
- explicit mention of DRRM as an approach
- indication of intent to develop, promote and implement a DRRM plan at all levels of government
- mainstreaming DRR and climate change into development and peace processes.¹⁵²

Analysts note that refocusing disaster management under the terms of DRR involves a conceptual repositioning in which disaster and development work are understood to be simultaneous and fundamentally interdependent.

Section 3 defines terms used in the law. Some relate to concepts that are intrinsically or necessarily connected to DRR such as the HFA. It uses a definition of disaster that goes beyond the traditional notion of environmental or natural disasters.¹⁵³ Climate change is also defined, further demonstrating legal intention to relate it to DRR. Many analysts thus concur the new laws on disaster in the Philippines adopt a “linked legislation model” where the linkage between DRR and climate change processes is likely to be facilitated by both laws’ specific references to each other.¹⁵⁴

Section 4 establishes PDRRM-2010 as a groundbreaking piece of legislation for its comprehensive approach to DRRM by clearly stating that it provides for development and implementation of planned actions and measures concerning all aspects of DRRM.¹⁵⁵ Reduction of underlying risk drivers, previously identified elsewhere,¹⁵⁶ is also mentioned.¹⁵⁷

Sections 5 to 12 determine parameters for national and local platforms on DRR, designating existing actors and providing them with powers and specific functions. This entails abolishing the NDCC and establishing the National Disaster Risk Reduction Management Council (NDRRMC) as well as replacement of Regional and Local DCCs with Regional and Local Disaster Risk Reduction Management Councils (RDRRMCs and LDRRMCs).¹⁵⁸

The NDRRMC has become the highest policy-making body on DRR. It advises the President on the status of disaster preparedness, prevention, mitigation, response and rehabilitation. The council chairperson is the secretary of national defense. Four vice-chairs are respon-

sible for disaster prevention/mitigation, preparedness, response and rehabilitation and recovery.¹⁵⁹ The council works through the cluster approach (see below) with each vice-chairperson taking the lead in policy formulation, coordination, plan implementation and appropriate response.

There have been changes in the council's personnel. Cabinet secretaries and frontline government agency heads who used to form the core of the NDCC are now supported by representatives from LGUs, financial institutions, the private sector and civil society organisations.¹⁶⁰ These changes are intended to improve vertical coordination from the national to the local level. The law entrusts powers and functions to the NDRRMC and its chairperson has the power to call upon government, civil society and the Philippine Army's reserve force to assist in certain DRRM matters.¹⁶¹

The law assigns to the OCD the primary mission of administering a comprehensive national civil defense and DRRM programme, thus expanding its role as an agency within government. The RDRRMCs include the regional counterparts of the NDRRMC members from OCD, the Department of Health (DOH), the Department of Social Welfare Development (DSWD) and other agencies, and with the OCD's regional directors serving as chairpersons and the OCD regional offices functioning as secretariats.¹⁶² At the level of LGUs, members of the local disaster coordinating councils are to serve in LDRRMCs but other actors may also become members. Among the functions delegated to them is responsibility to recommend compulsory pre-emptive evacuation of local residents.¹⁶³ They assume most DRRM responsibilities and should be the ones to “[r]espond to and manage the adverse effects of emergencies and carry out recovery activities in the affected area.”¹⁶⁴

Section 13 provides a mechanism for civil society participation of volunteers. Section 14, on DRR education and training, designates agencies to facilitate incorporation of DRR into the curricula of secondary and tertiary learning and training institutions. All civil servants have to receive DRR training. Section 15 spells out a coordination mechanism during emergencies, assigning the lead role to LDRRMCs.

Sections 16 and 17 are about the declaration of a state of calamity – defined as involving mass casualty and/or major damage to property, disruption of means of livelihoods, roads and day-to-day lives.¹⁶⁵ The NDRRMC may suggest

that the president call for international humanitarian assistance. *Sangguniangs* may also declare and lift a state of calamity within a locality after a recommendation from the relevant LDRRMC based on a damage assessment and needs analysis.¹⁶⁶ Declaration by the national government may open the way for appropriation of calamity funds, price freezes on basic necessities and granting of no-interest loans to help people rebuild homes that were destroyed by disasters.

Section 18, on international humanitarian assistance, permits the import of goods and donations for emergency response as set out, for example, in the *Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* (“the IDRL Guidelines”), developed by the International Federation of Red Cross and Red Crescent Societies (IFRC).¹⁶⁷ Subject to the President’s approval, imported/donated goods are the property of NDRRMC.¹⁶⁸ This provision is timely in view of intensified regional and international initiatives to address disasters. For instance, the Association of South-east Asian Nations (ASEAN) has affirmed its adherence to the Hyogo Framework through the *ASEAN Agreement on Disaster Management and Emergency Response*¹⁶⁹ which the Philippines ratified in September 2009. This obliges members to cooperate to reduce disaster losses and to intensify joint emergency responses.¹⁷⁰

Sections 19 and 20 penalise certain acts and provide penalties for acts or behaviour such as:

- dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds
- preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories and disaster teams/experts
- buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other commodities intended for distribution to disaster affected communities.¹⁷¹

Sections 21 to 23 clarify funding issues, allowing for increased expenditure by local governments on DRRM. It establishes a Local Disaster Risk Reduction and Management Fund, a Calamity Fund drawn from a minimum of five percent of the estimated revenue of an LGU’s annual budget. This development has been welcomed.¹⁷² It is meant to be used to support such DRRM activities as pre-disaster preparedness programmes (including training, purchasing life-saving equipment, supplies and medicines), post-disaster activities and payment of calamity insurance premiums. About 30 per cent of the fund should be allocated as a quick response/stand-by fund for relief and recovery programmes so that the situation and living conditions of people in areas stricken by disasters may be normalised as quickly as possible.¹⁷³

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- exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences, Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, Social and economic disruption and environmental degradation."
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The Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, on the request of the Inter-Agency Standing Committee to set up a global database on internal displacement. 14 years later, IDMC remains the leading source of information and analysis on internal displacement caused by armed conflict, generalised violence and violations of human rights worldwide. Since 2009, IDMC has also monitored displacement due to disasters associated with natural hazards.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), many of whom are among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement;
- Researching, analysing and advocating for the rights of IDPs;
- Providing training on the protection of IDPs;
- Contributing to the development of guides and standards on protecting and assisting IDPs.

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