



No Build Zone (NBZ) signages like this can be seen in various locations in Siargao island. © UNHCR Philippines / Janie Pangalian

THEMATIC BULLETIN

SAFEGUARDING THE RIGHTS OF THE VULNERABLE:
Ensuring solutions for the internally displaced population due to Super Typhoon Rai in Caraga Region and Southern Leyte province

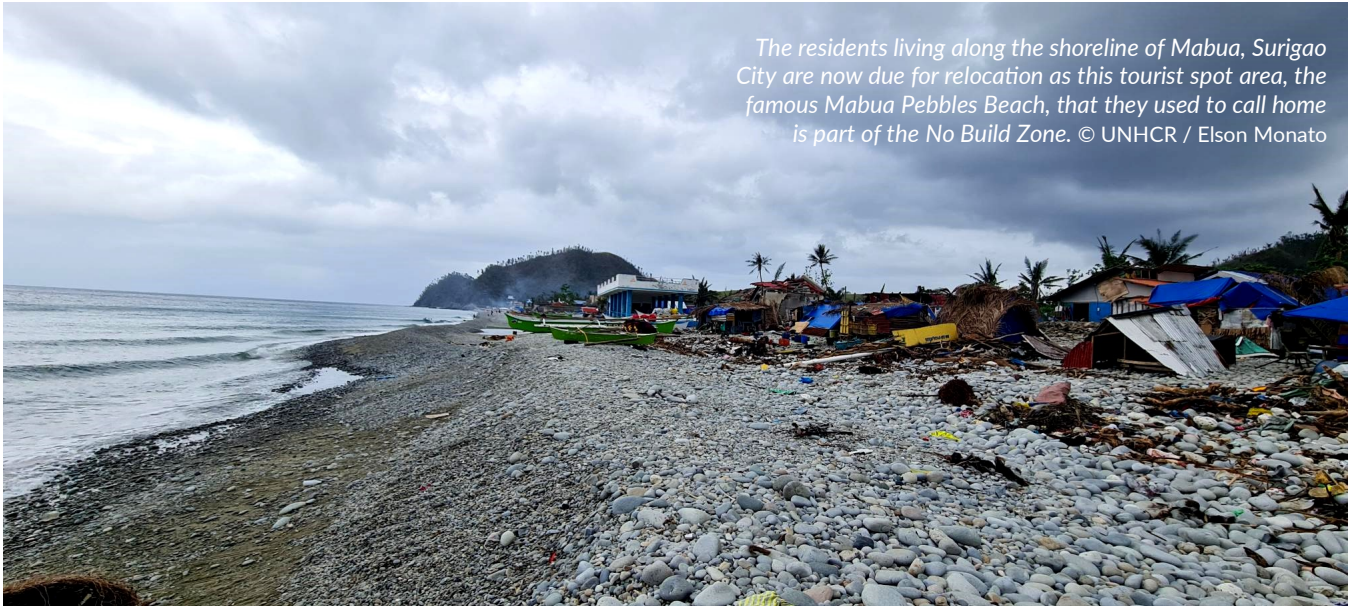
BACKGROUND

On 16 December 2021, Super Typhoon Rai (locally known as Odette) brought torrential rains, violent winds, landslides, and storm surges causing severe and widespread damage throughout the Southern Philippines. Southern Leyte was one of the worst-affected provinces, with 18 towns and cities suffering damage, and its capital Maasin City, utterly devastated. In Mindanao, the extent of damage is highly visible in the provinces of Dinagat Islands and Surigao del Norte, including Siargao Island.

Based on the report of the Disaster Response Operation Monitoring and Information Center (DROMIC) as of 02 March 2022, the estimated total affected population in Southern Leyte and Caraga Region has reached around 513,000 families (approximately 1,947,000 individuals). While most of the IDPs have returned, some 9,800 families (approximately 40,300 individuals) are still displaced and are currently staying either in the evacuation centers or at homes of relatives. Most of them are those whose houses were totally damaged.

Two months after the super typhoon wreaked havoc, the need for humanitarian support continues to be high, particularly in coastal and island communities, which continue to face challenges on access to lifeline support. In addition to flattening homes, the Super Typhoon upended lives and devastated farming and fishing communities which provide a major source of income and livelihoods. It also caused massive electricity and telecommunications outage, as well as logistical challenges that hamper the speedy delivery of services affecting many areas. Given the extent of damage the typhoon left in their places of origin, the affected families anticipate that it may take some time to reach full recovery.

HOUSING, LAND AND PROPERTY: *An Emerging Issue*



The residents living along the shoreline of Mabua, Surigao City are now due for relocation as this tourist spot area, the famous Mabua Pebbles Beach, that they used to call home is part of the No Build Zone. © UNHCR / Elson Monato

Imposition of the No-Build Zone policy

1. Communities along the shorelines of the Dinagat Islands, Surigao del Norte, and Siargao Island are among those severely hit by the super typhoon. Displaced families currently staying in evacuation centers have learned from local authorities that they will not be allowed to return to their residences following the installation of No-Build Zone (NBZ) signages by the Department of Environment and Natural Resources (DENR) on 4 January 2022 which prevents the residents from rebuilding housing structures in areas considered as high risk. The NBZ markings have been placed in several sites in the affected municipalities of Siargao island except for Pilar Municipality whose local executive opposed the placement of the signages without due process and prior consultation with the affected population. Meanwhile, according to reports, some local government units (LGUs) like Burgos Municipality have already started the strict implementation of the said policy, resulting in residents not being able to rebuild their houses and return. While some municipalities are still allowing repair and construction of temporary shelters within the NBZ, IDPs were reportedly asked to sign a waiver that confirms that their houses are made of light materials.
2. Due to lack of information on the scope of the NBZ policy and on the plan of the government, some IDPs who were able to rebuild their houses along the NBZ in Siargao expressed concerns on the possible impact of the implementation of the policy, including the possible payment of fines and imprisonment if they will be regarded as going against the law, as well as disruption in their livelihoods. Without sustainable livelihood opportunities in new areas, people relocated will either remain to be financially challenged and more vulnerable to disasters or leave.
3. The issuance of the NBZ policy also hindered the residents of some barangays in the municipalities of Pilar and Burgos to construct their toilets as they do not have information on whether they would still be allowed to stay in their respective areas. The lack of access to toilets poses further risks, especially to women and girls who need to access communal toilets at night.
4. In Southern Leyte, IDPs are advised to look for their own relocation sites with no specific guidelines from the LGUs. The lack of guidelines could cause tension between the landowners and IDPs. One barangay in Saint Bernard reported that they have a relocation site but will not be able to accommodate all the displaced families who need to be relocated. There were also reports in Brgy. Sto. Rosario in Macrohon and Brgy. Lipanto in Saint Bernard that landowners refuse to lease their lands to tenants.

HOUSING, LAND AND PROPERTY: *An Emerging Issue*

Protection risks due to forced eviction

1. Lack of specific relocation sites would force IDPs to return to their habitual residences along the coastlines and/or mountainsides exposing them to further risks and harm. There are already existing cases in Amparo, Macrohon in Southern Leyte where IDPs returned to their place of residence and built temporary shelters even in danger zones and barangay officials allowing IDPs to rebuild their shelters in adjusted NBZ (e.g. 3 meters from coastline instead of 20 meters).
2. In Surigao del Norte, at least 10 displaced families who are currently staying in Dapa Elementary School were advised by the school administrator to vacate the classrooms that they are currently using. Four (4) of these families are from the areas declared under the NBZ and are financially constrained to rebuild their houses. Another family that used to rent a house before the super typhoon could no longer afford rent due to an increase in rent cost.
3. In Tagana-An Municipality in Surigao del Norte, IDPs staying in isolation facilities near the police station were reported to be ordered by the LGU to leave the facility so that it can be used as an isolation facility for COVID-19 infected patients.
4. In General Luna Municipality in Siargao, 39 families who have been living for over 10 years by the creekside of Poblacion 3 are facing the risk of forced eviction. According to reports from the IDPs, a certain individual is claiming rights to the land and has not allowed the rebuilding of houses in the said areas. On the other hand, IDPs also claim that the land is owned by the government and that they should be allowed access to the area.
5. In Surigao City, a group of indigenous people from the Bajau tribe who are currently staying in makeshift shelters are at risk of being evicted in line with the LGU's policy preventing IDPs to return to their places of origin especially those that are situated along coastlines. Based on interviews with the said families, they expressed a preference to return to their original residence to allow them to continue with their livelihood. In a recent conversation with the office of the Mayor, the Mayor assured that he will be giving exceptional consideration to these families in recognition of their tradition and culture. The Mayor commits to identifying a relocation site suitable to the families' requirements.
6. Humanitarian emergencies can exacerbate conflicts around housing, land, and property and increase the risk of violence – especially for women and girls. Lack of adequate housing during displacement and resettlement may contribute to sexual assault, exploitation, and violent domestic situations.

Exclusion in the provision of shelter assistance

1. There are also reports of families residing within the NBZ areas of Surigao del Norte who were allegedly excluded from shelter assistance to prevent the families from rebuilding permanent structures in the affected areas. Meanwhile, the DSWD plans to roll out the Emergency Shelter Assistance program to the typhoon-affected areas. The drafting of the implementation guidelines for this program is still ongoing; however, it is important to note that the existing policies only consider house owners as qualified recipients. If not to be revised, this condition may potentially result in the exclusion of families who do not own any property, and those who were tagged as renters, borders, and sharers.
2. The Southern Leyte Provincial Government wanted to expedite the shelter assistance programs and will prioritize those who meet the LGU requirements (e.g. those with available lands).

HOUSING, LAND AND PROPERTY: *An Emerging Issue*

Forced relocation

1. Some 66 families in Sitio Busay of Brgy. Carmen in Loreto, Dinagat Island have been identified for mandatory relocation as their current location is prone to landslide. The Mines and Geosciences Bureau (MGB) of the DENR and the local government officials have visited the site to conduct a risk assessment which will be the basis for the recommendations on the possible relocation of the affected families.
2. IDPs in evacuation centers in Surigao City (e.g., Surigao del Norte High School, Surigao City National High School, DPWH Building, Kasilag Gym, and Surigao Central Elementary School)

which are estimated to be around 123 families are set to be relocated in an identified temporary relocation site within the city. According to reports, the construction of transitional shelters in Surigao City is already ongoing through the collaborative efforts of the city government and humanitarian actors operating in the area. DSWD has committed to installing protection facilities such as Women Friendly Spaces and Child Friendly Spaces at the site once construction is completed. Prior consultation and go-and-see visits should be ensured prior to the relocation of the families.



RECOMMENDATIONS

1. The imposition of such policy, without due process provided by existing laws, may constitute forced eviction where restrictions or accompanying relocations render individuals with no choice but to leave their lands or properties. The **primary solution for displaced populations post-disaster is voluntary return to their habitual residences or the voluntary resettlement** as highlighted under Principle 28 of the UN Guiding Principles on Internal Displacement¹. As such, forced relocation should be strongly justifiable and a measure of last resort to reinforce concerns such as public safety.
2. Where relocation is justifiable, authorities should conduct **meaningful consultations and information campaigns** towards the affected communities about the risks faced in unsafe zones, their rights, and alternative options, to ensure the dignified return to habitual places or relocation. The Government should also support LGUs in formulating effective risk communication strategies that will allow accurate information to be provided in a timely fashion if an issue arises and promote collective efficacy and resiliency among communities.
3. Government is encouraged to **issue clear guidelines on the proposed NBZ policy** and explore the possibility of conducting a **comprehensive hazard mapping** of all the affected areas at the LGU level to determine particular risks for each area to address any exceptional circumstances.
4. All national government agencies to adhere to its mandate by **taking decisive actions that could provide durable solutions** for the displaced communities such as ensuring the implementation of adequate shelter projects for all IDPs, allocating DRRM funds of the LGU to include solutions related programs, and others.
5. Ensure that assistance to IDPs regarding **housing assistance and relocation shall be GEDSI (Gender Equality, Disability and Socially Inclusive)**. Under the Pinheiro Principles², “the State shall ensure that housing, land and property restitution programs, policies and practices do not disadvantage women and girls. States should adopt positive measures to ensure gender equality in this regard.” At the same time, special consideration should also be made for the most vulnerable displaced populations, especially those with special needs such as the elderly and persons with disabilities including their primary caretakers (who may be solo parents).
6. Ensure that in the **provision of shelter support to communities, land ownership, and tenure shall also be consulted with communities**, and any news or information as regards land distribution should be fully disseminated and shared with recipient families.
7. In the meantime that schools are not yet being used for face-to-face classes due to the COVID-19 pandemic, to **allow IDPs to stay in evacuation centers in schools**. It is urged that the affected local government unit coordinates with the local DepEd authorities in the area for the proper management of the evacuation center, while the return is still not possible, or while a new site is still being identified³. Alternatively, LGU to transfer the families to designated municipal evacuation centers or other government structures.
8. Ensure **non-discrimination and provision of equitable emergency assistance** (e.g., emergency shelter kits, food, WASH, protection) to IDPs including those who are currently within the proposed NBZ and temporary shelters/evacuation sites, in conjunction with the leaving no one behind principle by ending discrimination and exclusion and reducing inequalities and vulnerabilities. Also consider families who are renting but had been in the locality for several years to be included on the relocations project, shelter kits assistance, and others.
9. **Ensure availability of basic services**, particularly access to electricity and clean potable water, in the relocation sites as well as livelihood opportunities, preferably in the same line of livelihoods they were engaged in before, to ensure sustainable income and rebuilding of the community.
10. Put in place a **functional and effective grievance mechanism** for formal processing of complaints by the affected population.
11. LGUs to facilitate support to affected families to **obtain civil registration documents**, including land and property documents that may have been lost due to the typhoon.
12. **Reactivation of local Protection structures/groups** (e.g., LCPs, LCAT-VAWCs) to support the monitoring, referral, and reporting of GBV-related issues and other protection risks and threats involving women and children due to conflicts around HLP.

¹See Annex A: Copy of the UN Guiding Principles on Internal Displacement (UNGPID)

²Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), UN Sub-Commission on the Promotion and Protection of Human Rights, June 2005

³For more information on the use of schools as evacuation centers, please see DepEd Order No 33, series of 2021: https://www.deped.gov.ph/wp-content/uploads/2021/08/DO_s2021_033.pdf