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 **By Princess Asuncion-Esponilla**

**Case 1: Tropical Storm Ketsana and the Philippine Government’s Oplan LIKAS**

1. **What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations (as identified above) that have suffered loss and damage due to the adverse impacts of climate change?**

Probably everyone in Metro Manila has an Ondoy (Typhoon Ketsana) story. People in the capital region thought that Metro Manila—a region comprising 16 cities and one urban municipality—was sinking from a non-stop heavy rain in September 2009 that caused massive flooding and damaged homes of both the rich and the poor. Even weeks after the tropical storm had passed, many poor families lived on the streets. They had no houses to return to.

As the urban poor were struggling to recover from the devastating effect of Typhoon Ketsana, the government, then under the administration of disgraced President Gloria Macapagal-Arroyo, ordered to relocate informal settlers, especially those along waterways, to housing projects in areas far away from where their children go to study, where family breadwinners earn a living, and where services such as hospitals are located. Authorities threatened to demolish their houses if they resist relocation. The poor have been resisting relocation because that would cut them off from their sources of income.

Waterways such as the easements of Pasig River and its tributaries and the coast of Manila Bay are, by law, considered "danger zones". Mainstream media, private developers, policymakers, and ordinary citizens, especially the wealthy, see these communities as "eyesores" that need to be cleaned up. Informal settlers along waterways were blamed for the floods during Typhoon Ketsana, saying that their substandard houses and the garbage they generate were blocking the flow of the water. They served as the scapegoats for government's failure to ensure the rational and equitable use of urban land.

Government officials said that illegal settling is one of the main causes of flooding as canals and other water pathways were blocked by houses built in an area. The problem is that the occupants don’t want to leave the area because they don’t have anywhere else to go.

At a meeting of the country’s disaster management council, President Arroyo stressed that urban informal settlers rendered homeless by Typhoon Ketsana must not be allowed to return to where they used to reside. She announced her plan to transfer these families to new resettlement sites in the municipalities of San Mateo and Montalban in Rizal province; Calauan in Laguna, and San Miguel in Bulacan. The government also allocated Php 1.5 billion[[1]](#footnote-1) for flood control project (Reliefweb 2009).

The government's plan to relocate thousands of urban poor families was met with resistance. For the organized among them, off-city relocation would be not solve the flood problem. Blaming the poor diverts serious discussions about climate change and how the poor are disproportionately affected when disasters such as Typhoon Ketsana, which dumped a month's worth of rain in just twelve hours, strike. Displacing them undermines efforts to ensure that those suffering the worst effects of global warming but did the least to cause it are treated fairly, their vulnerabilities reduced, and their rights safeguarded.

Government figures placed the number of families affected by Typhoon Ketsana at more than 990,000 families or almost five million individuals across the country I. More than 400 people died and hundreds were injured. The magnitude of the damage brought by Typhoon Ketsana disrupted the lives of people in Metro Manila for months (if not years) and traumatized many, including children..

Typhoon Ketsana could have been an opportunity for Filipinos to better understand global warming and climate change. It could have prepared raised their awareness about climate change and its impacts, understand and manage risks, and prepare better for future disasters. Sadly, by blaming the urban poor and taking them out of the cities, the government exacerbated their suffering. They were victims of disasters and human rights violations.

**Story from below**

Estero de San Miguel, one of the many drainages in the capital city of Manila, overflowed during Typhoon Ketsana. The community of 172 informal settlers—collectively called the Nagkakaisang Mamamayan ng Legarda (or United Citizens of Legarda)—experienced flood height of almost two meters, forcing many of them to evacuate to a nearby school. When the flood subsided, they returned to their homes but their community was one of the many that received eviction threats from the government.

Filomena Cinco, president of the NML said, "Every rainy season, the urban poor like us, residing on and near the waterways, are always threatened to be evicted. But we want to stay in this place because we are very close to our work, our children’s schools, the church, and many government services. We have lobbying with the city and national government for an in-city housing."

She added, “Extreme weather has made us an easy target for eviction and demolition by the government. The policy of off-city relocation was due to a Supreme Court order in 2008 which instructs government agencies to rehabilitate Manila Bay and Pasig River by removing obstructions like our houses."

NML has been proposing an in-city housing project. The design was developed through what civil society organizations call the “people’s plan” approach.

Urban Poor Associates (UPA), a housing rights NGO promoting community organizing to empower the poor in claiming housing and land rights, stressed that the urban poor and the cleaning of the river and climate change are not mutually exclusive. Upholding the right to adequate housing of the poor is as essential as the rehabilitating waterways and mitigating disasters.

Instead, the government must pursue a participatory approach, such as the people’s plan, in providing alternatives to the distant, off-city relocation.

Instead of building resilient communities and typhoon-proof housing for the poor in the city, the government would opt to relocate the urban poor and consider it a post-disaster recovery endeavor (Jha et al. 2010).

Many post-disaster policies and responses seem to do more harm than good, especially to the vulnerable such as urban informal settlers and the homeless. Recovery efforts sometimes increase social inequalities by implementing exclusionary policies such as distant relocation for typhoon victims and selective application of “high-risk zones”. Labeling areas as "danger zones" has, in many cases, led to forced evictions and demolitions.

Worse, some relocation sites that are supposed to keep urban poor families from harm’s way are also found to be flood-prone and located near earthquake fault lines. Some of these housing projects accommodating Ketsana-affected families (e.g., Kasiglahan Village and Southville 8-B in the municipality of Rodriguez in Rizal province) suffered life-threatening flash flooding during Typhoon Vamco (local name: Ulysses) in November 2020.

**Oplan LIKAS**

In 2011, the national government under the helm of the late president Benigno S. Aquino III launched Oplan LILKAS (an acronym for *Lumikas para Iwas Kalamidad at Sakit* or Evacuate to Avoid Disasters and Diseases). The program aimed to relocate approximately 120,000 informal settler families (ISFs) from danger areas along major waterways in Metro Manila. The said program was again in compliance with the 2008 Supreme Court writ of Mandamus, which required the reservation of a three-meter easement zone along the waterways. As the name suggests, Oplan LIKAS involved the resettlement of ISFs.

The program was the allocated PHP 50 billion (or PHP 10 billion annually for five years).[[2]](#footnote-2) The budget was a response to the advocacy of organized urban poor groups to infuse more resources for building houses for informal settlers. The program was supposed to support in-city housing projects developed by ISFs themselves, with the help of NGOs, through the “people's plan” approach. In contrast to conventional top-down approach of government in developing mass housing projects, a people’s plan allows grassroots organizations to choose where they want to stay or relocate, design how they want their houses to look like, and determine how much they can pay for a unit.

The fund could have brought real change in the way government delivers housing for the poor. However, a big portion of the fund--64% or a total of PHP 32 billion, went to the National Housing Authority (NHA). Designated as the main producer of socialized housing in the Philippines, this housing agency preferred building off-city relocation. Another shelter agency, a government-owned corporation called the Social Housing Finance Corporation (SHFC), which was deemed more open to supporting in-city, multistorey housing projects, received 19% of the fund. The Department of the Interior and Local Government (DILG) received almost 5%; the Department of Social Welfare and Development (DSWD), which funded the micro-medium rise housing of NML in Estero de San Miguel, got 1%; the Presidential Commission for the Urban Poor (PCUP) had a share of 0.08%, while the remaining 10.5% was unallocated.

Identifying lands for in-city housing proved to be a difficult and an extremely time-consuming process. Organized groups like NML had to deal with the bureaucracy and look for properties within the city that they could afford, since the national government was not committed to fully subsidize the cost of land. Because of the delay in carrying out the “people’s plans”, much of the fund was given to the NHA, which has the capacity to build off-city relocation projects.

In 2013, SHFC came up with the High-Density Housing (HDH) Program while the DILG established the Micro-Medium-Rise Building modality. Oplan LIKAS, which was supposed to integrate and mainstream the innovations of in-city housing and the people's plan approach, led NHA to construct a total of 75,215 off-city housing units and only 9,838 in-city housing units. SHFC supported six off-city projects, nine near-city projects, and 12 in-city housing projects. DILG was able to implement seven in-city housing projects and one off-city project.

What went wrong in Oplan LIKAS? Galuszka (2018) offers four observations. First, the implementing agencies of the program had different interpretations of utilizing the fund. As such, the efforts to promote in-city resettlement and people's plans were not internalized. For NHA to spend the big housing fund, they followed the conventional approach. Second, access to in-city land remained a key obstacle to the implementation of identified people's plans. Third, people’s plans required lengthy capacitation of the involved communities because the process of setting up people's plan from identifying the lands, securing building permits, and the approval of construction fund, took years before it can be implemented. In the case of NML housing, it took the community eight years before the micro-medium rise buildings with 21 units were completed and turned over to the families. For this reason, the bias for faster implementation of distant resettlements became the dominant option for government, and this favored the NHA. The speedy delivery of housing was motivated by disaster risk reduction measures and the requirement to use the Oplan LIKAS funds, or else the fund will be given back to the treasury. It also did not help that many informal settlements lacked strong organizations; very few people’s organizations had the capacity and readiness to engage in the long and cumbersome process of negotiations with government agencies involved in land acquisition, house construction, and approval of permits.

Data gathered by UPA showed that from 2011 to 2018, almost 71,000 ISFs (or 354,550 individuals) from various parts of Metro Manila were transferred to in-city and off-city housing projects of government. Of this number, only 16% were relocated to housing projects within their respective cities.

**NML building climate-resilient communities**

NML, one of the urban poor communities that UPA helped organize, shows how socially, economically, and politically marginalized communities can influence and participate in government decision making so that they can stay in the place they call home.

In 2010 NML prepared a “people’s plan” for an in-city housing to show the government that they need not resort to evicting informal settlers and demolishing their communities.

With the help of urban planners and architects, NML came up with a “people’s plan” with micro-medium rise buildings that not only respect the easement and allow them to live along the estero but also integrates green design that minimizes carbon emissions . The design also generated spaces for income-generating opportunities. The buildings were designed to be energy- and water-efficient by maximizing natural light and ventilation and installing rainwater collection system. The structures could withstand earthquakes and protect families from floods and damaging winds.

With the help of the DSWD, the land was declared suitable for housing. Other agencies such as the Department of Science and Technology (DOST) provided livelihood assistance to entrepreneurial members of the community, initiated an urban gardening project that proved helpful in augmenting the food supply in the community during the COVID-19 pandemic, and built a material recovery facility where residents sort out recyclables to be sold to end buyers. The community organization also has a community-managed savings program and insurance for their housing units. But for Cinco, the most important benefit from their housing project is that the 21 families no longer fear any threat of eviction or have to climb up onto the roofs or move to an evacuation center when the estero overflows.. For her, their housing project is a testament that in-city housing is always the best option for the urban poor.

In 2022, the Department of Environment and Natural Resources (DENR) listed Estero de San Miguel as one of the most improved esteros in Manila.

The housing project showed that when the government works in partnership with the poor to find and create solutions, climate change resilience of cities, communities, and families can be achieved.

1. **What legislation, policies, and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?**

UPA and its partner grassroots communities have been advocating for the recognition of people's plans in building climate-resilient communities and cities. People's plan is a model that local communities can take the lead in building their resilience. This people-led approach, however, necessitates their empowerment through community organizing.

Providing safe and adequate in-city housing is key to helping vulnerable communities build their capacity to adapt to climate change impacts and their resilience. With all the identified issues concerning the implementation of in-city housing and people's plans, there is also a need to reform existing housing policies. By cutting off the poor’s access to livelihoods, jobs, and other urban amenities and services, off-city resettlement as a post-disaster response and policy places heavy burden on the urban poor who suffer the effects of climate change. While SHFC was able to build up experiences of working with communities when adapting to new housing modalities promoted by people's organizations, NHA housing project dominates conventional approach of distant resettlements. The mandate of NHA must nurture people's participation. It, therefore, needs to find rapid modalities of delivery which provide more flexibility in terms of housing design, integrate people's plans, and create productivity opportunities that would respond to building climate-resilient communities.

In-city relocation of informal settlers must be the first option for moving them away from high-risk areas. Off-city should be the last resort if in-city resettlement is not feasible, but such an option should be accompanied with appropriate forms of assistance so that families will not be worse off. The government is in the position to find ways to make the process of land acquisition, construction of structures, and provision of basic services such as electricity and water, less protracted. As the experience of NML showed, people’s participation not only allows them to “own” a project (which compels them to become responsible homeowners) but also enables them to gain for themselves better understanding of climate change and of ways to mitigate and adapt to its impacts.

Informality exposes the urban poor to climate change impacts. It is thus crucial to resolve land access issues which, in the case of Philippine cities, are products of a private sector-driven urban development. In-city land for socialized housing purposes, such as land-swapping, land sharing schemes can be applied in planning the city. Expropriation (i.e., the government purchases privately owned properties to be used for public infrastructures and development projects such as housing) should not be an option only after exhausting all other modes of land acquisition as provided in Republic Act No. 7279 or the Urban Development and Housing Act (UDHA) of 1992.

All these solutions cannot be realized without adequate budget. Funding should also be provided for of the use of renewable energy sources in housing projects since the high cost of in-city or high-density housing limits the possibility of the inclusion “green energy”.

1. **Please provide examples of policies and practices (including legal remedies) and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage to the adverse impacts of climate change.**

Helping expedite the people’s plan approach to urban poor housing can be one way of giving organized vulnerable communities a fair chance in determining options to improve their situation and minimize adverse impacts of climate change. The openness of the government to invest in alternative, innovative, and participative housing options for the poor proves that local communities can take charge in ensuring their own community’s resilience. Again, this would require the organization of the communities.

In Marawi, there is the Marawi Siege Compensation Act that will give reparations to private property owners and replacement cost of structures and improvements. In the case of the urban poor who lost their homes to disasters, the government gives them housing units in resettlement sites, the value of which may be greater than the cost of the affected structure. How about free housing for disaster victims? Although the cost of housing in resettlement sites is subsidized, many of the urban poor still find it burdensome to pay amortization because they don't have work.

1. **Please provide examples of ways in which States, the business enterprises, civil society and intergovernmental organisations have provided redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change.**

UPA is helping urban poor communities adapt to climate change through organizing that led people to work collectively to develop solutions that will make the most significant impact in risk management and disaster preparedness—the people's plan in-city housing. UPA believes that creating empowered communities will capacitate people to be ready to engage in the long and cumbersome process of negotiations with LGUs and key shelter agencies. Empowering people with their rights will equip them to confront challenges for a safer and more stable future.

1. **What international, regional, and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice for, particularly for individuals and communities, from the adverse impacts of climate change?**

Experts foresee that climate change will force tens of millions of people out of their homes in the next decade. They have called it the biggest refugee crisis the world would ever see. With this, international and national agencies must support in-city housing (preferably developed through the people's plan approach) to ensure that the poor people facing the adverse effects of climate change will be protected. This will require enormous financial resources, which governments in developing countries like the Philippines cannot easily provide. Most of the climate change adaptation infrastructure in the country are funded through official development assistance or loans; this can also be explored for building in-city resettlement projects for the urban poor and for improving the structures in existing housing sites outside the city centers.

For post-disaster recovery efforts (often called “build back better”) to be effective and sustainable, the urban poor—who constitute the urban workforce—must be given safe and adequate housing.

1. **What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?**

Distant relocation of the urban poor is a practice that must be discouraged. Uprooting the people from their areas close to the workplace, schools, and hospitals will result in longer commuting time and therefore contribute to increasing carbon emissions.

The inclusion of renewable energy in urban poor housing would greatly help lessen greenhouse gases. This will also help the poor manage their energy consumption and cost.

NML has been doing recycling projects. They participate in the ecological transition of recycling plastic. The group collects plastic soda bottles and turn them into garden pots bought by the DOST.

Reducing digital footprint can also be part of community organizing by making people understand the digital impact on the world's carbon.

1. **What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisation to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities in vulnerable situations to the adverse impacts of climate change?**

Displacing the urban poor exacerbates their vulnerabilities. To give a valid example, in 2012, the Department of Public Works and Highways (DPWH) proposed a master plan based on a study funded by a $1.5-million grant from the World Bank and the Australian Aid for International Development. In the news report of Burgonio and Esplanada (2012, Aug 16), the DPWH flood control project requires the resettlement of squatter and is a perennial problem in implementing public works projects.

DPWH further elaborated that the Marikina large dam and the Pasig-Marikina River Improvement projects will displace 330,708 people but benefit 1.6 million others.

The Malabon-Tullahan River improvement project will require the resettlement of 39,456 squatters. It will, however, benefit 298,000 people. The Meycuayan River improvement project will displace 35,320 squatters but benefit 250,000 other people…Farther in the lake area, the land raising project for small towns around laguna de Bay will require the removal of 299,879 squatters but will benefit 1.5 million people.

Government infrastructure projects that aim to reduce the impacts of climate change (e.g., flood control projects) must include people-centered plans and sufficient resources for the resettlement of affected families. The projects must include the provision of adequate and affordable housing (preferably in-city) for informal settlers. The presence of informal settlements are not "perennial problems" blocking infrastructure projects but are citizens with rights equal to those of other citizens."

This kind of presentation manufactures consent that it is acceptable to evict families at the expense of development or disaster mitigation. This should not be the case. UPA believes that effective and sustainable responses to climate change must be inclusive. The urban poor do not oppose mitigating measures to fight climate change's adverse impacts. The public must not be made to choose between the interests of the environment and the rights of the poor. The two must go hand-in-hand.

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1. USD 1 = PHP 48.02 in September 2009 [↑](#footnote-ref-1)
2. USD 1 = PHP 43 in 2011. [↑](#footnote-ref-2)