

to the Senate in May 2017. The bill provides for the allocation of certain land types to identified groups, e.g., allocating certain areas in the coastal zone for traditional fisherfolk, holders of stewardship contracts, titles to ancestral domains, and other property rights arrangements for participating in coastal resource management. It also defines the areas to be placed under the Protection Land Use Category, to include geo-hazard prone areas and high risk/danger zones and the identification of risk reduction measures to ensure the prioritization of life and safety.

- ◇ The bill on Indigenous Peoples and Community Conserved Areas (ICCA bill) which seeks to recognize and support the role of ICCs/IPs and local communities in the preservation of important ecosystems in the Philippines. The bill is meant to enhance the existing law on protected areas, or NIPAS, by strengthening the role of ICCs/IPs as recognized under IPRA.

## Review of the VGGT principles on climate change and tenure

The Voluntary Guidelines on the Governance of Tenure (VGGT), endorsed by the Committee on World Food Security in 2012, contains a set of working principles to guide the efforts of governments to improve land governance, and to expanding it beyond the land sector. These 169 principles are drawn from internationally-accepted standards and good practice for the responsible governance of tenure.

The VGGT is one of the very few international documents that directly addresses the protection of tenurial rights in the event of climate change and disasters. It urges States to consider tenure aspects of land, fisheries and forests in preventing, preparing for, and responding to disasters, as well as in reconstructing and rehabilitating after the occurrence of disasters. (La Viña and Tan, 2017). The directly relevant provisions are Section 23 on *Responses to Climate Change*, and Section 24 on *Responses to Natural Disasters*. In addition, there are relevant provisions under Section 7 on *Safeguards* and Section 10 on *Informal Tenure*. These provisions are briefly summarized (and re-phrased) as follows:

Under Section 23 on *responses to climate change*:

- ◇ Respect and protect the legitimate tenure rights of people likely to be affected by climate change, especially the poor and vulnerable (23.1).
- ◇ Prepare and implement strategies with the participation of all people who may be displaced by climate change (23.2).
- ◇ Facilitate the participation of all people, especially the poor and vulnerable, who hold legitimate tenure rights, in the negotiation and implementation of mitigation and adaptation programs (23.3).

Under Section 24 on *responses to disasters*:

- ◇ Address tenure aspects in disaster prevention and preparedness. Design regulatory frameworks for tenure, including spatial planning, to avoid or minimize the potential impacts of disasters (24.1).
- ◇ Ensure that all actions are consistent with obligations in national and international law, including the *UN Principles on Housing and Property Restitution for Refugees and Displaced Persons*, and the *Humanitarian Charter and Minimum Standards in Disaster Response* (24.2).
- ◇ Address tenure in disaster prevention and preparedness programs, i.e. –
  - a. Ensure resilient systems for recording legitimate tenure rights, including off-site storage of records (24.3).
  - b. Identify areas for the temporary settlement of displaced people, with rules to provide tenure security in such areas (24.3).
- ◇ Address tenure in the emergency response phase, i.e. –
  - a. Ensure that any provision of alternative land, fisheries, forests and livelihoods for displaced persons does not jeopardize the rights and livelihoods of others (23.2; 24.4).
  - b. Recognize, respect, and protect the legitimate tenure rights of displaced persons (24.4).
  - c. Disseminate information on tenure rights and unauthorized use to all affected persons (24.4).
- ◇ Address tenure during the reconstruction phase, i.e. –
  - ◇ Assist persons who are temporarily displaced to return to their place of origin—voluntarily, safely and with dignity.
  - ◇ Provide means to resolve disputes over tenure rights.
  - ◇ Where boundaries of parcels and other spatial units are to be re-established, undertake this based on the principles of consultation and participation.
  - ◇ Where people are unable to return to their place of origin, assist them to be permanently resettled elsewhere. Such resettlement should be negotiated with host communities (24.5).

Part 3, Sections 7 to 10 of the VGGT are devoted to the *legal recognition and allocation of tenure rights and duties*. However, particular provisions under Section 7 on *safeguards* are worth noting:

- ◇ Establish safeguards to avoid infringing on tenure rights of others. In particular, protect women and the vulnerable who hold subsidiary tenure rights, such as gathering rights (7.1).
- ◇ Where it is not possible to provide legal recognition of tenure rights, prevent forced evictions that are inconsistent with existing obligations under national and international law (7.6 and 10.6).

Section 10 on *informal tenure* is particularly important, as those without legally-recognized tenure are often most at risk on the impacts of climate change.

- ◇ Where informal tenure to land, fisheries and forests exists, acknowledge it in a manner that respects existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being. Promote policies and laws to provide recognition to such informal tenure (10.1).
- ◇ When providing legal recognition to informal tenure, undertake this through participatory, gender-sensitive processes, with particular regard for tenants, farmers, and small-scale food producers (10.3).

## Summary assessment and recommendations

### *Summary assessment*

Given its geographic location and archipelagic configuration, the Philippines is frequented by and is highly vulnerable to the devastating effects of weather disturbances and natural hazards. Over the past decade, the Philippines has consistently ranked among the top most disaster-hit countries. It also ranks among the top countries with the greatest long-term climate risk, based on analyses of extreme weather events from 1996 to 2015.

High poverty levels, along with the lack of tenure security, heighten the risks and vulnerability of people to the effects of climate change and natural disasters. This has led to rising casualties in terms of deaths and injuries, destruction to property, and people displaced by such events.

Two such natural disasters—Typhoons Haiyan and Washi—have been unprecedented in terms of their bio-physical effects, and their impacts on land and natural resource systems. The study of such events has served to highlight the relationships between the impacts of climate change, social and policy responses, and land tenure.

Climate change and natural disasters bring uneven impacts across regions and population groups. They disproportionately affect poor people, causing an increase in poverty & inequalities.

Sectors that are without security of tenure and who are politically weak, face the greatest risk to the impacts of climate change and natural disasters. They also have the least capacity to cope with, and are often last to recover and rebuild after disasters. Many displaced families whose needs are not addressed are likely to fall into cycles of vulnerability. Thus, the tasks of building disaster preparedness and resilience should also focus on ensuring tenure security for all. In a country like the Philippines, this may include the need to reassign tenure rights, towards broader development goals of ensuring greater land equity, redistribution, and tenure security.

Calamities also cause displacement *indirectly*, as land is eroded, landscapes are rearranged, known boundaries disappear, and legal documents are destroyed—thereby causing local land disputes or worsening existing ones. They create opportunities for land speculation and landgrabs