



# ADDRESSING SPECIFIC VULNERABILITIES THROUGH INTEGRATED CLIMATE AND DISASTER RISK GOVERNANCE

Lessons from the Philippines

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*75-year-old Maulana Malunay is one of the elders of the Matigsalug tribe from the village of Panganan. The Matigsalug have always lived beside the Salug river, near the southeastern border of Bukidnon, but are now forced to relocate to a safer area inland after their villages were washed away when the river washed away their homes in the 2017's.*

Back cover photo: © MJ Evararosa / IFRC

# Addressing specific vulnerabilities through integrated climate and disaster risk governance: Lessons from the Philippines

2020

*"To anyone outside, who continues to deny and ignore the reality of climate change, I dare them...  
I dare them to get off the ivory towers and away from the comfort of their armchairs  
[...] What my country is going through as a result of these extreme climate events is madness."*

Yeb Sano  
Philippines Head of Delegation at UNFCCC CoP 19 (2013)



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## ACRONYMS AND ABBREVIATIONS

<b>AADMER</b>	Agreement on Disaster Management and Emergency (ASEAN)
<b>ADPC</b>	Asian Disaster Preparedness Center
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CCA</b>	Climate change adaptation
<b>CCC</b>	Climate Change Commission
<b>CDP</b>	Comprehensive Development Plans
<b>CDRA</b>	Climate and disaster risk assessment
<b>CLUP</b>	Comprehensive Land Use Plans
<b>CSOs</b>	Civil society organisations
<b>DLP</b>	Disaster Law Programme
<b>DRM</b>	Disaster risk management
<b>DRRM*</b>	Disaster risk reduction and management
<b>GFDRR</b>	Global Facility for Disaster Reduction and Recovery
<b>ILC</b>	International Law Commission
<b>IPCC</b>	Intergovernmental Panel on Climate Change
<b>LGUs</b>	Local Government Units
<b>NAP</b>	National adaptation plan
<b>NCCA</b>	National Climate Change Adaptation
<b>NCIP</b>	National Commission on Indigenous Peoples
<b>NDCs</b>	Nationally determined contributions
<b>NFSCC</b>	National Framework Strategy on Climate Change
<b>NGOs</b>	Non-governmental organisations
<b>NSS</b>	National spatial strategy
<b>NYC</b>	National Youth Commission
<b>OCD</b>	Office of Civil Defense
<b>PAGASA</b>	Philippine Atmospheric Geophysical and Astronomical Services Administration
<b>PCW</b>	Philippine Commission on Women
<b>PRC</b>	Philippine Red Cross
<b>PSF</b>	People's Survival Fund
<b>SDGs</b>	Sustainable Development Goals
<b>UN</b>	United Nations
<b>UNDRR</b>	United Nations Office for Disaster Risk Reduction
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change

\* This acronym corresponds to what is commonly used in the Philippines in terms of regulatory practice for this sector.





## INTRODUCTION TO THE RESEARCH CONTEXT

The debate around the advantages of a coherent implementation of the Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015–2030 within the overall framework of the UN Agenda 2030 is no longer a novelty. During the 2010s, the rationale, requirements, challenges and benefits of harmonising climate change adaptation (CCA) and disaster risk management (DRM) perspectives have been assessed by experts and practitioners,<sup>1</sup> as well as by most relevant international organisations.<sup>2</sup> In light of this, a general convergence can be acknowledged today around the greater efficiency, effectiveness and long-term benefits deriving from a more holistic approach in implementing what could be defined as the ‘Post-2015 Global Agenda on Climate Risk Governance’.<sup>3</sup>

This result is inevitably linked with the development of enabling governance systems and integrated regulatory frameworks in national and subnational contexts.<sup>4</sup> However, the identification of coherent, viable and sustainable models for combining CCA and DRM in domestic law and policies appear to be progressing slowly. Likewise, the effective impact of such models, especially regarding their implications for at-risk communities, needs to be better investigated in most domestic contexts. In this multiplicity of context-based dynamics, the precise content of recurrently cited concepts such as ‘coherence’, ‘alignment’ or ‘integration’ is not universally established and the interchangeable use of these concepts can lead to a certain confusion.<sup>5</sup> Moreover, it is generally agreed that the full integration of CCA and DRRM agendas into a single law and/or policy instrument is not necessarily the best option and that different





‘degrees of coherence’ should be envisaged in light of country and local contexts.<sup>6</sup>

The call for an inclusive, participative and ‘whole-of-society’ approach in dealing with CCA and DRRM decision-making is also generally uncontested. Nevertheless, comprehensive and in-depth analysis on how to address specific needs of vulnerable categories through law and policy reform processes is still missing. In this regard, the identification of

reproducible patterns is not an easy task, primarily because of the differing and multifaceted elements arising from political, social, economic and environmental factors and conditions in every national and subnational context. Despite that, two facets can generally be considered: i) if – and how efficiently – representatives of vulnerable groups have been included in decision-making processes; and ii) if and in what manner the substantial content of adopted instruments effectively addresses their needs.

## STRUCTURE OF THE REPORT

In light of the above, and within the broader framework of the [research project](#) on “Leave No One Behind. Developing Climate-Smart/Disaster Risk Management Laws that Protect People in Vulnerable Situations for a Comprehensive Implementation of the UN Agenda 2030” – the present study is aimed to identify gaps and good practice drawing from findings and experiences collected in the Philippines, one of the most exposed countries in the world (see [Section 1](#)). In light of the fact that this country also has one of the most recognised and well-established cultures of climate and disaster risk governance, the present work assesses the current functioning of its normative and institutional systems in terms of CCA-DRR/M integration (see [Section 2](#)) as well as its impacts across different sectors of the population, including the most vulnerable categories of individuals in at-risk communities (see [Section 3](#)).

Finally, research findings and lessons learned ([Section 4](#)) will provide the basis for the development of a list of key recommendations ([Section 5](#)). Together with the results collected in other regions and countries (i.e. Pacific Island Countries, the Commonwealth of Dominica and Kenya), these will support the development of advocacy tools for the [IFRC Disaster Law Programme](#), whose main objective is to globally advocate for new and more effective normative frameworks that protect the most vulnerable against major hazards. This will also reflect the Red Cross and Red Crescent Movement’s ambitions to address the climate crisis, which expressly include among its activities to “[a]dvise local and national governments in assessing and, as necessary, strengthening relevant disaster and climate-related laws and policies”.<sup>7</sup>

## METHODOLOGY

The rationale for the selection of the Philippines as a country case-study for this project is multifaceted. First, as illustrated in [Section 1](#), this country is one of the most exposed in the world to the impact of weather and climate-related hazards. This has led its authorities to consider DRRM and CCA as strategic priorities, and therefore to establish the articulated regulatory and institutional framework described in [Section 2](#) and [Section 3](#). The second reason is related to the country’s profile. The Philippines belong to the category of the newly industrialised countries, namely a subset of developing countries

experiencing higher rates of economic growth, with direct socio-demographic effects such as massive urbanisation and increasing social inequalities and marginalisation. This partially differentiates the research context from the previous study undertaken as part of this project, focussing on [Pacific Island Countries](#).

The present report results from a combination of desk-based analysis and empirical research conducted in the country via digital means through interviews with Key-informants (KIs), a list of which is



provided in [Annex 1](#). KIs include governmental officials involved in DRM activities; parliamentarians; IFRC and Philippine Red Cross (PRC) staff; representatives of civil society organisations/associations active in relevant sectors; and academics with relevant expertise. Research participants provided informed insights and evaluations of regional and national normative processes, while also assessing the actual impact of relevant normative tools at different levels and the inclusion and consideration of vulnerable groups in the decision-making processes. The interviews, conducted based on a set of thematic open-ended

questions, reflected their specific expertise in respective fields and focused on their personal evaluation/experiences.

This research was carried out after ethics approval was confirmed by the UCC Social Research Ethics Committee. All participants received and signed an 'informed consent form' where they acknowledged and specified the conditions of their participation. Privacy considerations were given the utmost importance, in line with the highest EU standards for secure data storage.

## Endnotes

1 For an overview of previous literature on this topic see Tommaso Natoli, Literature review on aligning climate change adaptation (CCA) and disaster risk reduction (DRR), IFRC | UCC, Geneva (2019).

2 See, among others, 33rd International Conference of the Red Cross and Red Crescent, Resolution 7 on 'Disaster laws and policies that leave no one behind', 33IC/19/R7 (2019); IFRC, *The Cost of Doing Nothing. The humanitarian price of climate change and how can be avoided* (2019); UNDRR, *DRR4NAPs: Promoting synergy and coherence between climate change adaptation and disaster risk reduction through National Adaptation Plans* (Version for comments, 23 February 2019); UNFCCC, *Opportunities and options for integrating climate change adaptation with the Sustainable Development Goals and the Sendai Framework for Disaster Risk Reduction 2015–2030. Technical Paper by the Secretariat* (2017); OECD, *Common Ground Between the Paris Agreement and the Sendai Framework - Climate Change Adaptation And Disaster Risk Reduction*, 2020.

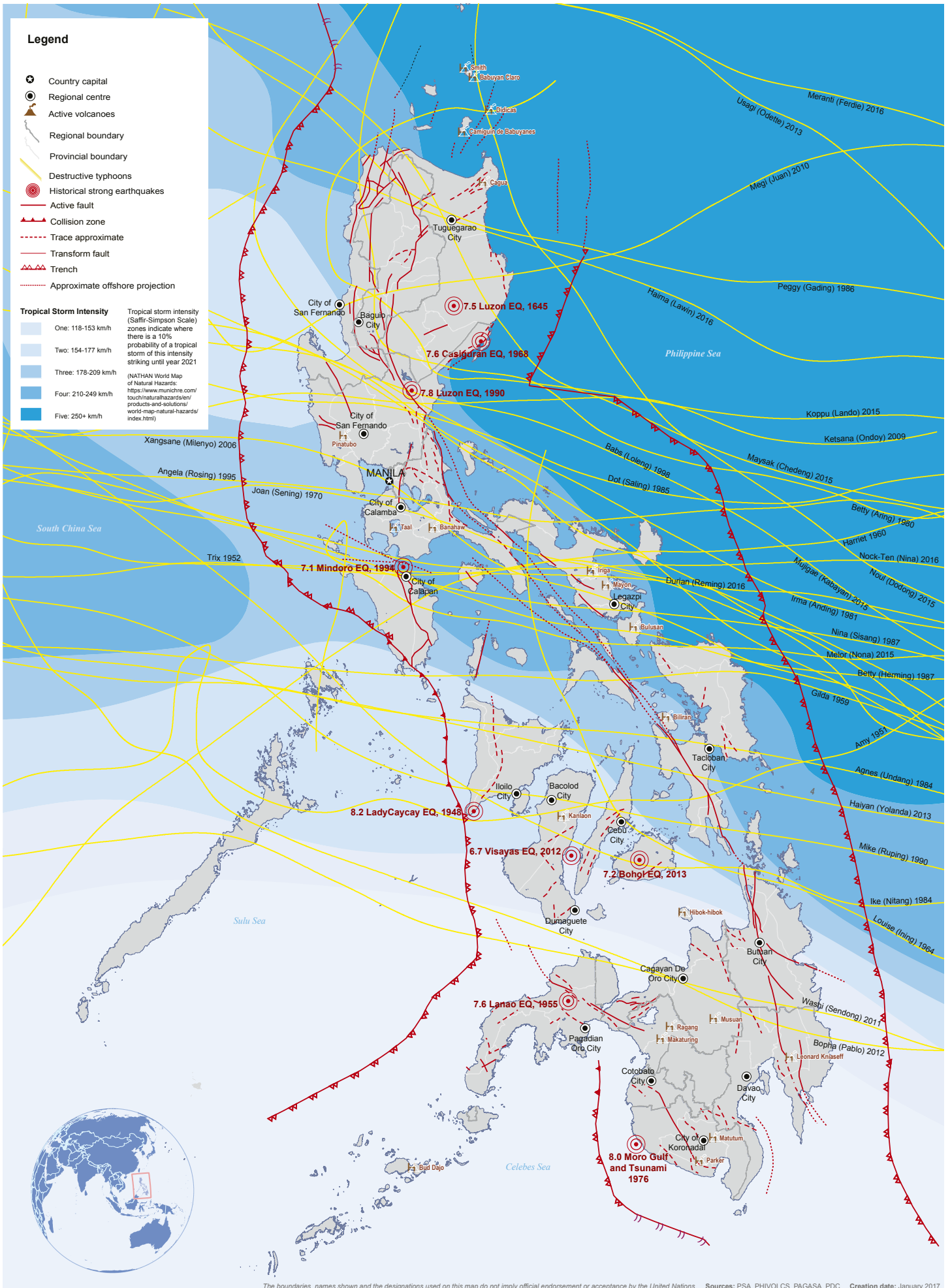
3 See Tommaso Natoli, *Compendium on the Post-2015 Global Agenda on Climate-Risk Governance*, Research Project - Centre for Criminal Justice & Human Rights (CCJHR), University College Cork (2020).

4 For an overview of the concept of 'governance' as for the CCA and DRR domain see Giuseppe Forino et al., *A Conceptual Governance Framework for Climate Change Adaptation and Disaster Risk Reduction Integration*, in (2015) 6 'Int. J. Disaster Risk Sci.', 372–384.

5 See for instance the 'hourglass model' proposed in Dug Cubie and Tommaso Natoli, *Coherence, Alignment and Integration: Understanding the Legal Relationship between Sustainable Development, Climate Change Adaptation and Disaster Risk Reduction* in S. Flood, M. Le Tissier, Y. Jerez Columbié & B. O'Dwyer, *Creating Resilient Futures: Integrating Disaster Risk Reduction, Sustainable Development Goals and Climate Change Adaptation Agendas* (Palgrave Macmillan – forthcoming). See also OECD (n 2), differentiating between 'strategic', 'operational' and 'technical' coherence; and Angie Dazé, Anika Tertton and Malte Maass, *Alignment to Advance Climate-Resilient Development. Overview Brief 1: Introduction to Alignment*, NAP Global Network (2018), presenting 'alignment' as 'a process of identifying synergies among policy processes with common objectives to increase coherence, efficiency and effectiveness for improved outcomes'.

6 See OECD (n 2) 27.

7 International Red Cross Red Crescent Movement, *Ambitions to address the climate crisis*, Geneva (2020) 8.



The boundaries, names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations Sources: PSA, PHIVOLCS, PAGASA, PDC Creation date: January 2017

Source – OCHA Philippines: Hazard Profile (January 2017).





## The Philippines Climate-Risk Profile

The Philippines is among the ten most exposed countries to the risk of natural hazards,<sup>1</sup> and the 4th most affected country in terms of climate risk spanning from 1998 to 2018.<sup>2</sup> 60% of the country's total land area is reported to be exposed to multiple hazards, and 74% of the population is susceptible to their impact.<sup>3</sup> The main reasons for the country's high exposure are linked with its physical characteristics, first and foremost its geographical and geologic location. All the main hydro-meteorological hazards in the country (typhoons, storm surges, drought, sea-level rise, and tsunamis) are directly influenced by climate change and are, therefore, expected to continue to exacerbate in terms of intensity, frequency, and unpredictability over the coming years.

Increased variability and strength in extreme weather events are among the most significant impacts of climate change in the Philippines.<sup>4</sup> According to the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the intensity of tropical cyclones entering the Philippines area of responsibility had been increasing between 1951 and 2015,<sup>5</sup> and in the recent years, the country was struck by some of the strongest ever recorded in the world, such as Super Typhoon Haiyan in 2013.<sup>6</sup> Other slow-onset phenomena like the El Niño Southern Oscillation in 2015 – which affected 7 million individuals across 43 provinces and was the strongest since 1950 – can disrupt the economy and livelihoods.<sup>7</sup>





The Philippines comprises more than 7,600 islands, which makes systematic DRRM activities a challenge. As a coastal nation, numerous marginalised communities rely on and live near the sea and its tributaries, which represent their source of daily subsistence. Within this context, projected increases in rainfall correspond to a greater occurrence of flooding, mudslides and the spread of waterborne diseases. Intensified storm surges are predicted to affect more than 40% of the coastal population living in informal settlements.<sup>8</sup> However, despite this abundance of water resources, climate change is exacerbating geographic and seasonal variations provoking water scarcity during the dry season. Overall the climatological drying trend outside of the monsoon is affecting domestic water supply, irrigation, hydropower generation, water quality, and fisheries, thus threatening rice production.<sup>9</sup> Typhoons, as well as floods and droughts aggravated by climate change, are also increasingly affecting the agriculture, forestry, and

fishing industries, which are the backbone required for sustainable attainment of food security and which account for roughly 40% of the total workforce.<sup>10</sup>

Anthropogenic elements also characterise the country's profile in terms of climate-risk: population growth and rapid and unregulated urbanisation and the proliferation of informal settlements engender greater exposure.<sup>11</sup> In fact, over the last two decades, the country has experienced a high level of urban migration mostly towards the national capital region with a concentration in Metro Manila, a densely populated network of cities with high flood risk.<sup>12</sup> Finally, other factors linked with unsustainable development (e.g. sewers and waterways clogged by waste; deforestation and unregulated land-use) are reported to increase climate and disaster risks and compound vulnerabilities, specifically in regard to the poorest sectors of the population.<sup>13</sup>

## Endnotes

1 See Bündnis Entwicklung Hilft and Ruhr University Bochum – Institute for International Law of Peace and Armed Conflict (IFHV), *World Risk Reports 2017, 2018 and 2019*.

2 David Eckstein et al, *Global Climate Risk Index 2020. Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2018 and 1999 to 2018*, Germanwatch E.V. (2019) 9.

3 Global Facility for Disaster Reduction and Recovery (GFDRR), *Philippines – Country Profile* (2016).

4 Rex Victor O. Cruz et al, 2017 *Philippine Climate Change Assessment: Impacts, Vulnerabilities and Adaptation* - The Oscar M. Lopez Center for Climate Change Adaptation and Disaster Risk Management Foundation, Inc. and Climate Change Commission (2017) 2.

5 UNDP, *Supporting Philippines to advance their NAP process* (no date) [link](#).

6 IFRC, *Mid Term Review of IFRC support to the Typhoon Haiyan Response Operation in the Philippines*, 28 August 2015.

7 UNDP (n 5).

8 Center for Excellence in Disaster Management and Humanitarian Assistance, *Philippines: Disaster Management Reference Handbook* (2018) 18.

9 UNDRR, *Disaster Risk Reduction in the Philippines – Status Report* (2019) 11.

10 Center for Excellence (n 8) 16; See also Cruz et al (n 4) 2–13.

11 GFDRR (n 3) 1.

12 UNESCO, UNDP, IOM, and UN-Habitat, *Overview of Internal Migration in Philippines* (2018) 3.

13 Philippines, *Second National Communication to the UNFCCC* (2011) 21.





## Current Institutional and Normative System with Relevance for Climate and Disaster Risk Governance

The worsening scenario outlined in [Section 1](#) of this report only represents the present-day picture of a condition that is woefully rooted in the Philippines' history. However, over time, the country has developed a noteworthy capacity to cope with this reality and to manage the risk of extreme and catastrophic events.<sup>1</sup> This is well reflected in the Philippines' commitment

to the adoption of law and policy instruments at both international and national/subnational level. As will be described in this section, these advancements have been progressively characterised by the intention to favour cross-sectoral coordination and a holistic approach to climate resilience, despite the potential challenges that this may raise.

### 2.1 International Level

At the international level, the country's constant and proactive participation in both the UNFCCC- and UNDRR-led initiatives is well-known and was

confirmed by the endorsement of all major agreements and frameworks adopted since the 1990s. This commitment has been further evidenced in 2015, with



the adoption/endorsement of the three main instruments of reference (**UN Agenda 2030/SDGs; Paris Agreement; Sendai Framework for Disaster Risk Reduction 2015 – 2030**)<sup>2</sup> stressing the need for their coherent implementation. For example, in their Intended Nationally Determined Contributions communicated to the UNFCCC on October 2015, the Philippines committed to ensuring that “climate change adaptation and disaster risk reduction are mainstreamed and integrated into the country’s plans and programs at all levels”.<sup>3</sup>

The Philippines contribution to the international progressive alignment in this sector is also taking place at the regional level. This emerged for instance in recent developments within the **Association of Southeast Asian Nations (ASEAN)**, of which the Philippines was one of the founding members, who in 2009 adopted the **Agreement on Disaster Management and Emergency Response (AADMER)** one of the most comprehensive international agreements on disaster risk management and response currently in force. Interestingly, the last AADMER Work Programme (2016–2020), contains several references to CCA, including “priority 3” on “Advancing ASEAN Community that is safe, resilient to disasters, and adaptive to climate change, with youth and good governance at the centre”.<sup>4</sup> Also, the ASEAN

Climate Resilience Network is a platform for regional exchange, in particular for sharing information, experiences, and expertise on ‘climate-smart agriculture’ which the Philippines continues to contribute to. Therefore, it can be noted how this regional organisation’s activity was influenced by the call for greater coherence between CCA and DRRM, as evidenced by its objective to establish a “mechanism to facilitate interagency, multi-stakeholder collaboration on DRR and CCA at the national level”.<sup>5</sup>

Another international body in which the Philippines is actively involved is the **Asian Disaster Preparedness Center (ADPC)**, established in 1986 as an autonomous international organisation that works to build the resilience of people and institutions to disasters and climate change impacts in Asia and the Pacific. The ADPC provides comprehensive technical services to countries in the region across social and physical sciences to support sustainable solutions for risk reduction and climate resilience. Among its most recent initiatives on building resilience, and inclusive and climate-adaptive disaster risk reduction – is a five-year programme that aims to protect development gains and to enhance regional cooperation on inclusive and gender-equal risk reduction approaches.<sup>6</sup>

## 2.2 National Level

Nationwide, the prominent attention devoted at the highest political level to the management of disaster and climate risk can be traced in several strands of its normative and institutional system. Since the early 2000s, the two topics have been at the core of interrelated law and policy reform processes and this favoured increasing connections between respective institutions and implementation strategies.<sup>7</sup> As commonly recognised in the preambles of normative texts in these sectors, such advancements are based on the Philippine constitutional provision acknowledging that “the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature”.<sup>8</sup>

To date, the Philippines’ national legislation represents a particularly advanced model and an enabling normative environment for integrated and enhanced action on climate and disaster resilience. In particular, the core legal documents currently in force – the **Climate Change Act of 2009 (CC Act)**<sup>9</sup> and the **Disaster Risk Reduction and Management Act of 2010 (DRRM Act)**<sup>10</sup> - include several cross-references in respective provisions. As will be shown in the following paragraphs, both pieces of legislation recognise respective areas of focus, highlighting at the same time their inherent links and convergent purposes, from the overall aim to reduce risks and vulnerabilities from natural hazards to the recognised importance of localised implementation.



In synergy with related policy documents – mainly sectoral ‘plans’ and ‘strategies’ – they also set out the main institutional directives, functions, responsibilities, and resources for both sectors.

Indeed, the ‘spirit of cooperation’ between the two instruments manifested itself early after their entry into force, as demonstrated in 2011 by the signature of a memorandum of understanding between the respective sectoral bodies they established, namely the Climate Change Commission (CCC) and the National Disaster Risk Reduction and Management Council (NDRRM Council). This document stated the commitment to “transcending sectoral divisions and further elevating multi-stakeholder and multi-disciplinary cooperation” and called for a strengthened integration of respective CCA-DRR local planning and implementation.<sup>11</sup> Since then, high-level coordination has been one of the distinctive features of the Philippine system, most recently embodied by the 2017 reorganisation of a previously existing cross-departmental body in a Cabinet Cluster on Climate Change Adaptation, Mitigation and Disaster Risk Reduction.<sup>12</sup>

Most recently, a **National Climate Risk Management Framework** was adopted in 2019 to harmonise and integrate various efforts of sectors and stakeholders on climate risk management and to strengthen the country’s early action system.<sup>13</sup> The Framework envisions a “climate action planning system that is anchored on a unified and integrated science and risk-based approach through the presence of a strong risk database, information and analytics system accessible at the national and sub-national levels”.<sup>14</sup> To do that, it promotes a series of multisectoral and multi-stakeholder activities such

as a ‘Probabilistic Climate Risk Assessment’ (PCRA) and a subsequent ‘Climate Risk Evaluation’ (CRE).

At the time of writing, a new Bill (**Disaster Resilience Act**) is being scrutinised by the Philippines’ Congress as part of a ‘Sunset Review’ of the **DRRM Act** aimed at creating a new, permanent, specialised agency.<sup>15</sup> In the words of one of its proposers, Senator Juan Miguel Zubiri, the new Department of Disaster Resilience is meant to “ensure a more efficient, coordinated, and complete system of disaster management — from risk assessment to emergency response right down to reintegration assistance and rehabilitation”.<sup>16</sup> It is also expected that it will be built with the necessary structure and powers to manage broader climate-disaster governance arrangements, potentially taking on the powers of and functions of the Office of Civil Defense, and establishing “coordination and convergence” mechanisms with the Climate Change Commission.<sup>17</sup>

Of note, a similar momentum towards integration can be assessed in other sectoral domains and related law and policy instruments, first and foremost including those dedicated to social and economic development. Indeed, the National Economic and Development Authority has been responsible for integrating DRR and CCA in the five-year **Philippine Development Plan 2017–2022**, the current policy framework in this field.<sup>18</sup> The Plan is aimed, among other issues, at ensuring safety and building resilience, and embraces a national spatial strategy (NSS) that describes the geographic development challenges and opportunities in population and economic growth.<sup>19</sup> The NSS seeks to make vulnerability reduction an integral part of the development by “instituting prevention and mitigation measures to avoid or reduce the impact of climate change and disasters on the community”.<sup>20</sup>

## 2.2.1 Laws and Policies on CCA

The Philippines is the first developing country in Asia to enact a specific piece of legislation on climate change. While also addressing mitigation issues, such as the stabilisation of greenhouse gas concentrations in the atmosphere, the **Climate Change Act of 2009** is characterised by a strong focus on adaptation,

thereby reflecting a counter-trend considering the greater ‘normative weight’ normally given to the ‘mitigation’ side of climate change (as exemplified at an international law level by the Paris Agreement and as normally reflected in other domestic legislation). Even though the CC Act is primarily an overall normative



framework rather than a detailed list of provisions, no operational measures on either climate mitigation or adaptation is spelt out beyond those related to the creation and functioning of specific governance bodies.

The law declares that “the policy of the State is to systematically integrate the concept of climate change in various phases of policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all agencies and instrumentalities of the government”.<sup>21</sup> A Climate Change Commission (CCC) headed by the President of the Philippines, was established as the lead policy-making governmental body tasked to coordinate, monitor and evaluate the programmes and action plans in the sector. Assisted by a Climate Change Office, its primary function is to “ensure the mainstreaming of climate change, *in synergy with disaster risk reduction*, into national, sectoral and local development plans and programs”, also recommending “legislation, policies, strategies, programs on and appropriations for climate change adaptation and mitigation and other related activities”.<sup>22</sup>

In conjunction with other supporting and technical bodies, the CCC has specific functions, to be exerted via the development of detailed policy frameworks and action plans, and crucially the means to obtain the necessary resources are identified. The law also recognises Local Government Units (LGUs) as the ‘frontline agencies’ in the formulation, planning and implementation of climate change action plans.<sup>23</sup> A subsequent legislative Act created the **People’s Survival Fund (PSF)**, aimed at providing financial assistance for implementing projects addressing the impacts of natural hazards and climate change, and also targeted to support local government and communities in their adaptation efforts.<sup>24</sup> While this resource has not been widely used so far mainly due to technical and institutional barriers, it represents one of the few examples in the world of a dedicated funding activity supporting local adaptation.<sup>25</sup>

More specific ‘**Implementing Rules of the Act**’ were adopted in 2015, reiterating and further articulating the close interrelation with DRRM.<sup>26</sup> Interestingly, the Secretary of the Department of National Defense, in

his/her capacity as Chair of the NDRRM Council, is part of the CCC Advisory Board and both sectoral representatives and technical expertise shall come from the disaster risk reduction and management community.<sup>27</sup> Also, one of the identified functions of the CCC is to “[c]oordinate and establish a close partnership with the NDRRM Council in order to increase efficiency and effectiveness in reducing the people’s vulnerability to climate-related disasters”, mainly through close coordination of respective policies on CCA and DRRM, the formulation of a joint framework, and the integration of respective local planning.<sup>28</sup>

On this basis, the CCC has developed a set of policy instruments, among which are the **National Framework Strategy on Climate Change 2010 – 2022 (NFSCC)** – setting out guiding principles, main goals and objectives of the country’s strategy – and the **National Climate Change Adaptation Plan 2011–2028 (NCCA Plan)**, the latter being the more detailed agenda of programmes and strategies for addressing both climate mitigation and adaptation in the Philippines. Of note, the NFSCC includes, as part of its ‘adaptation pillar’, a section dedicated to DRR which is described as “the first line of defense”.<sup>29</sup> A slightly different approach is taken in the NCCA Plan, which frames the issue through the concept of ‘human security’, to be ensured through complementary and coordinated action between the two sectors and more focused attention to their conceptual linkages.<sup>30</sup> An updated climate change plan is currently being discussed by the government, including inputs provided through stakeholder consultations, and will incorporate the National Adaptation Plan (NAP) and the Nationally Determined Contributions (NDCs) per the Paris Agreement.



## 2.2.2 Laws and Policies on DRRM

As can be inferred from its title, the **2010 Disaster Risk Reduction and Management Act** specifically focuses on disaster risk governance measures. The Act is explicitly aimed at “addressing the root causes of vulnerabilities to disasters, strengthening the country’s institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters *including climate change impacts*”.<sup>31</sup> This overall objective is articulated in several provisions promoting risk reduction through good governance, risk assessment, early warning, knowledge building, awareness-raising and the reduction of underlying risk factors.<sup>32</sup> The Act mandates the establishment of a multi-layered vertical architecture of offices and functions from the central government to the smallest administrative division (called ‘*punong barangay*’, which subdivides municipalities). The functioning of this structure is further regulated by related secondary legislation (i.e. ‘Implementing Rules’).<sup>33</sup>

As mentioned, the DRRM Act also instituted the National Disaster Risk Reduction and Management Council (NDRRM Council), chaired by the Secretary of the Department of National Defense and with the Office of Civil Defense (OCD) as its secretariat. The NDRRM Council comprises members from different Government departments and agencies, as well as LGUs and civil societies organisations (CSOs) representatives. Its structure reflects the four thematic areas identified by the Act, namely: Disaster Prevention and Mitigation; Disaster Preparedness; Disaster Response; and Disaster Rehabilitation and Recovery. The NDRRM Council is the coordinating body overseeing the Act implementation, including responsibilities to coordinate with the CCC such as the development of joint assessment tools,<sup>34</sup> and frameworks.<sup>35</sup> The OCD is tasked with the formulation and implementation of a **National Disaster Risk Reduction and Management Plan 2011 – 2028 (NDRRM Plan)**.

The **NDRRM Plan** “sets down the expected outcomes, outputs, key activities, indicators, lead agencies, implementing partners and timelines under each of the four distinct yet mutually reinforcing thematic areas”.<sup>36</sup> Physical frameworks, social, economic and

environmental plans of communities, cities, municipalities and provinces must be consistent with the Plan. The set of identified goals are to be achieved by 2028 through 14 objectives, 24 outcomes, 56 outputs, and 93 activities, all of which are in line with the **National Disaster Risk Reduction and Management Framework (NDRRM Framework)**, i.e. “the principal guide to disaster risk reduction and management (DRRM) efforts”, adopted in 2011 and delineating the fundamental elements and priorities of DRRM in the country. The NDRRM Framework also stresses the importance of a strong relationship between disasters and development, thereby guiding the governance approach in this sector from a responsive to a proactive one.<sup>37</sup> Most recently, in 2015, a Disaster Risk Financing and Insurance Strategy was adopted as a tool to better combine and harmonise existing financial measures regarding disaster resilience.<sup>38</sup>

As foreseen by Section 27 of the DRRM Act, a ‘Sunset Review’ is currently ongoing based on a systematic understanding of its previous accomplishments, impacts, and performance. Lessons learned from Super Typhoon Hayan in 2013 evidenced a series of flaws in the national DRRM governance, including the lack of an autonomous budget and powers for the NDRRM Council and the weak involvement of CSOs and NGOs in DRRM initiatives, despite what is mandated in the relevant legislation. The creation of a new governmental agency with stable personnel and funding resources, greater responsibilities and extended financial and institutional powers – beyond coordination, policy developments and advisory functions – is one of the core points of this reform process.<sup>39</sup> As will be illustrated in [Section 4](#), this is currently being scrutinised by the Philippines’ Congress which has identified a few contentious issues. Such issues mainly concerned the potential incorporation of the climate change agenda, the relationship with scientific agencies in different Government Departments, and the linkages with the developmental sectors (infrastructure, education, and economy).

## 2.3 Subnational Approaches to CCA and DRM

The need for combined, evidence-based disaster resilience plans, programmes and practices in the Philippines is evidenced by the localised and combined impacts of climate change, rapid urbanisation and environmental degradation.<sup>40</sup> As noted in the previous paragraphs, the national climate and disaster and risk management structures are currently characterised by a system of multi-layered responsibilities and functions. As for DRRM actions, the substantial approach towards decentralisation is evidenced by the establishment of dedicated bodies and funding at different administrative levels, from the central government to single municipalities, whereas the CCC and its Office mandate local planning but only operates at the national level. In some cases, this configuration is reportedly conducive to a *de facto* joint consideration and implementation of CCA and DRRM at the local level, primarily as a means to compensate gaps in human, technical and financial capacities, and reduce administrative burdens on planning and reporting.

More specifically, the primary laws, policies and planning in the two sectors delegate considerable functions and responsibilities to local government units (LGUs) as ‘frontline agencies’<sup>41</sup>. Indeed, both the **NCCA and the NDRRM Plans** foresee a role for LGUs in the development and implementation of scaled-down local plans and the national agencies have supported these activities through the development of guiding tools with capacity-building purposes on CCA-DRRM mainstreaming.<sup>42</sup> KIs interviewed for this study confirmed that such initiatives were beneficial for the successful accomplishment of CCA-DRRM activities, mainly devoted to training, educational, awareness-raising and technical support.<sup>43</sup>

On the climate change ‘side’, the **CC Act Implementing Rules (2015)** require the integration of LGUs’ planning activities on both mitigation and adaptation with other sectoral plans, including local planning on DRRM (**Local DRRM Plans**).<sup>44</sup> The Implementing Rules also state that it is the responsibility of the central government to “extend technical and financial assistance to LGUs for the accomplishment

of their [**Local Climate Change Adaptation Plans**]”, whereas LGUs also have a right of appropriation and use of funds for their activities.<sup>45</sup>

As for the DRRM sector, the establishment of **Regional and Local Disaster Risk Reduction and Management Councils (Regional DRRM Councils and Local DRRM Councils)** is regulated by the DRM Act. These bodies are primarily tasked with preparedness and risk reduction activities (e.g. evacuation plans for exposed populations or information dissemination), but also to ensure that DRM considerations are integrated into any development plan, programme and budget.<sup>46</sup> Local DRRM Councils can entail CCA components in their agenda, especially in those cases in which the two sectors overlap, as in the case of flood risks.<sup>47</sup> Also, the formulation of Comprehensive Land Use Plans (CLUP) and Comprehensive Development Plans (CDP) are reported as suitable entry points for CCA and DRR integration at the local level.<sup>48</sup>

To fill gaps in local capacity, especially regarding the appointment of permanent personnel operating in this sector, as well as the need to ensure equitable and substantive funding,<sup>49</sup> the NDRRMC and other governmental agencies have attempted to support local risk governance through the adoption of dedicated tools (e.g. guidelines and checklists of actions).<sup>50</sup> In parallel, the ‘Department of the Interior and Local Government’ is committed to strengthening a holistic approach to climate and disaster risk assessment (CDRA) to become a core function of local governments, consolidating it within development plans such as those related to land use.<sup>51</sup> As further described in Section 3, the involvement of communities in local activities is a distinctive feature of governmental efforts towards localised strategies, to be accomplished with the support of local organisations and private actors.



## BOX 1

**A Working Definition of Vulnerable Groups**

This report makes use of the term ‘vulnerable groups’ even though, depending on the circumstances, it may be more accurate to describe identified groups as having ‘specific needs’, being ‘at risk’ or being ‘vulnerable’ (IFRC, 2019, 114). Also, any attempt to list vulnerable groups has serious limitations and cannot be automatically exhaustive, as any group that experiences pre-existing discrimination and marginalisation may be disproportionately affected by disasters, depending on the local context. ‘Intersectional vulnerabilities’, or the tendency for persons that have two or more vulnerabilities (e.g. older women with a disability; unaccompanied and separated girls belonging to a cultural minority) are also another factor of complexity that needs to be considered. However, a comparative analysis of how relevant international documents address this topic represents a useful basis for further investigation of the Philippines normative system:

- The UN Agenda 2030 identifies as vulnerable people: “all children, youth, persons with disabilities [...] people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants” (para. 23). This comprehensive list of particularly vulnerable categories is further expanded by SDG 11.5 which mentions the category of “the poor” (referring to the need to “significantly reduce the number of deaths and the number of people affected [...] by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations”). Moreover, SDG 13.b refers to the category of marginalised groups (recalling the need to “[p]romote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and *local and marginalized communities*”).
- A reference to ‘vulnerable groups’ can be found in the Paris Agreement, whose article 7.5 acknowledges that “adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems [...]”. However, a list of single categories is only mentioned in the preamble of the treaty, and framed in a rights-based perspective: “[...] Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on [...] the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations”. This last all-encompassing category could also include an implicit reference to the elderly, not directly addressed by a specific human rights instrument, despite being one of the most sensitive to the effects of climate change.
- A slightly different – although complementary – approach has been adopted in the Sendai Framework, which considers vulnerable categories as “relevant stakeholders” governments should engage with in designing and implementing DRR policies, plans and standards. This list includes “women, children and youth, persons with disabilities, poor people, migrants, indigenous peoples, *volunteers, the community of practitioners* and older persons” (paras. 7 and 36 a, emphasis added). Interestingly, as can be inferred by this list, individuals that expose themselves to specific risks by operating in the affected area for volunteering or professional purposes can also be considered as part of this category.
- The IFRC Checklist on Law and Disaster Preparedness and Response acknowledges a more detailed list of categories that may be disproportionately impacted by disasters: “women and girls; children, particularly unaccompanied and separated children; adolescents and young adults; older persons; persons with disabilities; migrants, displaced persons and refugees and stateless persons; indigenous groups; ethnic and racial minorities; homeless persons; persons living in informal and unmapped settlements and sexual and gender minorities”.



As demonstrated by the examples above, the inclusion of women and young girls in the list of vulnerable categories is discontinuous. The issue is occasionally framed as part of 'gender mainstreaming' approach and hence addressed in a separate provision ([UN Agenda 2030 para. 20](#); [Paris Agreement, Preamble](#)). Based on the recognition that women and young girls can be disproportionately affected by climate-related disasters ([Sendai para. 4](#); [IPCC Glossary 1–22](#); [CEDAW 2010, para. 25](#); [ILC 2016 art. 6 para 9](#)), but also that “[t]he categorization of women and girls as passive ‘vulnerable groups’ in need of protection from the impacts of disasters is a negative gender stereotype that fails to recognize the important contributions of women in the areas of disaster risk reduction, post-disaster management and climate change mitigation and adaptation strategies” ([CEDAW 2018, para 6–7](#)), the present study will consider gender-sensitiveness and the explicit consideration of women in decision-making as a separate but interconnected requirement for the effective integration of CCA-DRRM measures.



Philippine Red Cross continues to assist people affected by back-to-back powerful typhoons Goni and Vamco. Immediate relief, first aid, shelter materials to rebuild homes have been provided.

## Endnotes

- 1 See Kanako Iuchi et al., *Natural Hazards Governance in the Philippines*, Oxford Research Encyclopedia of Natural Hazard Science (online), January 2019, identifying three legislative stages including: (1) Evolutionary period (1941 to 1977), (2) the period of Presidential Decree 1566 (1978 to 2009), and (3) the period of Republic Act 10121 (2010 to date).
- 2 For a collection of extracts defining the Post-2015 Global Agenda on Climate-Risk Governance see Natoli (Introduction, n 3).
- 3 See Republic of The Philippines, *Intended Nationally Determined Contributions* - Communicated to the UNFCCC on October 2015, 4. The document also outlines the priority measures for climate change adaptation interventions focussing on: “strengthening for downscaling climate change models, climate scenario-building, climate monitoring and observation; rolling-out of science-based climate/disaster risk and vulnerability assessment process as the basis for mainstreaming climate and disaster risks reduction in development plans, programs and projects; the development of climate and disaster-resilient ecosystem(s); the enhancement of climate and disaster-resilience of key sectors – agriculture, water and health; a systematic transition to a climate and disaster-resilient social and economic growth; and research and development on climate change, extremes and impacts for improved risk assessment and management” (at 5).
- 4 ASEAN, *AADMER Work Programme 2016–2020*, Objective 3 (2016) 65 ff.
- 5 *Ibid.*, 1.3.2, at 75.
- 6 ACDP, *Annual Report 2018* (2019) 18.
- 7 See Dewald van Niekerk, *Climate change adaptation and disaster law*, in Jonathan Verschuuren (ed), ‘Research handbook on climate change adaptation law’ (2013) 160 (“Between 1999 and 2009, dozens of bills were submitted to the Philippines’ Congress with the aim of changing the primarily reactive 1978 disaster management legislation to a more proactive, preventive law”); The Philippines government reports that the overall budget for resilience projects has consistently increased from 2016 to 2019, see Department of Budget and Management and Climate Change Commission, *Philippines’ Climate Budgeting* (no date) [link](#).
- 8 The Constitution of the Republic of the Philippines (1987) Article II Section 16.
- 9 Republic of the Philippines, Congress of the Philippines, Republic Act No. 9729, as amended by RA 10174, *An Act Mainstreaming Climate Change into Government Policy Formulations, Creating for This Purpose the Climate Change Commission, and for other Purposes of the Philippines* (2009).
- 10 Republic of the Philippines, Congress of The Philippines Republic Act No. 10121, *An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction And Management Framework and Institutionalizing the National Disaster Risk Reduction And Management Plan, Appropriating Funds Therefor and for Other Purposes* (2010).
- 11 Republic of the Philippines, *Memorandum of Understanding between NDRRMC and CCC for Collaboration Programme on Philippine Climate Risk Reduction* (2011). However, some KIs reported that this document did not led to any concrete advancements in terms of joint action between the two bodies.
- 12 By virtue of Executive Order No. 24 issued on 16 May 2017, the Cabinet Cluster on CCAM-DRR regularly convenes its member agencies with the Department of Environment and Natural Resources (DENR) as Chair, and the Climate Change Commission (CCC) as Secretariat. The purpose of the cluster is to ensure co-ordination, and complementarity of policies and programmes on CCA, DRM and sustainable development. The Cluster serves as a venue to align and complement programmes, activities and projects among departments and government agencies in delivering the national vision on climate change adaptation, mitigation and DRM ([link](#)) See. See also Cabinet Cluster on Climate Change Adaptation, Mitigation and Disaster Risk Reduction (CCAM DRR) Performance and Projects Roadmap 2018–2022, [link](#).
- 13 Republic of the Philippines, Climate Change Commission Resolution 2019–001 on 25 January 2019, entitled “A Resolution adopting the National Climate Risk Management Framework (NCRMF) to address intensifying adverse impacts of climate change”.
- 14 See <https://climate.gov.ph/our-programs/national-climate-risk-management-framework>.
- 15 Congress of The Philippines - Eighteenth Congress Second Regular Session (House of Representatives H. No. 5989) *An Act Creating the Department of Disaster Resilience, Defining its Mandate, Powers and Functions, and Appropriating Funds Therefor* (Disaster Resilience Act), 2020.
- 16 Senate of the Philippines, Press Release - Zubiri pushes for Department of Disaster Resilience and Updating of National Hazard Map (11 Nov 2019), [link](#).
- 17 Disaster Resilience Act (provisional Bill on file with the author), 2020, article XVIII, section 86.
- 18 Philippine Development Plan 2017–2022 (2017).
- 19 *Ibid.*, 10.
- 20 *Ibid.*, 40–42.
- 21 Climate Change Act (2009) Section 2.
- 22 *Ibid.*, Section 9 lett (a) and (e), emphasis added.
- 23 *Ibid.*, Section 14. LGUs are called to regularly update such plans in order to reflect changes in social, economic, and environmental local conditions.
- 24 Republic of the Philippines, Congress of the Philippines, Republic Act n. 10184, *An Act Establishing the People’s Survival Fund to Provide Long-Term Finance Streams to Enable the Government to Effectively Address the Problem of Climate Change, Amending for the Purpose Republic Act No. 9729, Otherwise Known as the “Climate Change Act Of 2009”, and for Other Purposes* (2012). To date, the PSF Board, chaired by the Department of Finance, has approved a total of six projects for implementation amounting to 310 million pesos. Approved projects support the establishment of a climate field school, ecological-based farming, climate-resilient agriculture, watershed rehabilitation, ridge-to-reef adaptation, and river ecosystem management.
- 25 See OECD (Introduction, n 2) 159, reporting that while “LGUs, NGOs and CSOs are eligible to submit community led climate change adaptation proposals to the board of the People’s Survival Fund [...] it was noted in a few interviews conducted for this study that LGUs have applied for PSF funding for other priorities with no climate change component”. For an assessment of the policy, institutional and operational barriers which affected the effective implementation of the PSF see International Development Research Centre, Thailand Development Research Institute and the Frankfurt School of Finance and Management, *Analysis of the People’s Survival Fund: Insights On Climate Finance Delivery in the Philippines* (December 2019).
- 26 CCC Resolution n. 3, *Revised Implementing Rules and Regulations (R-IRR) of the Republic Act No. 9729, otherwise known as the Climate Change Act of 2009, as amended by Republic Act No. 10174*, Rule 2, Section 1, lett. (h).
- 27 *Ibid.*, Rule 4, Section 2, lett (b) and (f); Rule 7, Section 1.

- 28 *Ibid.*, Rule 6, Section 1; Rule 8, Section 4.
- 29 NFSCC 2010–2022 (2011) 32.
- 30 NCCA Plan 2011–2028 (2011) 16.
- 31 NDRRM Act (2010) Section 2 (a), emphasis added.
- 32 More specifically, this piece of legislation deals with DRR and CC in section 2(e), (g) and (j) and also in section 3(d), (n) and (o).
- 33 Republic of the Philippines, *National Disaster Coordinating Council, Implementing Rules and Regulations* of Republic Act No. 10121 [...], 2010.
- 34 Section 6, let. (j).
- 35 *Ibid.*, lett. (n) (“In coordination with the Climate Change Commission, formulate and implement a framework for climate change adaptation and disaster risk reduction and management from which all policies, programs, and projects shall be based;”).
- 36 NDRRM Plan (2011–2028), Executive Summary.
- 37 See Kanako (n 1) 10.
- 38 See [https://www.doe.gov.ph/sites/default/files/pdf/announcements/a\\_plenary\\_04\\_developing\\_disaster\\_risk\\_finance.pdf](https://www.doe.gov.ph/sites/default/files/pdf/announcements/a_plenary_04_developing_disaster_risk_finance.pdf).
- 39 See (n 15) Art. II Sections 4–5; See also Kanako (n 1) 20–21.
- 40 UNDRR (Section 1, n 9) 20.
- 41 See GIDRM and DILG-LGA, *Status Quo Report on CCA and DRR Planning and Financing Regime in the Philippines* - Assessment June 2019, 3, on file with the author (“The implementation of RA7160, the Local Government Code of the Philippines in 1990, led to decentralized governance and devolved powers to the Local Government Units (LGU). This resulted in the LGUs being responsible to develop an increasing number of sectoral plans at the local level”).
- 42 See for instance the ‘Local Planning Illustrative Guide: Preparing and Updating the Comprehensive Development Plan (CDP) or the ‘LGU Guidebook on the Formulation of Local Climate Change Action Plan’, both published in 2017. The National Economic and Development Authority (NEDA) also prepared guidance tools and organises dedicated workshops on the mainstreaming of DRR-CCA in provincial plans (<http://nro5.neda.gov.ph/neda-5-conducts-workshop-on-mainstreaming-drr-cca-in-provincial-plans/>). See, however, OECD (Introduction, n 2) noting how “The sheer number of requirements often leads to low absorption of guidelines coming from the national level” (at 44) and that, being LGUs autonomous entities “there are no sanctions imposed on them if they are not able to comply with the plans required of them” (at 151).
- 43 See for instance those mentioned in OECD (Introduction, n 2) 149, box 6.2.
- 44 Implementing Rules (n 26) Section 4.
- 45 *Ibid.*
- 46 Sections 20 and 21 of the DRRM Act legally mandate the allocation of funds for relevant activities, as in the case of the 5% earmarking of local funds to be set aside to support disaster risk management activities.
- 47 See DRRM Act Implementing Rules (2010), Section 4, n. 4, identifying among the functions of the local DRRM Offices the consolidation of “local disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain a local risk map”.
- 48 See Ebinezer R. Florano, *Mainstreaming Integrated Climate Change Adaptation and Disaster Risk Reduction in Local Development Plans in the Philippines*, in Leal Filho W. (eds) ‘Handbook of Climate Change Adaptation’ (2014). For a comprehensive overview of local planning see DILG-LGA and GIDRM (n. 40).
- 49 Sonny N. Domingo and Ma. Divina C. Olaguera, *Have we institutionalized DRRM in the Philippines?* - Philippine Institute for Development Studies Policy Notes (2017) 5–6.
- 50 See the ‘CLUP Guidebook Supplemental Guidelines on Mainstreaming Climate Change and Disaster Risks in the Comprehensive Land Use Plan’ published by the Philippines’ Housing and Land Use Regulatory Board (HLURB) in 2014 or the Guidelines for the Establishment of Local Disaster Risk Reduction and Management Offices (Local DRRM Offices) or Barangay DRRM Committees (Barangay DRRM Committees) in Local Government Units (LGUs) (2014).
- 51 UNDRR (Section 1, n 9) 15.







## The Consideration of Vulnerable Groups in the Philippines' Climate and Disaster Risk Governance

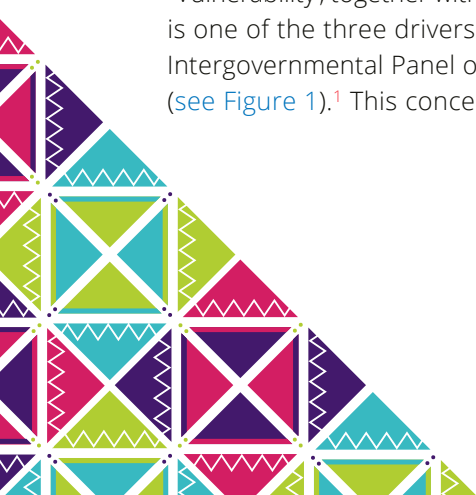
A distinctive feature of the present study is the attention it devotes to specific individual or societal vulnerabilities in advancing normative coherence in CCA-DRRM in the Philippines. Hence, building on the consideration of how integrated risk governance

can reduce the adverse effects of weather and climate-related extremes on human communities, the scope of analysis will now include an assessment of how particularly vulnerable people are considered by relevant regulations in this field.

### 3.1 Framing Specific Vulnerabilities in Climate and Disaster Risks Laws and Policies

'Vulnerability', together with 'hazards' and 'exposure', is one of the three drivers of risk identified by the Intergovernmental Panel on Climate Change - IPCC (see Figure 1).<sup>1</sup> This concept is described as "[t]he

propensity or predisposition to be adversely affected",<sup>2</sup> or as "[t]he conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to





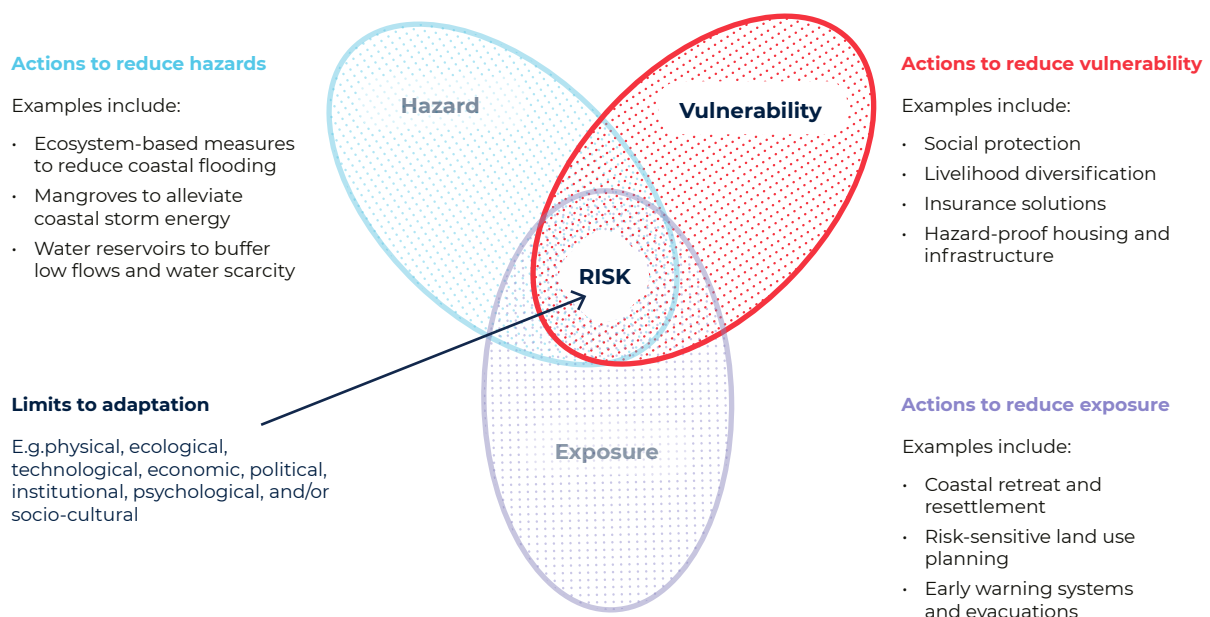
the impact of hazards”.<sup>3</sup> As such, ‘vulnerability’ can be caused by multiple and composite factors in all contexts and dimensions where a specific “sensitivity or susceptibility to harm and lack of capacity to cope and adapt” are present.<sup>4</sup> However, its conceptual relevance in the field of analysis is demonstrated by the increasing use made of the concept by both human rights and disaster law experts.<sup>5</sup>

In light of the above, it can be considered how law and policy improvements for CCA and/or DRRM can contribute to the reduction of ‘specific vulnerabilities’, i.e. those situations in which the potential impact of a hazard on the physical and psychological integrity of the affected people, as well as on their well-being and socio-economic status, are further aggravated by pre-existing individual conditions and/or factors.<sup>6</sup> This is the case of specific sectors of the population which are already marginalised or discriminated in ‘normal times’, and which are generally referred to as ‘vulnerable groups’. Yet, as discussed in [Box 1](#), specific vulnerabilities result from a complex combination of interrelated, dynamic and multifaceted factors and a clear-cut identification of the categories it encompasses is not a straightforward exercise.

Framing the protection of the most vulnerable through a rule-of-law perspective, the core principles

of humanity, dignity and non-discrimination can be identified as its basic tenets, as they normally inform – at least formally – the foundation of normative production in democratic countries. Therefore, domestic laws and policies with relevance for both CCA and DRRM should recognise such specific needs and combine them with key human rights obligations (i.e. rights to food, to water and sanitation, to housing) and humanitarian principles that are stated by international law.<sup>7</sup> This approach is also stated by the ILC Draft Articles on the ‘Protection of persons in the event of disasters’, which refer to the rights of particularly vulnerable groups “to have their special protection and assistance needs taken into account”; and “the right of communities to have a voice in the planning and execution of risk reduction, response and recovery initiatives”.<sup>8</sup> Similar concerns have been reiterated by the UN General Assembly, such as in Resolution 69/135 (2014) which called on States: “(...) to ensure that all aspects of humanitarian response, including disaster preparedness and needs assessments, take into account the specific humanitarian needs and vulnerabilities of all components of the affected population in particular girls, boys, women, older persons and persons with disabilities, including in the design and implementation of disaster risk reduction (...)”.<sup>9</sup>

Figure 1 – Main drivers of risks and related examples (IPCC 2019).



As a means of promoting this goal through improvements at the national level, both the IFRC 'Checklists on Law and Disaster Risk Reduction' (2015) and 'Checklist on Law and Disaster Preparedness and Response' (2019) provide guidance on how domestic authorities should adequately address and ensure meaningful engagement of all sectors of the population in normative frameworks, including representation of particularly vulnerable categories of persons.<sup>10</sup> For instance, this should be done based on adequately disaggregated analysis to detect specific vulnerabilities in a particular context (with an eye to those categories that often tend to suffer marginalisation) and ensuring that specific responsibilities are assigned to institutions to take the needs of vulnerable groups into account. Some typical examples of normative improvements concern the development of evacuation and shelter plans containing measures for people with disabilities or pregnant women; the adaptation of social protection programmes and mechanisms to channel assistance before and after disaster events towards specific sectors of the population; or any programme on capacity building, education, training, drills and other simulation exercises which include the consideration of specific needs.

As previously noted, the relevance of particular vulnerabilities is context-specific as they vary according to several circumstantial, structural, and overlapping factors. Also, the appropriate consideration of specific needs in domestic law and policy is inevitably related to the adoption of systematised consultation processes with community leaders and/or CSOs representing rights and needs of vulnerable categories.<sup>11</sup> This enhances the impact of adopted instruments, in light of their pertinence to localised needs and the major acceptability of their substantial content by beneficiaries and local stakeholders. Inversely, this would also facilitate the consideration and integration of local knowledge and so favour the adoption of bottom-up solutions. Additional elements for the analysis derive from the fact that, apart from CCA and DRRM instruments, other policy tools (e.g. in the sectors of development, environment, land-use management) can jointly contribute to strengthening the protection of the most vulnerable.

Progress towards a more holistic and integrated approach across sectors could represent an opportunity to also favour greater and more consistent

consideration of vulnerable groups (i.e. considering both their present and future fragilities against climate- and disaster-risks) in relevant law and policies. In light of the above, improved inclusiveness within the institutional and normative system regulating risk governance can be considered as resulting from the combination of three specific factors:

- Political will and institutional engagement – The activation of mechanisms to identify priority areas for law and policy-making, building on the specific needs of the most disadvantaged sectors of the population, is first and foremost a political decision. Enabling greater attentiveness to the needs of vulnerable groups in decision-making depends on the commitment of political leadership, governmental officials and members of elective bodies. Shared solutions through inclusive and systematic consultation can only be the result of aligned efforts between national and local authorities, as well as across sectors and with different stakeholders.
- Capacities and resources – The availability of dedicated and sufficient human, technical and financial capacities to activate the effective consideration of vulnerable groups in decision-making processes is crucial. Local administrations, especially those operating in particularly exposed or underdeveloped areas, can be already stretched by multiple demands corresponding to the need to meet the objectives of different sectors (CCA, DRRM and development). The technical capacity to collect disaggregated data on vulnerability, to directly engage with vulnerable groups' representatives or community members, and to present them to law and policy-makers in a comprehensible and proactive way is central for enabling decisions that effectively enhance the protection of specific groups.
- Monitoring and evaluation systems. Even once informed consultation mechanisms take place, the effective impact of law and policies on specific vulnerabilities needs to be monitored and evaluated over time. This is a crucial component of any inclusive law and policy-making process, as both the nature of weather- and climate-related risks and the individual and collective socio-economic conditions, mutate constantly and therefore require periodic updates of the regulatory system and a continuous understanding and assessment of evolving factors influencing specific vulnerabilities.

### 3.2 The Protection of Specific Vulnerabilities in the Philippines CCA-DRRM law and policies

On the basis of the analytical elements provided in the previous paragraphs, the way in which specific vulnerabilities have been addressed in the current Philippines CCA-DRRM regulatory frameworks will now be explored. As discussed in [Section 2](#), while the main strategies and plans for both sectors are formulated at different levels (national, regional and local), all of them call for, and inform, the adoption of concrete measures at the community level. This is the result of a 'paradigm shift' that started in the country at the turn of the century and changed the strictly technical approach based on the modelling of single hazards into a community-based and intersectoral approach to disaster risk management. This also led to a joint consideration of different hazards and a stronger focus on diverse vulnerabilities and capacities.<sup>12</sup>

Along these lines, it can be noticed how references to vulnerable groups gradually populated the Philippines' normative system at different levels. At its very roots, the **Constitution of 1987** states that the Congress "shall give highest priority to the enactment of measures that protect and enhance the right of all

the people to human dignity, reduce social economic, and political inequalities (...).<sup>13</sup> It also recalls the principles of equality regardless of gender, "recognizes the role of women in nation-building",<sup>14</sup> and calls for the parliamentary representation of specific vulnerable groups, namely "peasant, urban poor, indigenous cultural, communities, women, youth".<sup>15</sup> Moreover, the provision of health basic services and supports shall prioritize the needs of the sick and other unprivileged categories such as the "elderly, disabled, women and children".<sup>16</sup> Programmes of social security for the elderly are mentioned,<sup>17</sup> as well as the duty for the State to guarantee the integration of disabled persons into the mainstream of society,<sup>18</sup> and the possibility to create a consultative body representing the needs of indigenous cultural communities.<sup>19</sup> In addition to constitutional provisions, the protection of specific vulnerable categories is further formulated in dedicated legislation, commonly defined as "Magna Carta(s)" (e.g. those for disabled persons<sup>20</sup>, of women<sup>21</sup>, of the poor<sup>22</sup>) which in some cases also mention the need to address their particular needs in case of disaster.<sup>23</sup>



Philippine Red Cross has helped an indigenous people's community in a remote area in Bataan.

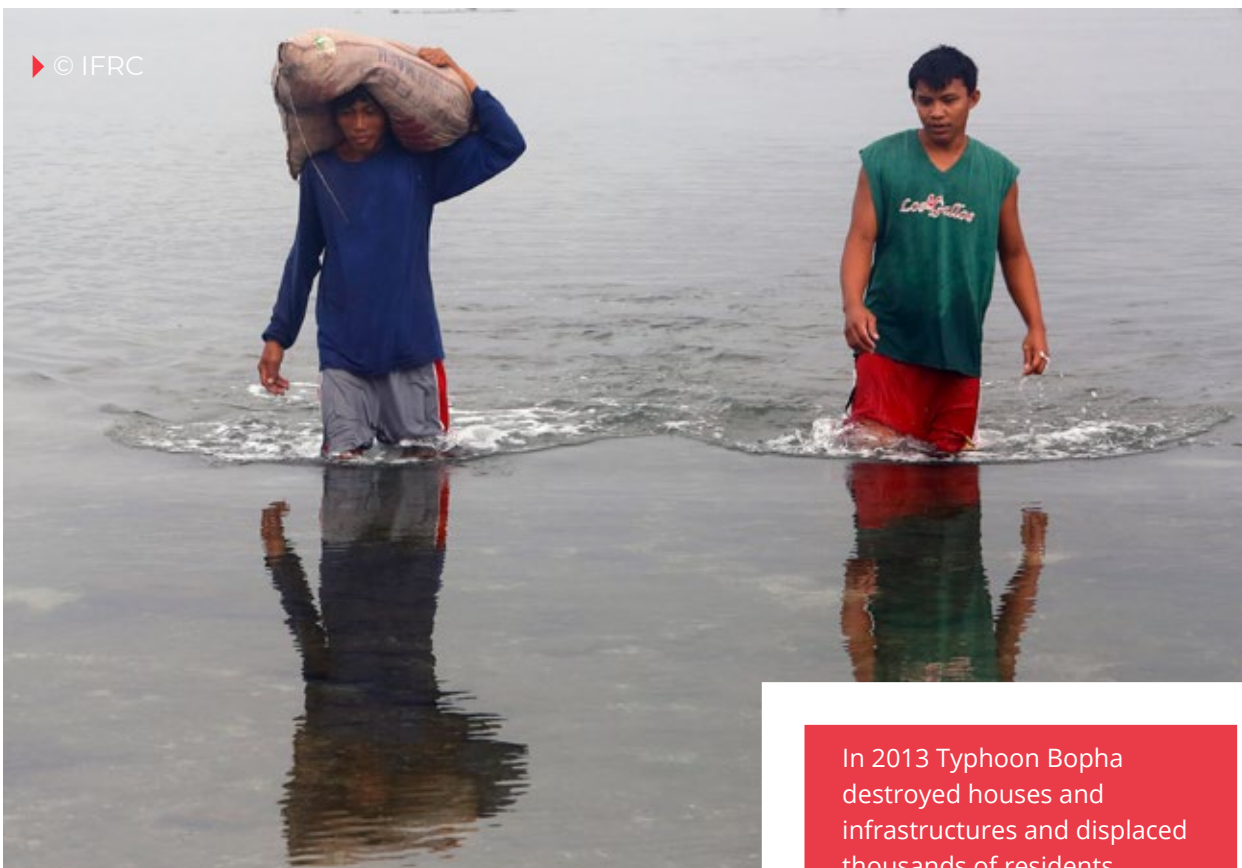
The laws and policies on CCA and DRRM described below provide more specific references to vulnerable categories and illustrate how greater coherence between the two sectors could effectively enhance their protection. As a general remark, it will be noticed how the socio-economic aspects of vulnerability are particularly stressed in the Philippines' normative system, with recurrent references to 'the poor' or 'low-income households'. This is not only due to their living in areas with greater exposure but also to the lack of capacities and resources to cope with unexpected shocks provoking an interruption of the normal sources of income and subsistence.<sup>24</sup> The attention devoted to these aspects is also connected with the 'human approach' to development enhanced by the government along the lines of that stated in the SDGs, and based on the principles of equitable and inclusive growth. As part of this, specific legal provisions are aimed at aligning the sustainable development agenda with DRRM and climate change efforts, prioritising social protection measures for the reduction of poverty and inequality.<sup>25</sup>



### 3.2.1 Vulnerable groups in CCA Law and Policies

Beyond the recognition of the general vulnerability to climate risks of the Philippine archipelago and its local communities, the **Climate Change Act (2009)** contains no explicit references to the specific needs of vulnerable groups. In terms of categories, it only devotes a specific mention to ‘the poor’ and declares the country’s policy to systematically integrate the concept of climate change, among others, in poverty reduction strategies.<sup>26</sup> As for the institutional setting, the establishment of the CCC devotes some relevance to CSOs, but with no specific indications regarding a greater representation of vulnerable groups.<sup>27</sup> However, as described in [Section 2](#) of this report, the CC Act has been drafted as an overall normative framework, specifying that a thorough identification of objectives and the activities aimed at their accomplishment – as “[t]he assessment and management of risk and vulnerability” – are expected to be included in planning instruments.<sup>28</sup>

In light of this, strategic frameworks and programmes on CC are meant to be the result of a participatory and interactive process and formulated in coordination with civic organisations and local/indigenous communities, among the various sectors and stakeholders.<sup>29</sup> Interestingly, this should be done based on “bio-physical profiling and characterisation, as socio-economic impact assessment [and] specific adaptation needs”, per the international agreements to which the Philippines is a party (seemingly referring to human rights treaties).<sup>30</sup> In particular, the **NFSCC (2011)** urges “equal and equitable protection of the poor, women and children and other vulnerable and disadvantaged sectors” in adaptation measures,<sup>31</sup> and recognises the value of multi-stakeholder participation and partnership “especially with indigenous people and other marginalised groups most vulnerable to climate change impacts”.<sup>32</sup> A scientific and methodological approach to data assessment is called for/urged as a necessary tool to quantify and prioritise adaptation strategies in both national and



In 2013 Typhoon Bopha destroyed houses and infrastructures and displaced thousands of residents.

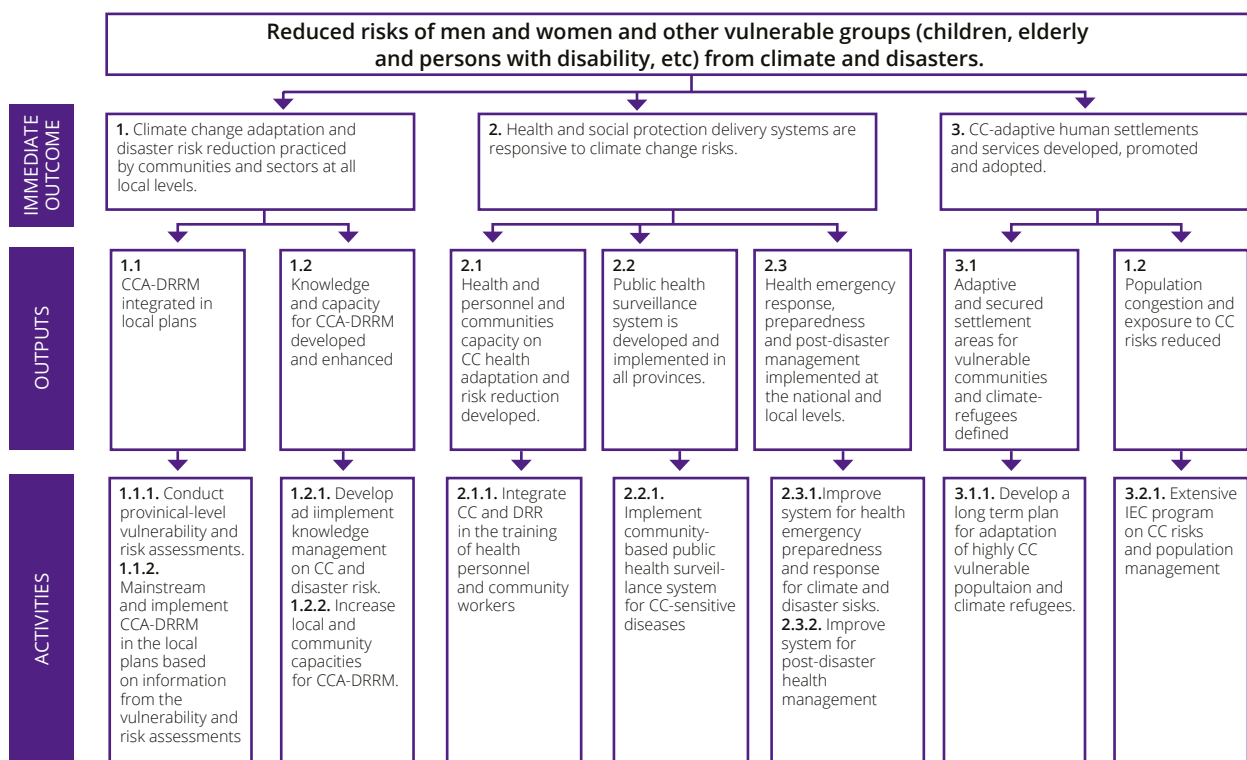


local settings and enabling sectors targeting and increasing accessibility to those data.<sup>33</sup>

The development and the implementation of the **NCCA Plan (2011)** and the local action plans (to which the CC Act devotes particular attention) are indicated as a process in which all relevant stakeholders, including civic and “people’s organisations”, shall be engaged.<sup>34</sup> The Plan calls for public financing to “prioritize adaptation to reduce vulnerability and risks of communities *particularly the marginalized poor*”,<sup>35</sup> and refers to the concept of “human security” to stress the need for a common framework

in approaching the reduction of vulnerability to disasters, climate variability and long-term climate change.<sup>36</sup> Reducing the risks from climate and disasters for men, women and other vulnerable groups (children, elderly and persons with disabilities, etc.) is identified as a national strategic priority.<sup>37</sup> However, as evidenced by the operational diagram below (see fig. 2), despite this express objective identifying specific categories of vulnerable groups, the enumeration of more detailed outputs and activities does not appear to adopt this perspective and mostly refers to the all-encompassing category of “vulnerable population/communities”.<sup>38</sup>

Figure 2. NCCA Plan, Strategic Actions on Human Security for 2011–2028.



Apart from some references to gender-related long term activities<sup>39</sup>, and an indicator concerning the number of adaptive and secured resettlement areas for “fisherfolk, farmers, indigenous communities, and informal settler communities” in highly CC vulnerable and disaster-prone areas<sup>40</sup>, the only category explicitly mentioned is that of “climate refugees”, which is not further defined in the document and which is an unclear term in both law and practice<sup>41</sup>, and seems

to be more related to internal displacement than cross-border phenomena.<sup>42</sup> Finally, the reference to “social protection programs for resettled and vulnerable poor families implemented” confirm the tendency to juxtapose specific vulnerabilities with economic conditions of people.<sup>43</sup>

Noteworthy advancements have been made with the **CC Act ‘Implementing Rules’ (R-IRR) of 2015**.

Along the lines of the strategic goals indicated by the Hyogo Framework for Action (the main DRR global instrument preceding the Sendai Framework) some categories of vulnerable groups (“the poor, women, children and youth, local communities/indigenous people, persons with disabilities and the elderly”) are recognised as particularly exposed to climate-related disasters.<sup>44</sup> Local and indigenous communities are also “enjoined” to participate with national and local government, together with other stakeholders, in efforts to reduce the adverse effects of climate change.<sup>45</sup> Notably, “gender-sensitive”, “pro-children” and “pro-poor” perspectives are to be incorporated in all climate change plans and programmes of both the national governments and the LGUs.<sup>46</sup>

The same document includes a definition of “gender-mainstreaming” as a process of “assessing implications for women and men of any planned action, including legislation, policies or programs in all areas and at all levels”.<sup>47</sup> Also, the “poverty” dimension is indicated as a cross-cutting component of the definition of vulnerable groups, i.e. “poor women or men who face higher exposure to disaster risk and aggravated poverty including, but not limited to, children, elderly, differently-abled people, and indigenous peoples”.<sup>48</sup>

Representatives from the Philippine Commission on Women (PCW), the National Youth Commission (NYC) and NGOs are to be included in the Advisory Board tasked to assist the CCC in the formulation of

CCA policies.<sup>49</sup> This seems to reflect one of the functions of the Commission, namely to promote broad multi-stakeholder participation through a set of principles, objectives and processes that “shall form part of a consultative and coordinative mechanism to guarantee the engagement of a broad range of stakeholders, such as local communities [and] civil society organisations (...)”.<sup>50</sup> Also, the utilisation of the People’s Survival Fund (PSF) to support adaptation activities of local governments and community organisations has to be done according to a set of “prioritization criteria” including “poverty reduction potential” and the “[r]esponsiveness to gender-differentiated vulnerabilities”.<sup>51</sup> More importantly, the Commission should establish, within a short delay of time, a mechanism to ensure “transparency and participation of vulnerable and marginalised groups in the adaptation projects to be supported by the fund, enabling community representatives and/or NGO counterparts to participate as observers in the project identification, monitoring and evaluation process of the Commission”.<sup>52</sup>

Finally, in reiterating the key role of LGUs as ‘frontline agencies’ tasked with regularly updating the respective action plans, the need for consultation with NGOs, “People’s Organisations, as well as *representatives from vulnerable sectors*” is stated.<sup>53</sup> The technical assistance and support to be provided to LGUs also includes specific training programmes which shall also focus “on women and children, since they are the most vulnerable”.<sup>54</sup>

### 3.2.2 Vulnerable Groups in DRRM Law and Policies

The **DRRM Act of 2010** openly recognises the intention to adopt a “holistic, comprehensive, integrated, and proactive” approach in “lessening the socioeconomic and environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community”.<sup>55</sup> More specifically, the law mandates as part of the sectoral policy of the State, to “[d]evelop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters”.<sup>56</sup> It is therefore interesting to

note the non-exhaustive definition of “Vulnerable and Marginalized Groups” provided by the Act, i.e. “those that face higher exposure to disaster risk and poverty including, *but not limited to*, women, children, elderly, differently-abled people, and ethnic minorities”.<sup>57</sup> Of note, a more detailed list, focusing on socio-economic components of vulnerability, is provided by the DRRM Act Implementing Rules (2010).<sup>58</sup>

The Act and its implementing rules also regulate the adoption of a “Community-Based Disaster Risk Reduction and Management” process, in which at-risk

communities are actively engaged in the identification, analysis, treatment, monitoring and evaluation of disaster risks in order to reduce their vulnerabilities and enhance their capacities.<sup>59</sup> This is meant to put the people at the heart of decision-making and implementation of disaster risk reduction and management activities.<sup>60</sup> Within the context of education and training programmes for employees of the public sector, it can be noted how the Implementing Rules mention the need to have a strong focus on “gender responsiveness, sensitivity to indigenous knowledge systems and respect for human rights”.<sup>61</sup> Additionally, the Act foresees the creation of a “Disaster Risk Reduction and Management Information System” – a specialised database which contains, among others, “risk assessment and mapping and vulnerable groups”.<sup>62</sup>

The institutional responsibility for the collection, consolidation and dissemination of local disaster risk information, including specific vulnerabilities, is assigned as part of the function of the provincial, city and municipal DRRM offices or *barangay* DRRM councils,<sup>63</sup> which “shall facilitate and ensure the participation of at least two (2) CSO representatives from existing and active community-based people’s organizations representing the most vulnerable and marginalized groups in the *barangay*”.<sup>64</sup> Apart from the above-mentioned, fewer provisions address specific categories of individuals. Some explicit references are made to the need to guarantee an efficient mechanism for immediate delivery of food, shelter and medical supplies for women and children, and support the basic needs of internally-displaced mothers, such as breastfeeding.<sup>65</sup> The other categories of vulnerable groups mentioned in the definition, e.g. the elderly or the differently-abled people, are not further addressed by the Act.

A partially different approach can be detected in the **NDRRM Framework (2011)**. Starting from the consideration that hazards become disasters only if vulnerable people and resources are affected by them, the Framework recognises that the most vulnerable sectors of the population, including “[t]he poor, the sick, people with disabilities, older persons, women and children”, are among those with the least capacity

to recover.<sup>66</sup> A link between the protection of vulnerable groups, the welfare of the population and the effects that natural hazards can have on the country’s economic development targets and programming is also stated.<sup>67</sup> The most vulnerable sectors – especially the poorest and most marginalised ones – not only deserve special consideration but should also “become agents of change” for the development of their communities.<sup>68</sup> Further, cross-cutting concerns are also made with regards to gender-mainstreaming and cultural sensitiveness to indigenous practice.

The **NDRR Plan (2011–2028)** includes even more specific elements. The Plan is guided by “good governance principles within the context of poverty alleviation” and aims at, among other things, increasing the resilience of vulnerable sectors through the engagement of CSOs.<sup>69</sup> In doing so, it acknowledges the necessity to develop common tools to analyse vulnerability factors. For instance, to grant communities access to effective and applicable disaster risk financing options (Outcome 5), the promotion of insurance schemes among production and supply sector and local communities is listed as an activity (1.3). In addressing specific needs within the context of temporary shelter (Outcome 16), it mentions the provision of equipped facilities for all (including areas for lactating mothers, child-friendly spaces and temporary learning areas, spaces for people’s livestock, increased and diversified people’s livelihood skills). High-risk children enrolled in the “nutrition in-emergencies programme” are to be included in basic health services to be provided to the affected population (Outcome 17).

Despite the long section dedicated to monitoring and evaluation which is intended to ensure that the Plan is adaptive to the changing situations and the “needs on the ground”<sup>70</sup>, alongside a detailed reporting system on progress in its implementation, no references are made to the need to include the special needs of vulnerable groups in this assessment. The only potential element of good practice in this regards can be traced to the expressed intention to present the completed reports to multi-stakeholder workshops/meeting for further inputs and validation.<sup>71</sup>



## Endnotes

- 1 IPCC, *Technical Summary - Special Report on the Ocean and Cryosphere in a Changing Climate* (2019) 46.
- 2 IPCC, *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, Glossary (2018) 560.
- 3 UNDRR, Terminology (2017) [link](#).
- 4 IPCC (n 2).
- 5 For an in-depth study on the identification of the precise parameters of the concept of vulnerability in specific legal disciplines such as International Disaster Law or Human Rights Law see Natalie Baird, *Disasters, Human Rights and Vulnerability: Reflections from the Experiences of Older Persons in Post-Quake Canterbury*, (2020) 2 Yearbook of International Disaster Law 2019, 314–340, noting that “[t]he precise contours of the relationship between disasters, human rights and vulnerability are still developing”. See also Ben Wisner et al., *At Risk: Natural Hazards, People’s Vulnerability and Disasters* (2003<sup>3</sup>) 11, defining vulnerability as “the characteristics of a person or group and their situation that influence their capacity to anticipate, cope with, resist and recover from the impact of a hazard”.
- 6 See the Annex II of the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (2011), 61–65.
- 7 See Mariangela Bizzarri, *Protection of Vulnerable Groups in Natural and Man-Made Disasters*, in de Guttery A., Gestri M., Venturini G. (eds.) ‘International Disaster Response Law’ (2012) 381–414. For an in-depth analysis of the role and practice of UN human rights bodies and system in this sector see Dug Cubie and Marlies Hesselman, *Accountability for the Human Rights Implications of Natural Disasters: A Proposal for Systemic International Oversight*, (2015) 33/1 Netherlands Quarterly of Human Rights, 9–41.
- 8 UN Doc. A/71/10 (2016) Draft Article 5 ‘Human Rights’, Commentary, para. 6. See also the Commentary to Draft Article 6, specifying that “prohibited grounds for discrimination are non-exhaustive and include ethnic origin, sex, nationality, political opinions, race, religion and disability” and that “[t]he qualifier ‘particularly’ was used in recognition of the fact that those affected by disaster are by definition vulnerable”, and “[t]he term ‘particularly vulnerable’ is deliberately open-ended to include not only the categories of individuals usual associated with the concept, as mentioned above, but also other possible individuals that might find themselves being particularly vulnerable in the wake of a disaster, such as non-nationals”. For an in-depth analysis on how the concept of vulnerability was framed by the ILC see Thérèse O’Donnell, *Vulnerability and The International Law Commission’s Draft Articles on the Protection of Persons in the Event of Disasters* (2019) 68/3 International & Comparative Law Quarterly, 573–610.
- 9 UNGA Res. A/RES/69/135, *Strengthening of the coordination of emergency humanitarian assistance of the United Nations* (2014) 32.
- 10 See IFRC, *Checklist on Law and DRR* (2015) 16–17; IFRC, *Checklist on Law and DPR* (2019) 31–34.
- 11 See IFRC, *Checklist on Law and DPR* (2019) 12, specifying that “[w]here new legislation is required, there are a number of suggested approaches for its development and monitoring which will help to ensure effective implementation: involvement of a wide range of stakeholders in the development process including the active participation of all relevant ministries and levels of government, subject matter experts/practitioners, civil society organizations, the private sector and individuals, through a process which is inclusive of participation from women, youth, people with disabilities and vulnerable groups;” (emphasis added).
- 12 See NDRRM Framework (2011), 14. This shift was expected to be “participatory, inclusive, transparent and gender-fair”, and emphasize “the varying exposure of population groups living in the city, the poorly constructed buildings, the informal settlements, incorrectly sited developments, and the inadequacy of open spaces, among others, as well as capacities of people and institutions to cope with and adapt to natural hazards”.
- 13 The Philippine Constitution (1987), article XIII, section 1.
- 14 *Ibid.*, article II, section 14.
- 15 *Ibid.*, article VI, section 5 (2).
- 16 *Ibid.*, article XIII, section 11.
- 17 *Ibid.*, article XV, section 4.
- 18 *Ibid.*, article XIII, section 13.
- 19 *Ibid.*, article XIV, section 17 and article XVI, section 12. See Cariño J. K., *Country Technical Note on Indigenous Peoples’ Issues: Republic of the Philippines*, IFAD (2012), reporting that “[i]ndigenous peoples roughly constitute between 10–15 per cent of the total population of the Philippines and are present in 65 of the country’s 78 provinces”.
- 20 Republic of the Philippines, *An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Person and their Integration into the Mainstream of Society and for Other Purposes* – Republic Act No. 7277, 24 March 1992.
- 21 Republic of the Philippines, *An Act Providing for the Magna Carta of Women* - Republic Act No. 9710, 14 August 2009.
- 22 Republic of the Philippines, *An Act Providing for a Magna Carta of the Poor* - Republic Act No. 11291, 12 April 2019.
- 23 See (n 21) Section 10 and (n 22) Section 4. Of note, the *Magna Carta of the Poor* includes the “victims of calamities/natural and human-induced disasters” as one of the vulnerable categories included in the definition of the ‘Basic Sectors’ of the Philippines’ society (Section 3). See also the Republic of the Philippines, *An Act Granting Additional Benefits and Privileges to Senior Citizens* [...] - Republic Act No. 9994, 15 February 2010, Section 5.
- 24 On the impact of disasters on poor people see Stephan Hallegatte et al., *Shock Waves. Managing the Impacts of Climate Change on Poverty*, World Bank Group (2016) 91–105.
- 25 UNDRR (Section 1, n 9) 20.
- 26 Climate Change Act (2009) Section 2 (n 9).
- 27 *Ibid.*, section 5, linea 7. Of note, at least one of the two commissioners should be female, thus evidencing a certain attention to gender balance, not necessarily corresponding to the inclusion of gender perspectives into the activity of the CCC.
- 28 *Ibid.*, section 13 (b).
- 29 CC Act Revised Implementing Rules and Regulations (R-IRR) of 2015, Rule 9, Section 1.
- 30 *Ibid.*, Rule 8 sec 1.
- 31 Guiding principle 2.8.
- 32 Guiding principle 2.13. The NFSCC also states that age distribution and economic status influence the level of vulnerability of people, with young and older people representing more critical sectors in disaster situations and poverty limits hindering resilience of concerned population (p. 15).



- 33 NFSCC (2011) 27. Moreover, among the cross-cutting strategies (Capacity development, 10.1 lett. D) the need to reinforce “change communication, education, training and public awareness at all levels, including at the local and community levels, taking into account gender issues” is mentioned.
- 34 CC Act (2009) Sec 15.
- 35 NCAA Plan (2011) 5, emphasis added.
- 36 *Ibid.*, 16.
- 37 *Ibid.*, 17.
- 38 *Ibid.*, 15.
- 39 NCAA Plan (2011) 19 (“Mainstreaming and implementation of gender-responsive CCA-DRRM in local plans based on information from the vulnerability and risk assessment”, “Development of gender-based knowledge products”, “Intensify gender-sensitive IEC [i.e. Information, Education and Communication] using various media and outreach to increase awareness on climate and disaster risks reduction and population management to avoid conflicts in case of resettlement and climate refugees”). General considerations on gender mainstreaming as cross-cutting action with regard to CC issue (in general) are further expanded at 36.
- 40 NCAAP (2011) 89, indicator 4100.3.1.
- 41 See <https://www.theguardian.com/world/2020/aug/31/how-helpful-is-the-term-climate-refugee>.
- 42 A specific indicator refers to the number of resettlement areas for climate refugees secured from CC-induced conflicts (4100.3.2).
- 43 NCAA Plan (2011) 90.
- 44 CC Act Revised Implementing Rules and Regulations (R-IRR) of 2015, Section 1 (e).
- 45 *Ibid.*, (f).
- 46 *Ibid.*, (g) (“[I]n view thereof, the State shall strengthen, integrate, consolidate and institutionalize government initiatives to achieve coordination in implementation of plans and programs to address climate change in the context of sustainable development”).
- 47 *Ibid.*, (m). See on this topic Colleen McGinn and Kanmani Venkateswaran, *Mainstreaming Gender within Local Government Climate and Disaster Risk Assessments. A Review of Methodology and Practice in the Philippines*, GIDRM-GIZ, July 2020, at 4–5, assessing how “climate change and disasters are profoundly gendered, globally and within the Philippines”.
- 48 CC Act Revised Implementing Rules and Regulations (R-IRR) of 2015, Section 1, (cc).
- 49 *Ibid.*, Rule 4, Section 2, (b) xviii, xix, xxvii and (c) i.
- 50 *Ibid.*, Rule 6, Section 1 (g).
- 51 *Ibid.*, Rule 13, Section 1 iv and Section 4 iii and vii.
- 52 *Ibid.*, Section 5.
- 53 *Ibid.*, Section 4, emphasis added.
- 54 *Ibid.*, Section 5 (b).
- 55 DRRM Act (2010) Section 2 (d).
- 56 *Ibid.*, Section 2 (n).
- 57 *Ibid.*, Section 3 (oo), emphasis added.
- 58 DRRM Act Implementing Rules (2010) Rule 2, Section 1 (tt), This includes: “...women, especially pregnant women, youth, children especially orphans and unaccompanied children, elderly, differently-abled people, indigenous people, the disadvantaged families, and individuals living in high risk areas and danger zones, and those living in the road right-of-ways and highly congested areas vulnerable to industrial, environmental, health hazards and road accidents. Included into the exposure of poverty are the marginalized farmers and fisher folk”.
- 59 As an example of this, see *ibid.*, Rule 3, Section 2, mandating the participation of the Commissioner of the National Anti-Poverty Commission-Victims of Disasters and Calamities Sectors (NAPD-VDC) and of four representatives from CSOs as members of the National Disaster Risk Reduction and Management Council (NDRRMC).
- 60 *Ibid.*, Section 3 (e).
- 61 *Ibid.*, Rule 10, Section 3.
- 62 *Ibid.* (p) emphasis added. This includes: “a review of the technical characteristics of hazards such as their location, intensity, frequency and probability; the analysis of exposure and vulnerability including the physical, social, health, economic and environmental dimensions; and the evaluation of the effectiveness of prevailing and alternative coping capacities in respect to likely risk scenarios”.
- 63 *Ibid.*, Section 12 c (3) (9).
- 64 *Ibid.*, Section 12 d (2). The criteria for the selection of CSOs representation in the Local DRRM Council should adhere with the guidelines to be issued by the NDRRM Council (see DRRM Act Implementing Rules, Section 3).
- 65 *Ibid.*, Section 2 (o) and Section 12 (c), para. 16.
- 66 NDRRM Framework (2011).
- 67 *Ibid.*, 6.
- 68 *Ibid.*, 7.
- 69 NDRRM Plan (2011) 14.
- 70 *Ibid.*, 41.
- 71 *Ibid.*, 42.





## Research Findings on the Climate and Disaster Risk Governance and the Protection of Vulnerable Groups<sup>1</sup>

The tendency toward greater normative integration in the Philippines system can pave the way towards a more comprehensive consideration of the concept of vulnerability in all its different facets and provides the opportunity to pay more attention to the specific needs of vulnerable groups against both climate- and disaster-risks. The accomplishment of this goal through law and policies improvements is directly linked to the need to optimize their regulatory impact and strengthen institutional capacities at all levels. Such improvements are pivotal for an effective amelioration of already precarious individual and collective conditions when further aggravated by both climate- and disaster risks and hazards.

However, this research also shows that advancements in these two domains, despite the relevant synergies described above, do not necessarily follow the same pace and can be prioritised differently. Building momentum towards cross-sectoral coordination does not correspond in itself to greater attentiveness on how to deal with particularly at-risk members of exposed communities, especially in terms of concrete measures to be implemented at the grass-root level. KIs highlighted that the two processes need to proceed in parallel, reinforcing one another with the utmost synergy. Still, in order to favour the understanding of respective advancements and underlying dynamics, main findings and recommendations included in the following sections will be addressed separately.



## 4.1 General Findings on Integrating Climate and Disaster Risk Governance

The appraisal of the Philippines' climate and disaster risk governance included in [Section 2](#) evidenced the reasons why it should be considered at an advanced stage in terms of CCA-DRRM regulatory integration. In the last two decades, national authorities at all levels have invested meaningfully in the development of regulatory instruments aimed at enhancing a holistic approach to resilience. This accomplishment was also possible thanks to the proactive role played over time by Philippine CSOs involved in these fields, including the Philippine Red Cross. Outlasting changes in political administrations, these organisations contributed to the progressive creation of a technical and institutional 'awareness' on these topics.<sup>2</sup>

Examples of cross-references, interlinkages and provisions aiming at systemic integration can be found in almost every legal norm, policy or planning document referring to the two governance sectors. Moreover, specific mainstreaming efforts have been taken in recent years in other domains such as energy<sup>3</sup> and environment<sup>4</sup>, and it can be expected that other sectoral agencies will continue to expand and fulfil cross-cutting commitments. In 2019, according to the 'World Risk Report', the Philippines disaster risk index was lowered to 9th in the world, a development that would not have been possible without an increasingly integrated legal framework.<sup>5</sup>

Relevant examples of good practice were detected in the course of this research, reflecting some preliminary recommendations identified in the literature on the topic.<sup>6</sup> For instance, post-2015 regulatory and planning tools in the two sectors consistently link with respective international frameworks (i.e. the Paris Agreement and the Sendai Framework) and in some cases directly refer to their directives and targets. As part of their integrated approach, the two main pieces of legislation (the **CC Act and NDRRM Act**) regulate the involvement of governmental budget-holders in their procedural and implementation aspects at all levels, thereby improving their effectiveness. For instance, the CC Act tasks the Department of Finance and the Department of Budget and Management to coordinate and ensure

the appropriate prioritisation and allocation of funds to support climate change-related programmes and projects.<sup>7</sup>

The timeframes of planning instruments (i.e. the **NCCA Plan and NDRRM Plan**) have been established in parallel so as to 'reinforce their convergence' for the accomplishment of long-term objectives. Also their short-medium implementation phases have been chosen to coincide with the elections (national and local), thus favouring national leaders and local chief executives in the completion of related activities within their terms.<sup>8</sup> Mandatory DRRM education in the school curricula at secondary and tertiary levels; community education and training; as well as training programmes for the public sector employees are mandated and regulated.<sup>9</sup> At the lowest level of administration, Local DRRM Councils have been reported as a forum where, if supported by political 'awareness' and adequate resources (often coming from external partners), joint CCA and DRR activities can take place as part of the same preparedness action (e.g. disseminating sea-level rise risk maps at the community-level).

From the institutional point of view, a meaningful debate is currently ongoing in the country around the establishment of a unified and permanent governmental agency in charge of comprehensive cross-sectoral actions to reduce climate and disasters risks ('Department of Disaster Resilience').<sup>10</sup> The text of the Bill that is currently being scrutinised contains several elements of further structural integration between the two sectors. Among the most tangible one can include the unification of the National Disaster Risk Reduction and Management Framework (NDRRM Framework) and the National Framework Strategy on Climate Change (NFSCC) into a single National Disaster Resilience Framework<sup>11</sup>; the participation of the Secretary of the new Department as a member of the PSF;<sup>12</sup> and the establishment of a National Integrated Climate and Disaster Risk Information System in coordination with the CCC.<sup>13</sup>





Pending the approval of the ‘Disaster Resilience Act’, a House Resolution on the “Effective Implementation of Environmental, Climate Change Adaptation and Mitigation, and Disaster Risk Reduction and Management Law in light of the Global Climate and Environmental Emergency” has been filed by Deputy Speaker and Representative Loren B. Legarda.<sup>14</sup> This resolution recognises the need for useful climate risk information and urges all national government agencies and local government units to undertake climate risk assessments and baseline studies that incorporate future scenarios and impacts of climate change (including the establishment of a national integrated risk information system) to inform sustainable development and resilient policy formulation, investment planning, programming and financing at the national, sectoral, and local levels.

However, an in-depth analysis corroborated by insights provided by KIs, revealed that the effective implementation, and consequent impact, of such a well-integrated framework, is still facing challenges. The mere existence of interconnected norms, institutions and plans is not enough to guarantee greater coherence in climate and disaster risk governance across the country, especially at the grass-root level. At the same time, the current debate around the establishment of a unified agency (the Department of Disaster Resilience) exemplifies how framing climate change as an input of the broader disaster management framework – or vice versa – can be hampered by the different understanding of respective responsibilities and powers in the two sectors and delays due to divergent views on how the relevant institutions could be merged, especially with regards to the scientific agencies.<sup>15</sup>

From a general point of view, existing challenges concern coordination problems to cohere, synergise policies and plans among governmental agencies<sup>16</sup> and with other stakeholders (including CSOs, private sector and academia), the lack of bodies with sufficient authority and capacity to mobilize leadership and resources,<sup>17</sup> as well as capacity gaps especially at the local level, mainly due to insufficient or uneven provision of funds, data and assets.<sup>18</sup> More specifically, the most common critical issues reported are connected with:

- Discontinuous political leadership and determination in further aligning distinct perspectives of CCA and DRR regulatory instruments (e.g. different timelines and/or fragmented funding schemes in programming and strategies). This hinders combined actions by relevant institutions as well as the effective and proactive involvement of CSOs in decision- and law-making processes. The immediate political return of responding to a single major disaster still prevails over more systemic and cross-sectoral decision-making which addresses underlying (but less tangible) risks in a longer perspective.
- Weak capacities and different approaches between the CCC and the NDRRM Council, hampering the effective creation of integrated, sustainable, and long-term actions. While the first is focused on specific vulnerability areas and related projects, the second is built within the ‘institutional culture’ of civil defence and is more focused on providing technical solutions of expected or existing ‘shocks’. Moreover, while the NDRRM Council’s powers are limited to coordination, the CCC never really met the expectations in terms of its capacity to present common views and recommendations due to lack of political engagement, and absence of subnational administrative structure or local-based personnel.<sup>19</sup>
- The decentralisation of governmental responsibilities and the allocation of planning tasks to LGUs as ‘frontline agencies’ in both sectors is not always harmonised with local implementation mechanisms nor accompanied by the necessary financial and technical resources to coherently accomplish their functions.<sup>20</sup> This results in a discontinuous and uneven level of efficiency of local councils’ action across the different areas/regions, the weaker capacity to access available funding mechanisms such as the PSF, and therefore a disconnection between local and national policies.<sup>21</sup>
- Difficulties in monitoring and evaluation assessments on effective impact across governmental agencies<sup>22</sup>, and at the local level due to the lack of consistent and comprehensive data which would allow for the comparison of multiple and diversified initiatives undertaken by the LGUs.<sup>23</sup> Climate and disaster risk information are often problematic to analyse and interpret across governmental bodies and especially by LGUs in different regions. In some cases, the institutions that are in a better strategic and resource position are not those with main responsibilities in this field.<sup>24</sup>



▶ © Philippine Red Cross Society



An older woman cleans clothes in Buguey, on the coastline, after it was struck by Typhoon Mangkhut in 2018.



## 4.2 The Protection of Vulnerable Groups in Climate and Disaster Risk Governance

With specific regards to the consideration of vulnerable groups' special needs, a series of good practices can also be reported. In general terms, it is commonly acknowledged that CSOs and national government agencies representing vulnerable groups are normally engaged in the development of policy frameworks for both CCA and DRR. As their involvement in technical working groups does not necessarily correspond to an actual capacity to inform the content of new laws and policies, major advancements reportedly take place, once again, at the local level. LGUs often make recourse to enabling ordinances for cities and municipalities when deciding on public participation and effective consultations with organisations representing vulnerable groups. CSOs participation can vary according to their activism in local councils, but also to the presence of foreign organisations and funds supporting this kind of engagement. However, to comprehensively assess the nature and incidence of their impact on decision-making processes would imply a collection of quantitative data and information that goes beyond the purpose and scope of this report.

Both the Climate Change Act and Philippine Disaster Risk Reduction and Management Act contain provisions on gender mainstreaming, and in the prioritisation of PSF allocation, projects to be approved for funding must be responsive to gender-differentiated vulnerabilities. The Bill on Disaster Resilience currently under discussion by the Philippines' Congress, while reportedly reducing the focus on community-based approach in favour of a more centralised DRRM system,<sup>25</sup> also contains some interesting (potential) elements of improvement, such as explicit connections with the Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons"<sup>26</sup>; the identification of specific roles and responsibilities of some vulnerable groups such as "senior citizens" and "migrants", considered as proactive participants and not only as beneficiaries;<sup>27</sup> and

coordination between the National Commission on Indigenous Peoples (NCIP) and concerned LGUs, for the implementation of mechanisms that foster social and cultural protection for indigenous communities that are vulnerable to the effects of disasters.<sup>28</sup>

Apart from the above, a series of issues regarding the consideration of vulnerable groups in CCA-DRRM law and policy-making can be also traced out. In general terms, sensitivity to diversity and inclusiveness continues to be mostly an 'aspirational statement' without practical implication as for CCA-DRRM regulations. Indeed, CCA-DRRM measures and programmes normally limit their references to vulnerability as a condition of the whole country. These gaps in understanding the dynamics and connections between specific vulnerabilities and exposure to climate-related disasters reportedly result in the absence of specific regulatory provisions on this point and a lack of clear institutional mandates on who bears related responsibilities at the different administrative levels. On the other hand, greater action of CSOs representing vulnerable groups and the prioritisation of advocacy on CCA-DRRM issues in law and policy-making consultation processes is reported as a potential improvement.

The lack of disaggregated data to provide evidence and guide decision-making regarding the different needs and constraints vulnerable groups face is one of the biggest challenges in this sense. Locally collected data, dealing for instance with demographic representation on how women or other groups are affected by climate-related hazards, is rarely consolidated among different regions, and communicated at the national level. This impedes central government departments and agencies, as well as LGUs, to monitor the situation and proceed accordingly in giving specific directions for strategic planning activities.<sup>29</sup>

Against these overall considerations, some specific points were raised by KIs:

- Despite a good number of normative sources generally acknowledging vulnerable groups, providing definitions and mentioning specific needs, a lack of detailed provisions and measures with effective impact on the different groups can be noticed. The elements regarding specific vulnerabilities are often linked with personal socio-economic conditions, and 'the poor' and 'the marginalised' are often stressed as the main vulnerable categories to consider. Moreover, when present, the categorisation of vulnerable groups is slightly unbalanced on some categories (e.g. women or children), while some others mostly remain unaddressed (e.g. people with disabilities or older people<sup>30</sup>).
- The distribution of resources mandated by law and policy does not necessarily correspond to the actual level of exposure of vulnerable groups to climate and disaster-related hazards. The project submission process for the PSF is very complex and consequently is only submitted by those LGUs with pre-existing resources and capacities, rather than by those that are more in need. Plus, it was reported that submissions generally do not include dedicated measures addressing specific vulnerabilities but often refer instead to business-as-usual activities.
- A general gap in mapping, data gathering and processes at the local level is reported. Monitoring and evaluation activities on specific vulnerabilities against climate-related disasters are almost absent. Poor understanding of the situation on the ground is often compounded with a lack of capacity, as well as with the reluctance to address specific vulnerabilities deemed as specialised subjects which require technical resources and knowledge.
- Most recently adopted instruments do not take significant steps forward on these aspects. The Resolution on the National Climate Risk Management Framework (2019) does not include specific references to vulnerable groups and – aside from some training activities for LGUs on social protection – the Performance and Project Roadmap for the Cabinet Cluster on Climate Change Adaptation, Mitigation and Disaster Risk Reduction (CCAM-DRR) 2018–2022, reiterates a very general concept of vulnerability with no consideration of specific categories of individuals.



Houses were buried when volcanic debris flowed during the onslaught of super Typhoon Goni.





## Endnotes

- 1 The content of this section mainly consolidates the results of the interviews with key informants (KIs) conducted for this study, and further corroborates them with references to the literature. A list of KIs is provided in Annex 1.
- 2 This was reflected at both the national level (e.g. with the advocacy action and technical support for legislative improvements provided over time by the Disaster Risk Reduction Network Philippines – a network of more than 60 NGOs active in this field) and the international level (e.g. with CSOs representatives usually being part of national delegations participating to intergovernmental negotiations).
- 3 See Republic of the Philippines, Department of Energy, *Adoption of Energy Resiliency in the Planning and Programming of the Energy Sector to Mitigate Potential Impacts of Disasters* (2018) Sec. 2 a, 6.5.
- 4 See Republic of the Philippines, Department of Environment and Natural Resources, Incorporating Disaster Risk Reduction (DRR) and Climate Change Adaptation (CCA) concerns in the Philippines EIS System (Memorandum Circular 005) – (2011).
- 5 Bündnis Entwicklung Hilft and Ruhr University Bochum – Institute for International Law of Peace and Armed Conflict (IFHV), *World Risk Report 2020* (2020) 7.
- 6 See Tommaso Natoli, Literature Review on Aligning Climate Change Adaptation (CCA) and Disaster Risk Reduction (DRR), IFRC – UCC, 2019.
- 7 See CC Act (2009) Rule 8, Sec. 5 on the role of Government Agencies, letters (f) and (g) respectively; See also DRRM Act (2010) Section 5, involving the secretaries of the same agencies as members of the National Disaster Risk Reduction and Management Council, and Sect 11 reproducing the same approach at the local level with the Head of the Local Budget Office, members of the Local DRRM Councils.
- 8 NDRRM Plan (2011) 17.
- 9 See DRRM Act (2010) Sections 9 (i) and 14; DRRM Act Implementing Rules (2010), Rules 8 and 10.
- 10 See Section 2.2 (n 15) of the present report.
- 11 *Ibid.*, art. 1, section 3.
- 12 *Ibid.*, art. 12, section 57.
- 13 *Ibid.*, art. 18, section 78. However, in this regard, some KIs noted that the abolishment of the Climate Change Office, in charge for programming CCA activities, entails the risk of weakening effective implementation in this sector.
- 14 Philippines House of Representatives, 18th Congress – 1st Regular Session, House Resolution no. 724, 17 February 2020.
- 15 The current Bill on the Department of Disaster Resilience has also been described by some KIs as a step-backwards toward the consideration of DRRM as a stand-alone issue instead of a cross-sectoral one, as generally urged by international frameworks.
- 16 GIDRM – GIZ, *Concept on the Formation of the Resilience Structure at Regional and Local Level*, July 2019 (on file with the author), analysing the institutional relations between the regional development council (RDC), regional disaster risk reduction and management council (RDRRMC) and the regional peace and order council (RPOC).
- 17 Climate Change Commission, *Executive Brief: The Philippine National Climate Change Action Plan, Monitoring and Evaluation Report 2011–2016* (2019) 4, 8, 16. However, some KIs stressed that a large number of CSOs were involved in the drafting process of policies for both sectors.
- 18 See Arlan Brucal et al., *Disaster impacts and financing: local insights from the Philippines*, Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy (CCCEP) - Policy Report (June 2020), 1; see also OECD (Introduction, n 2) 147 (“The prominence of DRM over CCA can be seen in the difference in size and power of the institutions responsible for DRM and the amount of funding available for DRM-related projects. For example, in 2017, PHP 15 billion was earmarked for DRM, whereas PHP 1 billion was set aside for dedicated adaptation projects”).
- 19 See OECD (Introduction, n 2) 148, also highlighting that “there are limited tools available to the CCC to encourage other agencies to prioritise adaptation measures, and no recourse if actions are not taken”.
- 20 See UNDRR (Section 1, n 9) 23–24; CCC (2019) 16; E.G. de Leon and J. Pittock, *Integrating climate change adaptation and climate-related disaster risk-reduction policy in developing countries: A case study in the Philippines*, in ‘Climate and Development’ (2016) 4, for which “Focusing on risk-reduction efforts, local DRR efforts are financed through the Local Disaster Risk Reduction and Management Fund (LDRRMF). The LDRRMF is limited by the size of the local population because the fund is pegged at only 5% of local government revenue despite differing local vulnerabilities and populations; See also OECD (Introduction, n 2) “While national guidelines on how to integrate DRR and CCA in local development plans are often in place, capacity constraints, lack of awareness, human and financial resources, knowledge and know-how, as well as high turn-over limit the ability of local governments to mainstream DRR and CCA in a coherent manner. Instead, DRR often remains response-oriented through local civil protection offices, whereas the responsibility for mainstreaming CCA often lies with local environment protection offices, which have limited implementation capacities” and “LGUs often lack the technical capacity to identify effective risk reduction measures, and therefore may end up spending the dedicated funding on low-hanging measures such as response equipment.”
- 21 See Kanako (Section 2, n 1) 21; see also OECD (Introduction, n 2) for which “For example, in the Philippines, out of 1634 Cities and municipalities, 748 or less than 50% of local government units had integrated CCA and DRR in the Comprehensive Land Use Plan in 2018 (GOV.PH, 2017[5])”.
- 22 UNDRR (Section 1, n 9) 14.
- 23 UNDRR (Section 1, n 9) 124. See OECD (Introduction, n 2) “While national agencies do report on the activities they are implementing, they do not necessarily collect or provide information on the results. Further, there are no guidelines to ensure that the collected information can be aggregated across activities.” And also “The OCD faces similar challenges as the CCC, where line agencies report on implementation but not results”. See also Government of the Philippines, Assessment of Disaster Risk Reduction and Management (DRRM) at the Local Level Commission on Audit (2014) TBV.
- 24 See Domingo e Olaguera (2017) 6.
- 25 See Disaster Resilience Act (2020), Section 2 (n 15), provisional Bill on file with the author. The proposed abolishment of all Local DRRM Councils (LDRRMCs) – currently involving 4 accredited CSOs members – allegedly represents a measure that could reduce the capacity of local CSOs to participate in local disaster governance and inform local policy-making.
- 26 *Ibid.*, art. 1, section 3, let. (q).
- 27 *Ibid.*, art. 6, section 37, let. (c) and (d).
- 28 *Ibid.*, art. 18, section 93. Interestingly “The Department shall ensure respect for, and protection of, the traditional resource right of the



Indigenous Cultural Communities or Indigenous Peoples (ICCs or IPs) to their ancestral domains and recognize the customary laws and traditional resource use and management, knowledge, and practices in ancestral domains. (c) In ancestral domains which are disaster-prone, the Department, with the assistance of the NCIP and applicable LGUs, shall create an Ancestral Domain Disaster Management and Resiliency Plan. It shall likewise properly communicate and explain information on disaster risks in ancestral domains with the concerned ICCs or IPs and, as much as possible, engage such ICCs or IPs in jointly formulating a disaster resiliency plan for their ancestral domain".

29 See Colleen McGinn and Kanmani Venkateswaran (Section 3, n 47) evidencing that "gender has not been substantively mainstreamed or considered in the formal LGU CDRA process" (at 9).

30 This is despite a previous qualitative research on the 'Perceptions of Disaster Resilience and Preparedness in the Philippines' (Vincenzo Bollettino, Tilly Alcayna, Krish Enriquez, Patrick Vinck, Program on Resilient Communities – Harvard Humanitarian Initiative, June 2018, 14) showed that the elderly are generally considered (together with children) among the most vulnerable sub-populations.





## Suggested Improvements for CCA-DRR Coherence in National Law and Policies<sup>1</sup>

The following suggestions come from the findings set out in [Section 4](#), the examples of good practice identified in the course of the research, as well as on a previous literature review on the topic.<sup>2</sup> While these suggestions draw specifically from and provide guidance for the current context of the Philippines, where efforts towards their full accomplishment are ongoing, they should be considered as equally relevant for a range of countries with Philippine like

characteristics.<sup>3</sup> This list of suggested improvements has been consolidated for facilitating discussion among stakeholders and for supporting governments in the identification of good practice and models on law and policy-making. As mentioned in the introduction, they form part of the wider global research that will be completed by analogous studies and lessons learned from other regional contexts.



## 5.1 Enhancing CCA-DRRM Integration through Law and Policies

### Law and policies on CCA and/or DRRM should:

- Incorporate, as appropriate, CCA considerations in DRRM frameworks and/or governance systems and vice versa. This does not necessarily imply the abolishment of respective sectoral bodies which should, instead, keep acting in an integrated way. This could favour for instance: localised climate and disaster risk assessments and planning (especially at the *barangay* or 'local' level); integrated information systems and knowledge exchange platforms; capacity-building and technical assistance training programmes for government staff at different levels.
- Results from a careful cost/benefit assessment of any institutional integration between governmental agencies dealing with CCA and DRRM. While on one side agencies with merged responsibilities would strengthen the leadership and favour effective and concerted action, attention must be paid to not disperse their capacity to address specific issues on each sector.
- Mandate and regulate the involvement of governmental departments tasked with budget-management functions (e.g. Ministry of Economy/Finance or Ministry of Development) to ensure the appropriate prioritisation and allocation of funds to coherently support CCA and DRRM programmes and projects and to coordinate with other ministries/departments and territorial administrations for a clear identification of respective expenditures.
- Regulate the access, process, and use of data on hazards and climate information (or 'climate services') favouring their usability across governmental bodies and sectoral institutions.<sup>4</sup> These should be integrated with data on social, economic, and environmental factors. Multi-stakeholder coordination and the removal of technical barriers (e.g. different methods for data processing, consolidation, and representation) is a prerequisite for holistic decision-making that enhances resilience and the protection of at-risk communities.
- Mandate the mainstreaming and operationalisation of CCA and DRRM measures in policies and secondary legislation (administrative rules and regulations) as well as in scaled-down development planning instead of the creation of sector-specific plans, programmes, and projects. This should be consistently applied at different levels of governance, especially at the municipal level and should foresee a proactive involvement of local CSOs.
- Favour the application of combined monitoring and reporting mechanisms for progress/flaws in the two sectors, especially from the lowest levels of government (e.g. LGUs). This would permit the optimisation of resources and reduction of burdens on already overstretched administrative units. Joint consolidation of lessons learned on CCA and DRRM integration would also favour and inform subsequent decision-making and review of laws.
- Create and ensure support to existing cultural and educational initiatives and joint capacity building on CCA and DRRM, especially at the local level. This could be developed in the form of dedicated academic courses, officials and practitioners' training. Annual awards initiatives are considered to be an effective way to motivate good practices and facilitate peer learning on common challenges among LGUs.<sup>5</sup>
- Establish specific deadlines for the revision and potential update of relevant law and policies. This should be done in line with the advancements made at the international level in terms of international law and policies informing the global governance of the two sectors as well as new scientific advancements. The direct and effective involvement of CSOs, scientific and technical experts and other actors (i.e. through a 'whole-of-society' approach) should be mandated, regulated and implemented. The elaboration of new tools/annexes to combine in a subsequent phase are elements to be considered in this context.



## 5.2 Addressing the specific need of vulnerable groups in climate and disaster risk governance<sup>6</sup>

### Law and policies on CCA and/or DRRM should:

- Be adopted after inclusive, transparent and effective consultations in which both public institutions and private organisations representing the needs of vulnerable groups can inform the decision-making and drafting processes. Representatives from the same institutions/organisations should be endowed with an effective role in established advisory or technical bodies.
- Explicitly identify the categories of groups/individuals considered as vulnerable in the relevant law and policies. The list(s) should systematically acknowledge their specific needs and rights (as enumerated and protected at both national and international level). In parallel, they should promote gender equality (e.g. defining a percentage for representation in decision-making forums) and encourage women and girls in leadership and decision-making roles.
- Create general or specific obligations and assign specific institutional responsibilities to take the needs of identified vulnerable groups into account. Relevant authorities and institutions should assess present and future risks and needs of each vulnerable group and identify dedicated planning processes and actions, as well as necessary resources for meeting their needs.
- Devote specific provisions and stipulate minimum standards for the prevention of any form of discrimination in climate and disaster risk governance strategies, planning and implementing activities. The legal changes should be accompanied by mandatory training for government actors and civil servants to sensitise them to the specific needs and vulnerabilities of different groups, thereby promoting a cultural shift towards an inclusive approach to climate and disaster risk governance.<sup>7</sup>
- Mandate the collection of disaggregated and localised data for each of the identified vulnerable groups (e.g. sex, age, disability, ethnicity/nationality/language/culture, rural/peri-urban/urban contexts) and the use of those data for the identification of different risks, vulnerabilities and needs.
- Ensure that CCA-DRRM activities are implemented and communicated in a manner that is accessible to people with physical, sensory, intellectual or psychosocial impairments (e.g. in a variety of languages, formats and media). Initiatives to raise awareness on the benefit of greater civil society involvement (e.g. through the organisation of public events, consolidated partnerships) appear to be decisive factors in such processes.
- Mandate the contribution and the participation of vulnerable groups in any monitoring and evaluation processes on the effective impact of adopted measures and programmes for both sectors.



## Endnotes

- 1 The recommendations included in this section refers to both law and policy-making. Depending on their specificities, it may be most appropriate to implement these recommendations through policy and planning documents, rather than through legislation.
- 2 See Natoli (Section 4 n 6).
- 3 This is because the main objectives, methodologies and practices in law and policy reform processes can vary substantially according to the context (i.e. economic development, institutional setting, demographic and social dynamics, nature and level of exposure to weather and climate-related hazards, and types of vulnerabilities). This does not exclude that specific suggestions can be relevant for any other national system/authority that would find them useful and applicable.
- 4 See for instance LEG, Best Practices and Lessons Learned (2015) 74, mentioning the project entitled “Project Climate Twin Phoenix” initiated in April 2012 by the CCC with the support of UNDP and the Australian Government, aimed at generating climate adjusted flood hazard maps for specific cities and areas.
- 5 See for instance the “Gawad Kalasag” award, the country’s premier annual awards for outstanding contribution in the fields of disaster risk reduction and management and humanitarian assistance ([link](#)), or the conferment by the Department of the Interior and Local Government (DILG) of a Seal of Good Local Governance (SGLG) to LGUs that adheres to specific performance criteria, among which disaster preparedness ([link](#)).
- 6 This section takes as starting point and elaborates on the recommendation provided by previous IFRC Disaster Law Programme advocacy tools, such as the IFRC-UNDP Checklist on Law and DRR (2015) and related Handbook (2014) Chapter 9; as well as the IFRC Checklist on Law and Disaster Preparedness and Response and related Multi-Country Synthesis Report (2019) Chapter 9.
- 7 The development of technical capacities to understand and adopt a so-called “twin track” approach into law and policies (i.e. arranging a parallel set of provisions, measures and actions considering the needs of disabled people in CCA-DRRM) has been reported as a key example of this. As an example of good practice see the project on ‘Disability Inclusive Disaster Risk Reduction and Management’ (DRRM) organised by the National Council for Disability Affairs aimed at developing a synchronized/harmonized Disability Inclusive DRRM Training Module that will be adopted by the government, NGOs and CSOs for implementation down to the community level and including a dedicated three-day ‘Writeshop’, held on 21–23 April 2020.



## BIBLIOGRAPHY

- Baird N., *Disasters, Human Rights and Vulnerability: Reflections from the Experiences of Older Persons in Post-Quake Canterbury*, (2020) 2 *Yearbook of International Disaster Law* (2019) 314–340.
- Bizzarri M., *Protection of Vulnerable Groups in Natural and Man-Made Disasters*, in de Guttery A., Gestri M., Venturini G. (eds) *International Disaster Response Law* (2012) 381–414.
- Bollettino V., Alcayna T., Enriquez K., Patrick Vinck P., *Perceptions of Disaster Resilience and Preparedness in the Philippines*, Program on Resilient Communities – Harvard Humanitarian Initiative (2018).
- Brucal A. et al., *Disaster impacts and financing: local insights from the Philippines*, Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy (CCCEP) - Policy Report (2020).
- Bündnis Entwicklung Hilft and Ruhr University Bochum – Institute for International Law of Peace and Armed Conflict (IFHV), *World Risk Reports 2017, 2018 and 2019*.
- Cariño J. K., *Country Technical Note on Indigenous Peoples' Issues: Republic of the Philippines*, IFAD (2012).
- Center for Excellence in Disaster Management and Humanitarian Assistance, *Philippines: Disaster Management Reference Handbook* (2018).
- Cruz O. et al, *2017 Philippine Climate Change Assessment: Impacts, Vulnerabilities and Adaptation* - The Oscar M. Lopez Center for Climate Change Adaptation and Disaster Risk Management Foundation, Inc. and Climate Change Commission (2017).
- Cubie D. and Hesselman M., *Accountability for the Human Rights Implications of Natural Disasters: A Proposal for Systemic International Oversight*, (2015) 33/1 *Netherlands Quarterly of Human Rights*, 9–41.
- Cubie D. and Natoli T., *Coherence, Alignment and Integration: Understanding the Legal Relationship between Sustainable Development, Climate Change Adaptation and Disaster Risk Reduction* in Flood S., Le Tissier M., Jerez Columbié Y. & O'Dwyer B. (eds), *'Creating Resilient Futures: Integrating Disaster Risk Reduction, Sustainable Development Goals and Climate Change Adaptation Agendas'* (forthcoming 2021).
- Dazé A., Terton A., and Maass M., *Alignment to Advance Climate-Resilient Development. Overview Brief 1: Introduction to Alignment*, NAP Global Network (2018).
- Domingo S. N. and Olaguera C. D., *Have we institutionalized DRRM in the Philippines?* - Philippine Institute for Development Studies Policy Notes (2017).
- E.G. de Leon and J. Pittock, *Integrating climate change adaptation and climate-related disaster risk-reduction policy in developing countries: A case study in the Philippines*, in *'Climate and Development'* (2016).
- Eckstein D. et al, *Global Climate Risk Index 2020. Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2018 and 1999 to 2018*, Germanwatch e.V. (2019).

Florano E.R., *Mainstreaming Integrated Climate Change Adaptation and Disaster Risk Reduction in Local Development Plans in the Philippines*, in Filho W. L. (eds) 'Handbook of Climate Change Adaptation' (2014).

Forino G. et al., *A Conceptual Governance Framework for Climate Change Adaptation and Disaster Risk Reduction Integration*, in (2015) 6 'International Journal of Disaster Risk Science', 372–384.

GIDRM – GIZ, *Concept on the Formation of the Resilience Structure at Regional and Local Level* (2019).

GIDRM and DILG-LGA, *Status Quo Report on CCA and DRR Planning and Financing Regime in the Philippines - Assessment* (2019).

Global Facility for Disaster Reduction and Recovery (GFDRR), *Philippines – Country Profile* (2016).

Hallegatte S. et al., *Shock Waves. Managing the Impacts of Climate Change on Poverty*, World Bank Group (2016)

IFRC, *Mid Term Review of IFRC support to the Typhoon Haiyan Response Operation in the Philippines* (2015).

IFRC, *The Cost of Doing Nothing. The humanitarian price of climate change and how can be avoided* (2019).

International Red Cross Red Crescent Movement, *Ambitions to address the climate crisis* (2020).

IPCC, *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, Glossary (2018).

IPCC, *Technical Summary - Special Report on the Ocean and Cryosphere in a Changing Climate* (2019).

Iuchi K. et al., *Natural Hazards Governance in the Philippines*, Oxford Research Encyclopedia of Natural Hazard Science (online) (2019).

McGinn C. and Venkateswaran K., *Mainstreaming Gender within Local Government Climate and Disaster Risk Assessments. A Review of Methodology and Practice in the Philippines*, GIDRM-GIZ (2020).

Natoli T., *Compendium on the Post-2015 Global Agenda on Climate-Risk Governance*, Research Project - Centre for Criminal Justice & Human Rights, CCJHR-UCC (2020).

Natoli T., *Literature review on aligning climate change adaptation (CCA) and disaster risk reduction (DRR)*, IFRC | UCC, Geneva (2019).

O'Donnell T., *Vulnerability and The International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters*, in (2019) 68/3 International & Comparative Law Quarterly, 573–610.

OECD, *Common Ground Between the Paris Agreement and the Sendai Framework - Climate Change Adaptation and Disaster Risk Reduction* (2020).

UNDRR, *Disaster Risk Reduction in the Philippines – Status Report* (2019).



UNDRR, DRR4NAPs: *Promoting synergy and coherence between climate change adaptation and disaster risk reduction through National Adaptation Plans* (version for comments, February 2019).

UNESCO, UNDP, IOM, and UN-Habitat, *Overview of Internal Migration in Philippines* (2018).

UNFCCC, *Opportunities and options for integrating climate change adaptation with the Sustainable Development Goals and the Sendai Framework for Disaster Risk Reduction 2015–2030*. Technical Paper by the Secretariat (2017).

van Niekerk D., *Climate change adaptation and disaster law*, in Verschuuren J. (ed), 'Research handbook on climate change adaptation law' (2013).

Wisner B. et al., *At Risk: Natural Hazards, People's Vulnerability and Disasters* (20032).



## ANNEX 1: LIST OF KEY INFORMANTS (KIS)

Name	Category	Organisation
Balgos, Benigno (Ninoy)	Technical expert / Researcher	Independent DRR consultant
PHI-CSO-001	Civil society	DRRNetPhils Coordinator
Bentfeld, Mareike	Foreign government	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Global Initiative on Disaster Risk Management (GIDRM) Advisor
Caspellan-Arce, Pauline	International Organisation	IFRC – Disaster Law Programme Consultant (Regional Office, Asia and Pacific)
De Leon, Alaya	Academic / Civil Society	Parabukas
Guiao, Cecilia Therese	Academic / Civil Society	Parabukas
La Viña, Antonio	Academic	Ateneo de Manila University, University of the Philippines
Lagdameo, Donna	Civil society	RCRC Climate Centre - Senior Policy Advisor and Asia Pacific Regional Focal Point
Legarda, B. Loren	Parliamentarian	House of Representatives (Deputy speaker)
Maple, Mateo Chongco	Civil society	Philippines Red Cross (DPRR Unit Head)
Mateo, Lee Jr.	Government	National Council on Disability Affairs (NCDA)
Saño (Yeb), Naderev	Civil Society	Greenpeace (Philippines) Formerly key PH delegate to UNFCCC
Secillano, Sario Ian	Local Government	Local DRRM Officer, Libon Municipality / Secretary of Local Association of DRRMOs of Albay







