



MANILA BAY RECLAMATION PROJECT

Defend Job-Philippines

STRATEGIC CASE SUPPORT
ESCR-Net –CAWG

1. Introduction

1.1 ESCR-Net's Strategic Support Case (SCS)

The International Network on Economic, Social and Cultural Rights (ESCR-Net) is a collective of over 270 organizations working on advancing social and economic rights in more than 70 countries. ESCR-Net seeks to strengthen economic, social and cultural rights by facilitating mutual learning and strategy sharing, developing new tools and resources, engaging in advocacy, and providing information-sharing and networking.

The Corporate Accountability Working Group (CAWG) is one of the eight ESCR-Net Working Groups created to advocate and mobilize members and partners to hold governments and corporations accountable to human rights standards. CAWG seeks fulfill this vision through supporting cases that can benefit the whole corporate accountability movement, amplifying local struggles and creating new precedents and mechanisms for justice at multiple levels. The CAWG also conducts capacity building for members, and inputs into key policy discussions on the development of standards.

Strategic Case Support (SCS) is a project of CAWG implemented with the purpose to provide expert and technical support to organizations or grassroots groups that represent communities facing serious human rights violations committed by corporate actions. The SCS is also an advocacy tool that serves to strengthen the existing human rights movement fighting corporate abuse.

The SCS process is straightforward but requires that the applicant organization provide clear information and specific priorities for expertise and technical support.

If an ESCR-Net member is interested in applying for a SCS, the criteria of whether the Corporate Accountability Working Group (CAWG) provides SCS is determined by the following criteria:

- ◆ **Presence of grave human rights abuse:** highest degree of priority is provided to cases that are or likely to be victims of grave human rights abuses.
 - ◆ **Existing level of international support:** CAWG looks to provide support in cases where there is an absent of important assistance. CAWG may still provide SCS in cases that have significant levels of support but where there is clear value in contributing the specific skills that the CAWG can offer.
 - ◆ **Skills and capacity of the CAWG:** SCS is assessed on its merits. Whether the CAWG can assist depends on the skills required are present within the CAWG or can be accessed by engaging the Network allies. If CAWG is unable to respond due to capacity constraints, the request can be forwarded to suitable trusted allies of the Network.
 - ◆ **Strategic value to the corporate accountability movement:** Groups seeking support are expected to demonstrate how the support for the case in question can contribute to the broader corporate accountability movement.
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In order to collect enough and valuable information to help the CAWG identify the best available support, the applicant organization must undergo the following submission process:

- ◆ **Contact the Coordinator of the CAWG**
- ◆ **Objectives of the strategic case support:** Request should state clearly the kind of assistance as part of the objectives for the SCS, and the associated needs, at the top of the request for SCS.
- ◆ **Summary of the case:** It should include: name of the organization, name and location of the community, names and nationality of companies and/or banks involved, information on any activities or advocacy efforts, name and contact details of the organizations that are providing any assistance, any additional materials (media stories of UN reports).
- ◆ **The Coordinator will contact you:** The CAWG Coordinator will execute an initial assessment of the case based on the documentation received to determine whether the CAWG should be approached to seek SCS. If the case is not suitable for SCS, the Coordinator will connect with other systems of support offered by individual ESCR-Net members.
- ◆ **Assessment whether CAWG provides SCS:** If the case is considered suitable to SCS, the documentation submitted will be forward to the CAWG for their review. The Coordinator provides 14 days for the CAWG to provide feedback on the request for SCS and then will provide a response to the applicant organization from the CAWG.

2. BACKGROUND

2.1 Development Projects and Human Rights

In the last decades there has been a world-wide increase of private-state sponsored development projects with the apparent objective to fuel economic growth, provide access to modern infrastructure and benefit directly local communities. The effect is, however, quite the opposite. From urban to rural areas in developing and developed countries, an estimate of 230 million people have been forcibly displaced since the 1980s with an increase of to 15 million each year since mid-1990s, according to various research studies.

Most of the impacted communities by development projects are groups who have been traditionally oppressed and discriminated against such as Native peoples, ethnic and minority groups, migrants and low-income residents who also lack political and economic influence. These communities also have a historical and economic dependency on their lands, similarly in urban areas where residents have been able to create their own local economy in spite of often cases of governments' negligence to improve the areas and provide lack of services to improve those areas.

Implementation of development projects takes usually a long and violent path. Besides aggravating inequality and poverty due to displacement and land and water-related violations, advocacy and legitimate organizing efforts from community members to stop these projects is regularly criminalized and repressed by armed and security State forces, and in numerous cases community leaders get incarcerated or killed. This violent process disproportionately affects women, children and the elderly who also face stress and depression.

While communities organize advocacy campaigns for the recognition of their human rights, States in partnership with corporations hold massive and millionaire communication campaigns that are able to build successfully a positive message that development projects are fundamental for the modernization of the country while at the same time negatively labeling communities that opposed the project as being an ‘obstacle’ to progress.

Regardless of these serious human rights violations, governments do little to address these issues, ignoring international human rights law and avoiding the impact to “the greatest possible extent” as it is stated by the UN Guiding Principles on Forced Displacement. Even worse, the role of states has been mostly as an accomplice of corporate abuse against what good governance stands for: transparency, accountability, responsiveness, responsibility, and participation. There is not development without good governance under human rights standards.

1.3 Objectives of the Strategic Case Support (SCS) for Defend Job – Philippines

The case of Manila Bay Reclamation Project in Philippines does not differ from any other large-scale development projects. A negative impact is expected and in some extent it is already happening at the ecological level and people’s livelihoods. According to the UN Food and Agriculture Organization, land reclamation is “an irreversible form of environmental degradation, thus running counter to the State’s guarantee to provide its citizens with a 'healthful and balanced ecology in accord with the rhythm and harmony of nature' and 'protect the rights of subsistence fishermen, especially of local communities.”

Defend Job Philippines is an active member organization of ESCR-Net since 2014. It was established on July 19, 2009 as a wide network to defend jobs initiated by women workers of Triumph International who fought against illegal and unjust lay-off and closure. Currently, Defend Job has wide network of displaced workers, unions, women and informal sectors united for better working and living condition.

In January 2015, the CAWG facilitated a SCS meeting in Mexico between Defend Job and other member organizations to brainstorm about ways to improve the campaign. Organizations invited to participate in the SCS discussion were Proyecto PODER (regional organization based in Mexico), Otros Mundos (Chiapas, Mexico) and Comite Si a la Vida (Tolima, Colombia).

The purpose of this report is to draw attention to critical human rights issues caused by the Manila Bay Reclamation Project and identify strategic areas of support to the Defend Job’s advocacy campaign. The main goal of Defend Job’s campaign is to pressure the Philippine government to stop the development project to avoid its consequent impact on people’s human rights.

Defend Job has identified three main areas for its SCS:

- ◆ Identify and analyze relationships between corporations involved in the Reclamation Project and the Pilipino government, and additionally defining the role of the state in the development project.
- ◆ Elaborate a human rights impact assessment.
- ◆ Build strategic international pressure: identify alliances and opportunities

3. Manila Bay Reclamation Project

3.1 Background of the Project

The Manila Bay is a rich biological environment that gives both livelihood and food for millions of people who depends on its bounty. There are more than 9 million people who reside in its coastal areas from the province of Cavite to Metro Manila; from Bulacan to Bataan and Pampanga.

Manila Bay is a wetland with an estimated area of 4,600 hectares. These wetlands are sources of food, serves as home and nursing ground for fish and other aquatic resources; sanctuary of birds and



other animals. It also helps to purify or enhance the quality of water in the rivers, streams, bay and other water and serve as storage of water and protects properties against flood.

According to the Philippine Department on Environment and Natural Resources (DERN), the Manila Bay has P 8 billion annually valuation of resources.

Manila Bay plays a significant role in the Philippine history. In 1954 President Ramon Magsaysay passed a

Proclamation number 41 that states that Manila Bay as a national park for people. In 1992 under President Fidel Ramos Manila Bay was declared as part of the National Integrated Protected Areas System Act Republic Act 7586a although some portions of the bay had already been reclaimed.



2.2 Manila Bay Reclamation Project

The Manila Bay Reclamation Project is a government and private sponsored development project that is part of the National Reclamation Project (NRP) under the Public Private Partnership Project (PPP) of current Administration of President Benigno Aquino III. The Manila Bay Reclamation Project entails a total of 38 different reclamation projects of seawaters in the shorelines with a total of 26,234 ha. covering all portions of the bay.

The Manila Bay Reclamation Project represents an important part of the PPP which consist of more than 100 reclamation projects of 38,272 ha. of coastline in Manila Bay, Laguna Bay, Cebu, Davao and other parts of Visayas and Southern Mindanao. The NRP is an old government development project that started under President Marcos and was continued by the administrations of Corazon Aquino, Ramos, Estrada, Arroyo and currently President Benigno Aquino III.

Map of Manila Bay after the development project



Alongside with the reclamation, two international airports, railways, express way, etc. will be constructed connecting to an entertainment city, casino hubs, malls and luxurious residential and commercial building to the artificial islands and to the whole metropolis and nearby provinces.



Advocacy and Community Organizing:

The Manila Bay Reclamation Project has been considered as the biggest and most destructive project in the history of Philippines by human rights advocates and residents in Manila Bay. As a result, it has raised strong opposition by different stakeholders from local communities, unions, women groups, environmentalists, and representatives of the Roman Catholic Church in Philippines.

Some of the advocacy actions to expressed opposition to the reclamation project have been the following:

- ◆ **Opposition from Scientists and Experts:** In October 2013 the People's Summit on Reclamation held at the University of the Philippines in Diliman, which was attended by experts declared that “the NRP was adopted without a genuine stakeholders consultation, in gross violation of the right of citizens to participate in decision making, without rigorous scientific assessment of the environmental risks and impacts by reclamation projects, and without transparency in concerned government agencies.”
- ◆ **Opposition from Elected Officials:** There have been a few actions from Philippine politicians aiming to stop the reclamation project. Cynthia Villar, chairman of the Senate Committee on Government-Controlled Corporations and Public Enterprises, filed Proposed Senate Resolution 294, seeking a review of the mandate of Philippine Reclamation Authority (PRA) and an assessment of the exercise of its powers. Villar also elevated to the Supreme Court her petition against Alltech Contractors, the PRA, the Department of Environment and Natural Resources (DENR) and the concerned local government units of Las Piñas and Parañaque in the said reclamation project. Her petition collected over 315,000 signatures from Las Piñas residents.
- ◆ **Opposition from Catholic Church:** Philippines is one of the most catholic countries in the world with a strong influence of the Roman Catholic Church in the government actions and political life. In November 2013, 21 catholic bishops of the province of Manila, in an open letter addressed to President Aquino, expressed concerns on “the project social and environmental impact.” The letter also raised questions on the economic greed by businesses versus the damages in life, ecosystems and property.



Corporations involved in the Public Private Partnership Project (PPP):

There are many national investors in the PPP that have been identified so far:

- ◆ Conglomerate Ayala Corporation-Ayala Land Inc., Ayala Family
- ◆ San Miguel Corporation-Optimal Infrastructure Development Corporation
- ◆ Ramong Ang and Danding Cojuangco
- ◆ Metro Pacific Investments Corporation-Manny V. Pangilinan and SM Group,
- ◆ SM Investments Corporation, Henry Sy.
- ◆ Government Service Insurance System (GSIS)

These companies have been listed as richest Filipinos by Forbes Magazine. Since Aquino's Administration in 2010 and after the implementation the PPP, their combined net worth has increased from \$13 billion in 2010 to \$47.4 billion in 2011.

The Foreign Agencies that are highly pushing and interested in the Manila Bay Reclamation Project are:

- ◆ The Japan International Cooperation Agency: JICA formally recommends Sangley as new site for new airport
- ◆ The German owned Deutsch Bank Deutsche Bank as financial advisor for both its planned "Aquino Sangley International Airport".
- ◆ The Australian Macquarie Infrastructure and Real Assets (MIRA) Group , Dutch Pension Fund

Corporations that have shown interest in the PPP



2.3 Human Rights Impact

Philippines has ratified most of the international human rights treaties such as ICESCR, ICCPR, CERD, CEDAW, CAT and CRC. The Philippine government has the obligation to respect, protect and fulfill human rights by implementing policies, programs, practices and measures that guarantee the realization of human rights such as the right to an adequate standard for living, right to work, to adequate housing, health, quality education, etc. Without government proactive action, human rights cannot be respected and protected.

According to the Environmental Costs of Coastal Reclamation in Metro Cebu, Philippines, a study conducted by Prof. Lourdes Montenegro, found that “the environmental and social costs of the project would exceed Ph3.3 billion”. It further cited that if the construction costs and the economic benefits of the project would be taken into consideration, “the reclamation scheme would result in an economic cost to society of over P18.4 billion.”

The Cordova Reclamation Project was put on hold as some government approvals have been withdrawn. Environmental issues plague the project, such as its impact on migratory birds, damage from landfill quarrying, damage to corals (640 hectares of coral reef in the area would be affected by the reclamation) among others. And there is also the economic impact due to the loss of livelihood of fisher folks in the area (the current aggregate net fishing income in the area is worth P29.9 million per year, the reclamation will remove half of the income.)

Human Rights Areas	Human Rights Impact due to Manila Bay Reclamation Project
Housing	<ul style="list-style-type: none"> ◆ In the previous phases of the reclamation project in Manila Bay, big parts of communities of fishermen, urban poor and livelihood places were forcibly evicted and displaced to give way to the construction of Mall of Asia, Bluebay, ASEANA Park, CAVITEX. ◆ For the next phase, 103,500 families in Manila, 75,000 families in Navotas, 6,000 families in Las Pinas, 3,000 in Pasay, 21,000 Paranaque and 26,000 in Cavite are threatened with another eviction, demolition and displacement.
Work & Livelihood	<ul style="list-style-type: none"> ◆ In April 2014, residents in the Floating Village, San Dionisio Paranaque—a fishermen community – were evicted and thrown in the remote relocation site in Trece Martirez Cavite an area that lacks basic services and is far from their traditional fishing livelihood and lack of social services.
Food & Health	<ul style="list-style-type: none"> ◆ Due to the continued reclamation, mangrove areas which serves as homes of billions of invertebrates and trillions of fish have been rapidly narrowed. During the 20th century, there was 54,000 hectares of mangrove areas in the Manila Bay. However in 1990 according to the data of BFAR, the mangrove area was down to only 2,000 hectares and in 1995 was 794 hectares.
Safety and Healthy Environment	<ul style="list-style-type: none"> ◆ According to People's NICHE, an environmental group protecting coastal areas, the country's annual fish catch is on a steady decline largely attributable to severe degradation of coastal and marine habitats with up to 98 percent of our coral reefs currently at risk, 75.6 percent of mangroves lost in the past 82 years, and 50 percent of sea grass beds lost in the past 50 years. ◆ Over extraction of ground water and construction of high-rise building have

	<p>worsened land subsidence which raise the sea level which causes permanent flooding in cities like Navotas, Malabon and Valenzuela.</p> <ul style="list-style-type: none"> ♦ Storm surges is higher due to the absence of mangrove areas protecting against sea surges to the communities. ♦ Reclaimed areas are dangerous due to liquefaction during earthquake. These phenomena will potentially put the lives of millions of people in danger.
<p>Organize and Freedom of Assembly</p>	<ul style="list-style-type: none"> ♦ Trade union and urban poor residents as well as their leaders who are resisting against PPP are facing criminal offenses and other forms of political persecution: <ul style="list-style-type: none"> - On April 3, 2012, Renante Gamara, husband of activist Amelita Gamara (also harassed by police), who is a trade union and urban organizer and part of national Democratic Front of the Philippines Consultant for Metro Manila was abducted an in Las Pinas City. He is currently detained in Camp Crame Quezon City. - 23 residents of Corazon de Jesus, San Juan City and their supporters were arrested and detained by the Philippine National Police during and after the brutal demolition in the community on January 2012. 10 of their leaders are still threatened with arrest after another activist, Marites Bacolod, was detained on November 2012. - In Silverio Compound, 23 residents were also illegally arrested and detained during the violent demolition on April 2012. They were tortured and ten of them are still detained at the Paranaque City Jail falsely charged with illegal possession of explosives. - Young activists experience harassment and surveillance because of their strong stand against tuition increase, budget cuts and supporting people’s rights to land, housing and freedom of expression. To date, urban poor are victims of extrajudicial killings including Arnel Leonor, Antonio Homo, Sol Gomez, Marlyn Sumera, Erning Gulfo, Malou Valle.



In addition, the general perception from the residents on the violations has been clearly stated according to an ESCR Impact Survey executed in the Bulungan Market (Fisherman’s Wharf community) by Save Freedom Islands Movement. The results were the following:

- ♦ 30/32 believes they will be negatively affected by the proposed reclamation
- ♦ 27/32 strongly believes that the project means taking away their livelihood from them
- ♦ 19/32 believes the project will push them out of their community
- ♦ All: affect access to food by income and destruction of marine life
- ♦ 27/32 believes it will destruct the environment
- ♦ 27/32 believes that the children will suffer from displacement from school and community and from absence of livelihood of their parents
- ♦ 21/32 believe their health will be affected primarily because of the lack of access to food and nutrition when their livelihoods are lost
- ♦ 31/32 said there will be negative effects to women as they are mostly workers (vendors, etc.) in the market
- ♦ most do not worry yet about security issues but often refer to the harassment incident in the island several years ago

3. DEFEND JOB HUMAN RIGHTS CAMPAIGN

3.1 Organizations involved

- ♦ **Defend Job Philippines** is composed mainly of workers, fishermen, vendors, drivers, urban poor, local parishes, students, schools, bird lovers, environmentalists, small and medium business men, community residents which will be directly affected and all who cares Freedom Islands and the environment to oppose the reclamation project. It has 38 member organizations. The Movement believes that protecting Freedom Islands and other critical habitats from corporate exploitation and foreign interests is essential to the people's struggle for the country's environmental wellness, people's welfare and national patrimony.
 - ♦ **Save the Bay Alliance:** The alliance was founded in 2013 by SFIM, together with other community and sectorial organizations, mostly based along the stretch of the Manila Bay. It is an effort to collate different initiatives working on the issue and other similar and integral aspects such as jobs, housing, environment, health and cultural heritage. The alliance also collaborates with other existing alliances founded on the same ground, such as church-initiated alliances.
 - ♦ **Save Freedom Islands Movement:** Defend Job Philippines with different groups founded Save Freedom Islands Movement on 2011 was founded on 2011. It is composed mainly of workers, fishermen, vendors, drivers, urban poor, local parishes, students, schools, bird lovers, environmentalists, small and medium business men, community residents which will be directly affected and all who cares Freedom Islands and the environment to oppose the reclamation project. It has thirty-eight (38) member organizations.
 - ♦ **Allies:** These two alliances actively participate in the alliance gathering and campaigns of the Archdiocese of Manila, Senator Cynthia Villar and many other groups opposing the reclamation project.
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3.2 Objectives of the Campaign

The main objectives of Defend Job Campaign is to mobilize people to put pressure on the Philippine government to listen to the people's demands to stop the reclamation, and to influence policy-making towards the favor of people's human rights.

Current Strategies

- ◆ **Organizing and Networking:** Working in a coalition with different organizations, creating new alliances and strengthening existing ones.
- ◆ **Raising Awareness:** Education campaign target two sets of audience and objectives:
 - Community stakeholders—families living in the communities along Manila Bay and others depending on the bay for their livelihood and means of subsistence, to know and understand the issue that they are facing and realize the power of their collective action
 - General public—secondary stakeholders such as those living in the nearby communities or cities among others, to know and understand the issue and be encouraged in taking part in the campaign and in promoting and protecting the people's economic, social and cultural rights. Overarching upon this two is an objective to ready and
- Advocacy Actions:**
 - Several public actions were launched successfully, catching the media and lawmakers' attention. Ally organizations have conducted Black Parades, ecumenical prayer service and forum, human chain and banner display along Manila Bay's "baywalk", Senate and Congress hearing troopings, press briefings, coastal clean-ups and mangrove planting. Each aimed at building public pressure to convince the government.
 - Mobilize groups especially on relevant events and occasions: Earth Day, World Fisheries' Day, Decent Work Day and on dates of project biddings and/or congressional hearings related to the issue. Coastal clean-up. Mangrove planting. Community tour and integration.
 - An educational tour was launched by SFIM. It is a program designed to raise awareness among the youth and community members about the campaign. It is a package of discussions, photo exhibit and site visits arranged with schools, universities, offices and community organizations.
- ◆ **Policy:** Policy action aims to reverse the approved reclamation projects and reform frameworks for development through genuine participation of the people in the decision-making, especially in undertaking development projects to truly address their needs and interests.
 - ◆ SFIM joined the signature campaign, led by Senator Cynthia Villar, to support the Writ of Kalikasan on the reclamation project contracted out to AllTech Contractors Inc. filed before the Supreme Court in March 2012.
 - ◆ The Writ of Kalikasan (Filipino word for nature) is a legal remedy under Philippine law that provides protection of one's Constitutional right to a healthy environment, as outlined in Section 16, Article II of the Philippine Constitution, which says 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."

Strategic Case Support identified for Defend Job:

Defend Job has identified three main areas for strategic support:

- ◆ **Analysis on the relationship between companies and government**
- ◆ **Human rights impact assessment:** There are only a few formal information resources on the possible impacts of the project mostly focused on the environmental damages and corresponding safety issues. A credible and comprehensive assessment of the communities and possible impacts of the project to the people's ESCR is necessary to draw strong but grounded conclusions and recommendations. Such will then be used as basis for accessing the available legal remedies.
- ◆ **Building international pressure, identify alliances and opportunities:** Pressure and solidarity from the international community can play a big role in the campaign for two main reasons: (1) transnational companies and financial entities have vested interests on the project; and (2) the Philippine government is always sensitive to the perception of the international community. In addition, since Las Piñas Parañaque Critical Habitat and Ecotourism Area (LPPCHEA) is an internationally recognized area of environmental importance, support from similar organizations and the international institutions which granted that recognition to LPPCHEA can also help build pressure.

4 SCS exercise in Mexico

4.1 Summary

The meeting was held in Mexico City on 28 January, 2015. Organizations invited were chosen because of their types of strategies, their grassroots organizing and work on profiling corporations.

Otros Mundos (Chiapas, Mexico): organize local communities to fight inequalities and environmental impact and create alternatives to social and economic neoliberal policies.

Proyecto Poder (Mexico, regional): work on corporate accountability and transparency in the Latin America region.

Si a la Vida (Tolima, Colombia): community organizing work to fight extractive industries and implement territories free of mining.

ESCR-Net facilitated the discussion.

Defend Job made a power point presentation on their advocacy campaign to stop the Manila Reclamation Project: *“The Manila Bay Reclamation is giving our resources (seawaters) in the hands of the few rich businessmen which is a blatant attack to our national patrimony and sovereignty. Just like the destructive large scale mining operations by multinational corporation with their local partners here, further destruction and extraction of huge profits and kickbacks and commissions by government officials are the only contribution of these projects rather than the promised “development”, jobs or revenues that is can give. If ever this will create jobs., these jobs are inhumane, lower wage, no job security, immoral and docile compared to the tens of thousands of fishermen, communities, livelihoods and residents who will be affected.”*

Feedback from other organizations:

Si a la Vida:

- ◆ Develop a positive message vs a negative message. Change “anti” to “for”, similar to Si a La Vida which developed a message for life, environment, and happiness.
- ◆ Create a platform for inclusion with different political and social groups, it includes small businesses, school and college students and middle-class. Positive message reaches out to broader audience.
- ◆ Create own communication channels such as brochures, newsletters, Put a call to other businesses (maybe small businesses). Cooperation has worked in Tolima. Not confrontation with communities that are going to be directly benefited.
- ◆ Look for a third party to engage conversation between communities again and in favor of the project. In his case, the ones who supported the project are now against it and supporting the advocacy initiative.

Otros Mundos:

- ◆ The positive message could focus on a new way of life, a new vision, it can help develop a message and open opportunities to engage other groups: green movement, environmentalist, and sustainable movement, what makes the companies/investment vulnerable.
- ◆ Organize to create rough conditions for investment.
- ◆ Find constitutional solutions such as referendum.. or local referendum

PODER:

- ◆ Identify corporations and investors.
- ◆ PODER provided a power analysis exercise to help identify key actors in the Manila Bay campaign and potential allies.

Defend Job:

- ◆ The meeting is short (only one day) but useful. It helped to have good guiding questions.
 - ◆ Timing is key when organize a meeting to support a case. It was good timing for the campaign.
 - ◆ General idea to get support: assessment of human rights impact, identify relationship between government and corporations; and build international support.
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