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Lessons from the Reconstruction of Post-Tsunami Aceh: Build Back Better Through Ensuring Women are at the Center of Reconstruction of Land and Property

On December 26 2004, a 9.3 magnitude earthquake struck the Indian Ocean and unleashed a blast of energy, creating a tsunami three stories high. The disaster which claimed more than 228,000 lives had an impact on the lives of more than 2.5 million people causing close to US\$ 11.4 billion of damage in 14 countries. The highest price was paid in Aceh, which had the greatest death toll of 130,000 confirmed dead and a further 37,000 reported missing. In Banda Aceh, the capital of the province, the tsunami claimed more than one-third of the city's population. An estimated 500,000 people were displaced by the disaster and some 250,000 houses damaged or destroyed. More than 500 miles of coastline was affected, with an estimated 53,795 parcels of land permanently destroyed through erosion or submersion. Documentation of land ownership was largely destroyed and physical evidence, such as walls, fences and boundary markers were completely eradicated. The tsunami and earthquake not only shattered housing and other coastal infrastructure, but it also shook the very foundations of the Acehnese society and the social capital that had taken decades to build up, in the midst of a thirty year civil war. As is usually the case during times of disaster and emergency, women bore the greatest burden as the tsunami deprived them of the existing safety nets offered by their families, especially spouses or parents. This SmartLesson describes the experience of the World Bank's Emergency Response Team who worked to support the reconstruction of post-tsunami Aceh and North Sumatra and how this served as important entry point to address women's land and property rights.

Background

The Reconstruction of Aceh Land Administration System (RALAS) project was designed as an emergency response from the World Bank and Multi-Donor Trust Fund (MDF) for Aceh and North Sumatra to support reconstruction of housing and communities in post-tsunami Aceh. RALAS was the first project to be prepared by the World Bank to support post-tsunami reconstruction. The project design for RALAS included an official

community land mapping process to land titling which involved civil society facilitated community land mapping. The MDF, through World Bank, provided a grant of US\$ 28.5 million towards the restoration and reconstruction of land property rights, development of a computerized land records management system, and the development of the land administration system in Aceh province. In addition, the Task Team Leader (TTL) was assigned to Indonesia to complete project preparation and provide technical



The aftermath of the earthquake in Aceh

support to the National Land Agency - (Badan Pertanahan Nasional or BPN) for project start-up, and support the first year of project implementation. The MDF, through the World Bank, funded technical assistance by assigning a full-time monitoring team based in Banda Aceh. The project's primary focus was on securing land rights in tsunami affected areas and rebuilding the land administration system of Aceh province.

During four years of implementation, the project completed community land maps for 317,170 land parcels, contributing to 222,628 land title certificates actually being distributed to land owners, who were either survivors of the tsunami disaster or their heirs or adjoining land owners. 275,945 land parcels were officially surveyed and adjudicated, with 238,758 being registered in the Buku Tanah (official Land Book or Register). By the end of 2006, the BPN together with the Bureau of Reconstruction and Rehabilitation for Aceh (Badan Rehabilitasi dan Rekonstruksi, BRR) and the Aceh provincial government formulated a Joint Land Titling Policy and this was adopted for implementation under RALAS. Arising from this milestone policy, a total of 63,181 titles were distributed to women owners, individually or as joint owners with their spouses, representing about 28% of all titles distributed.

This was a significant achievement given the fact that Aceh province is not only recovering from the devastation of the tsunami in 2004, but also emerging from three decades of civil war and political turmoil. Civil and political unrest continued even after the tsunami until August 2005 when a peace accord was signed between the government and the Gerakan Aceh Merdeka (GAM or Free Aceh Movement). The cumulative impact of tsunami and civil strife on social development aspects (such as a reduction in social cohesion and trust, high levels of male emigration to other provinces and overseas and large numbers of males jailed for GAM-related activities) left female members of households to shoulder significant family, social and financial burdens.

Conditions in post-tsunami Aceh presented a variety of problems related to land ownership and inheritance, as well as a number of other complicated issues. Critical land-related issues arising immediately after the tsunami, included:

- Restoring and securing land rights and tenure (and resolution of land disputes, if any);
- Securing land and housing for renters and squatters;
- Application of the principles of land use planning and disaster risk reduction;
- Securing inheritance of land rights;
- Protecting women's and orphans' access and ownership rights on land;
- Facilitating acquisition of land for infrastructure and resettlement of survivors and former GAM members;
- Information collection and dissemination (related to reconstruction and policy issues);
- Confirmation of existing mortgages (mainly in urban areas); and
- Uncoordinated housing reconstruction efforts, with incorrect land parcel demarcation, and poorly documented community land mapping.

Aceh continues to have a strong Islamic identity with around 95 percent of the province's population practicing Islam, (whilst Nias was predominantly Christian). The province uses both civil court and Shari'ah court systems, and religious leaders holding positions of social influence and authority. Shari'ah courts are mandated for resolution of inheritance cases amongst Muslims, but in the past the practice and interpretation of law varied across the province. Aceh also has its own traditional adat social practices relating to land use. Immediately after the tsunami, there were 6,000 inheritance and guardianship claims filed in the Islamic Shari'ah courts in Banda Aceh alone, while officials anticipated close to 100,000 cases throughout the province. Although the traditional customs, civil and Islamic law decree that the women or her family could inherit her husband's wealth, in practice many women were not treated the same as the man in the inheritance process.



Community Land Mapping process in Aceh

The RALAS project was successful through engaging at three distinct levels, macro, institutional-policy and community. At the macro level, RALAS raised public and government awareness on land issues immediately after the tsunami which prevented large-scale land grabbing or speculation. At the institutional policy level, RALAS provided a set of measures such as the joint titling policy to enhance women's access to land and ownership rights as well as developed and disseminated policy guidelines including procedures on inheritance and guardianship (in cooperation with the Shari'ah courts) and facilitated engagement of court official at the sub-district levels. Importantly the Presidential Decree (PerPu) on the treatment of mortgages and submerged land parcels. At the community level, RALAS triggered a pattern for cooperation among families on restoring land and property rights. It supported a transparent, self-evaluation by land owning families which culminated in securing their consensus and agreement on land and property rights. This investment in social capital laid a foundation for the reconstruction and long-term development programs as well. Independent reviews have found that villages exposed to community land mapping exhibit higher subsequent levels of social cooperation on land management than those in the control group and non-certified areas.

In Aceh, agencies experienced significant pressure to build quickly, but especially in the first couple of years, expectations were unrealistic as land issues were impacted by great diversity of complex legal and social challenges. Therefore, the opening stages of reconstruction were time-consuming, and initially there were few results to show. However, by the third year, progress was much faster. Although the overall theme for Aceh reconstruction was "build back better", the RALAS experience demonstrated that it is more than mere reconstruction, and it is about addressing underlying causes for vulnerabilities and poverty that contribute towards addressing long-term social and legal risks.

Our experience has significantly influenced disaster response in other parts of the world, including Haiti. In addition, RALAS has contributed to a wide range of best practice guidelines prepared by the World Bank and United Nations agencies on responding to land and property issues



Women filling in the forms for adjudication in Bireuen

after a disaster drawing on key lessons learned. The following lessons of experience serve as a model for mobilizing community knowledge and cooperation for the restoration of land rights and the land administration system in a post-conflict, post-disaster situation.

Lessons Learned

1) Women and Local Traditions

The context of a disaster response is different to that of a regular development response, moreover, natural disasters impact women and men in different ways and there are few guidelines to ensure the adoption of a gender-sensitive approach to disaster management and reconstruction programs. In Aceh, women sought to re-assert their land and property rights using a number of different approaches which had not been previously used but were nevertheless effective. Temporary markers were used to claim land rights and to subvert the pressure, since there is still a certain amount of dissent with regards to women's property rights, the women jumped this hurdle by using the names of their male family members to mark their land. Women also took great interest in community-level land mapping exercises and there were high levels of female participation across the province. From the earliest days of the RALAS project, the Shari'ah courts were engaged and played a key role in supporting the rights of women and their engagement in the reconstruction of land and property rights. This is quite contrary to commonly held beliefs of Islam.

2) Local knowledge is an essential component of empowering women

During the RALAS project, the promotion of women's land rights required dedicated advocacy and policy dissemination. This was because women lacked information on their legal rights and the lack of female representation in the local committees disempowered them, preventing them from re-establishing access to their land and property rights. Public awareness-raising about land titling and property rights is crucial to ensuring that everyone knows their rights before, during and after an emergency strikes. Without basic awareness of these rights, women cannot claim the land and property to which they are entitled. One method of raising public awareness that proved valuable in this context was making local communities own the gender agenda by building on local ideas, customs, proverbs, etc that were favorable to women. These were then integrated into the public awareness campaigns to ensure that gender sensitivity was a local requirement. Through the process we learned that taking into account gender-related factors in land administration can diffuse tensions over identity, status and power that may threaten peace and security in post-conflict societies.

3) Community engagement in every step on land recovery and registration

The community land mapping approach used for the project's reconstruction efforts was not designed by RALAS, however the team improved it through, and the process acquired official status through official government decree.

The tool's potential for broader application was identified by the World Bank, and the government during the project preparation phase. The RALAS experience shows that the introduction of community-based processes can trigger valuable social cooperation that persists after completion of original tasks. Independent reviews have found that villages exposed to community land mapping exhibit higher levels of subsequent social cooperation on land management than other areas. Our experience also highlighted the importance of rebuilding houses according to regulatory standards while taking recognized land rights into account. This was accomplished by using Information and communication technologies tools which can be harnessed to support and strengthen preparedness for and responses to emergency situations and reconstruction efforts. Tools such as Geographic Information Systems and Global Positioning System are very useful if adapted to the context – more so if community-based groups (rather than government employees or private contractors) are trained to use them. Public awareness-raising about land titling and property rights is crucial to ensuring that everyone knows their rights, before, during and after an emergency strikes. Without basic awareness of these rights, women are unable to claim the land and property to which they are entitled.

4) Informed and committed leadership is essential at both community and government levels

During post-disaster reconstruction efforts all the stakeholders need to be on the same page in order for the outcome to be successful. In this context, we learned that the coordination of donors and the CSO community with the government leadership is critical to the success of reconstruction efforts. Primary stakeholders were landowners at the community level and all those affected by tsunamis. At the village level, local land registration committees composed of village elders and the village leader are the main project partners. At the local government level, the district and sub-district authorities were partners for the RALAS project in each adjudication area. BPN was the implementing agency with its district land offices assuming a facilitation role at the particular site levels. On the government side, the main institutional partner was BRR, which had overall responsibility for coordination of all reconstruction. Other stakeholders included the provincial government, the international and national CSO/NGOs engaged in community development, livelihoods and housing reconstruction work. The Shari'ah courts were also part of the

project in that they were critical in resolving inheritance and guardianship issues. Both Government-coordinated and community-based approaches are essential for recovering and restoring land and property rights, which are key to women's inclusion in land titling projects.

Conclusion

In emergency responses, striking the right balance between speed and deliberation is crucial. A perfect damage assessment is often not required. It is possible to respond to a crisis with meaningful interventions, such as community mapping, that can begin immediately while a broader government framework is created. However, complementary government-coordinated and community-based approaches are required to ensure restoration and recovery of land and property rights. This is central to women's inclusion in the economic system. Government-led coordination efforts result in the timely delivery of support and minimal legislation in the face of institutional uncertainties. Most importantly, a well-functioning, gender-informed approach to land and property rights is crucial in the management of the reconstruction and development agenda in post-disaster situations. Taking gender-related factors into account in land administration can diffuse tensions over identity, status and power that may threaten peace and security in post-conflict societies.



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