From Vulnerability to Resilience: Addressing Land Issues after Natural Disasters

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The New UN Guidelines


• Key theme: Addressing land issues facilitates transitions from emergency relief to sustainable development.
The New UN Guidelines: Background

• 2005 Humanitarian Response Review
  • Land issues identified as major gap in humanitarian responses.
  • Recommended Humanitarian Cluster System
• 2005 Humanitarian Cluster System established
  • Early Recovery Cluster requests guidelines on addressing land issues after natural disasters (UN-HABITAT and FAO).

Structure of Guidelines A

• Part 2 - Navigating the Context: Understanding Land Issues after Natural Disasters.
• Part 3 - Land and Humanitarian Action: Assessments, Planning and Coordination.
Structure of Guidelines B

**Part 4: Land and Key Humanitarian Sectors:**
- Shelter,
- Human rights protection,
- Agriculture and rural livelihoods.

Structure of Guidelines C

**Part 5 - Land as a Cross-Cutting Issue:**
- Security of land tenure
- The landless
- Land administration
- Land use planning
- Access to land for relocation and infrastructure
Part 2: Navigating the Context

Three Key Variables:

- *The disaster and its impacts*: The 3Ds: deaths, displacement and destruction.

- *The land governance system*. Land governance and vulnerability to disaster.

- *The responses to disaster*. Institutional competition and coordination.

Aceh Tsunami 2004: Illustrating the Issues
Banda Aceh: Before the Tsunami

Banda Aceh: After the Tsunami
Coastal Aceh - Before

Coastal Aceh - After
Coastal Aceh 2 - Before

Coastal Aceh 2 - After
Damage to Land Administration System (A)

- 126,602 people killed and 93,638 people missing
- 514,150 people displaced
- 252,223 houses destroyed or damaged
- Approx. 150,000 ha of agricultural/garden land damaged.
- Approx. 300,000 affected land parcels (170,000 urban; 130,000 rural).

Damage to Land Administration System (B)

- Destruction and damage to land offices, including loss of staff
- Substantial damage to or loss of land records
- Widespread loss of personal identity records
- Significant inundation and subsidence.
- Significant obscuring or obliteration of boundary markers.
Aceh Records Damage 1

Aceh Records Damage 2
Aceh Records Damage 3

Aceh Inundation 1
Land and Vulnerability to Disaster

- **Land Use and Planning**: Settlements on hazardous or environmentally sensitive land.
- **Land Tenure**: “Renters and squatters”. Informal urban settlements. Lack of recognition of custom.
- **Land Administration**: Incomplete or inaccurate records; no backups. Lack of national/local coordination. Corruption.
- **Land Disputes**: History of displacement and conflict. Slow or dysfunctional Courts.
- **Land Law**: Widows and orphans’ rights. Access to land for resettlement.

Land and Responses to Disaster

- Land Use Planning
- Tenure Security
- Resettlement
Disaster Response E.g. - Banda Aceh Zoning Plan

Disaster Response E.g. - Planning
Part 3.1: Assessing Land Issues after Natural Disasters

Rapid Assessments through Humanitarian Cluster System (within 7 days of disaster):

- *Land impacts*. How much land has been directly affected? What are the types of impacts on land (e.g. inundation, landslips)?

- *The land system*. Is there a history of land conflict, landlessness and/or informal settlements in the affected region?
Part 3.1: Assessing Land Issues after Natural Disasters

General Needs Assessment through Humanitarian Cluster System (within 6 weeks):

• How much land has been lost, submerged or otherwise rendered uninhabitable by the disaster?
• How many affected persons have been left without access to land after the disaster?

Part 3.1: Assessing Land Issues after Natural Disasters

Land needs assessments for different humanitarian sectors (including hazard assessments):

• Protection
• Shelter
• Agriculture
Part 3.2: Planning Land Responses

Humanitarian Flash Appeals: Examples

- protection programs can include support for the land and property rights of vulnerable disaster victims (e.g. women, children and tenants); and
- shelter programs can include support for (1) rapid mechanisms to provide tenure security in shelter locations; and/or (2) participatory mechanisms of settlement planning.

Part 4.1: Land and Shelter

Key Activities Include:

- Supporting rapid mechanisms to provide security of tenure for durable shelter solutions.
Land and Shelter E.g. - Aceh

- The Reconstruction of Land Administration Systems in Aceh and Nias ("RALAS") project: 600,000 land title certificates by the end of 2008.
- 2005 RALAS Manual: *The determination of land boundaries as well as land ownership is based on the agreement of the community.* The National Land Agency will then provide legal approval including through land title certificates.
- Land titling lagged house reconstruction: As at 21 June 2006, 2,083 land titles had been distributed to landowners whereas reconstruction had commenced on at least 50,000 houses.

Land and Shelter E.g. - Aceh

- **The Successes of Community-Driven Adjudication (CDA):** Most housing providers relied on community maps and signed statements of ownership produced through the CDA process (without waiting for land title certificates).
Land and Shelter E.g. - Aceh

- The Failures of Community-Driven Adjudication (CDA) A: Quality and Boundary Marker Movements.
  - Some CDA results were subject to changes as community members revised their maps, and often inconsistent with pre-disaster indicators.
  - Problems precisely locating parcel locations and boundaries in the field from CDA documentation for translation and scaling up to the national land reference system.
  - Large number of requests to re-survey land parcels after CDA had been completed, as survivors sought to subdivide land parcels.

Land and Shelter E.g. - Aceh

- The Failures of Community-Driven Adjudication (CDA) B: Lack of Legal Clarity
  - The 2005 RALAS manual adopted a clean slate approach - precedence to CDA over repaired or reconstituted land records (assumed near-total destruction of records).
  - This approach not supported in law as anticipated Govt regulation never issued. Land agency reluctant to issue certificates on basis of CDA alone. Difficult to cross-check CDA against repaired records.
Part 4.2: Land and Human Rights Protection

Key Activities Include:

• Support rights of return and restitution of land for all displaced persons, including women, children, tenants and extralegal or informal land occupiers.

• Ensure due process and voluntary agreements in relation to resettlement.

Land and Human Rights Protection - Aceh

• Renters and Squatters: The problem of residual caseloads in temporary living centres.

• No initial mechanisms/incentives for reconstruction of rental housing (except ADB).

• February 2007: 14,280 verified victim households remaining in the barracks, of which as many as 4,082 households were renters.
Land and Human Rights Protection - Aceh

- February 2007: free land and housing for renters and squatters at 2 resettlement sites near Banda Aceh.
- Resettlement for owners who had lost land through government land acquisition rather than community-based relocation through village planning/custom.

Structure of Guidelines D

Part 5 - *Land as a Cross-Cutting Issue*:

- Security of land tenure
- The landless
- Land administration
- Land use planning
- Access to land for relocation and infrastructure
Structure of Guidelines E

• Part 7 - *Land Logframe and M & E Indicators*
• Part 8 - *Recommendations*

• For More Information See:
  • WWW/GLTN.NET