

From Vulnerability to Resilience: Addressing Land Issues after Natural Disasters

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The New UN Guidelines

- The 2010 United Nations Guidelines on Addressing Land Issues after Natural Disasters (UN-HABITAT and FAO).
- 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



Banda Aceh - Before



Banda Aceh - After



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



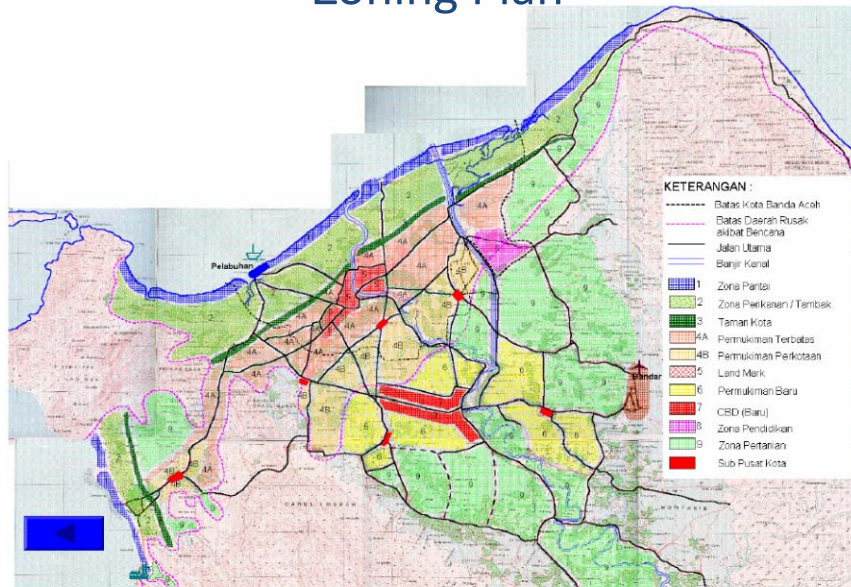
Land and Vulnerability to Disaster

- **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



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
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- Access to land for relocation and infrastructure

Structure of Guidelines E

- Part 6 - *Operations Timeline: Who Does What When.*
- Part 7 - *Land Logframe and M & E Indicators*
- Part 8 - *Recommendations*

- For More Information See:
- WWW.GLTN.NET