

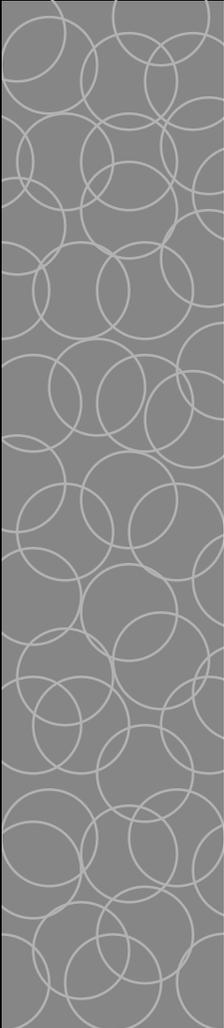


# RECONSTRUCTION OF LAND ADMINISTRATION SYSTEM IN ACEH & NIAS

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**Ir. BENNY, MSi.**

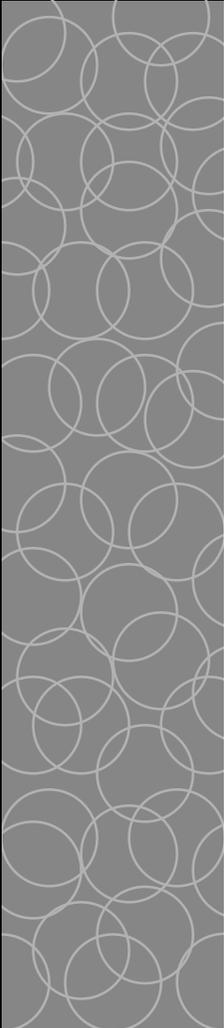
(Deputy Head of the National Land Agency; President of the Indonesian Surveyor  
Association )

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1. INTRODUCTION
  2. CONTEXT OF THE TSUNAMI-  
AFFECTED AREAS
  3. BPN RESPONSES TO TSUNAMI  
DISASTER
  4. RECONSTRUCTION PERFORMANCE
  5. RECONSTRUCTION CONSTRAINTS  
AND POLICY
  6. CLOSING REMARKS



# 1. INTRODUCTION

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- u Appreciation for paying attention to the Earthquakes and Tsunami in Aceh & Nias
  - u Land administration system
    - Damage to property rights
    - Marks disappear, boundaries unclear
    - Loss of information (land books and maps)
  - u Reconstruction of Aceh Land Administration (RALAS) Project
  - u Goal and objectives
    - Goal is to improve land tenure security in Aceh.
    - Objectives are: (i) to recover and protect ownership land rights of the people in the affected and surrounding areas; and (ii) to rebuild the land administration system
  - u Participative in process (Community-Based)



## 2. CONTEXT OF THE TSUNAMI-AFFECTED AREAS

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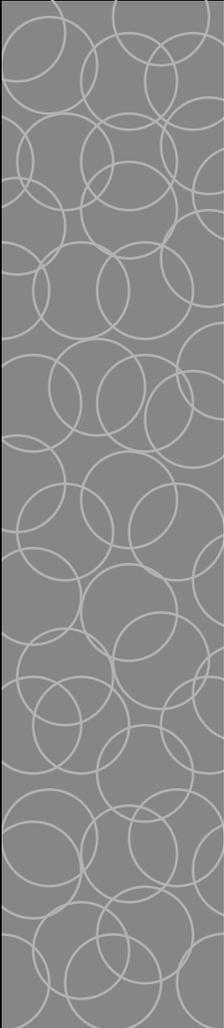
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- A. Damage and Losses
  - B. The Need for Land Rights Protection

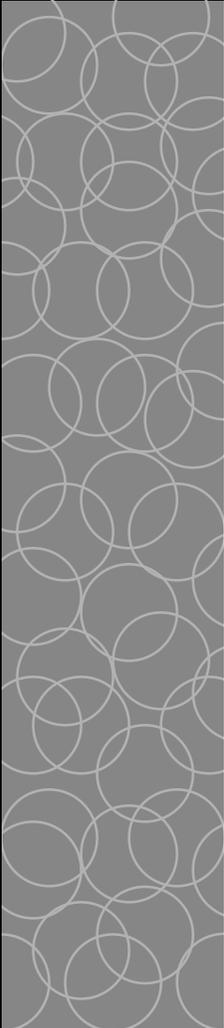


Fig 1. Geographical extent of the disaster-affected area is about 220 km long and around 5 km wide along the coastline of Aceh and North Sumatra



## A. Damage & Losses

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- u 70% of the district's geographic area
  - u Over 90% in Aceh Besar and Aceh Barat Disticts
  - u 40 BPN staff lost their lives
  - u 6 BPN Land Offices demolished or severely damaged
  - u 10% of land books lost
  - u 90% of land books was found in a critical condition
  - u about 80% of land documents were lost
  - u severe damage and destruction of office facilities
  - u a shortage of computers, photocopiers, scanners, digital cameras, printers, and stationery to support urgent record recovery
  - u much of the physical mark of property boundaries was destroyed
  - u approximately 600,000 land parcels have been affected



Picture 1. Victim Evacuation



Picture 2. BPN staff who lost their lives



Picture 3. The tsunami destroyed much of the physical mark of property boundaries



Picture 4. Physical evidence of land ownership is likely to be destroyed in the general clean-up operations



Picture 5. BPN Provincial Land Offices flooded with water (severe damage and destruction of office facilities)



Picture 6. A serious loss of land documents in  
BPN Provincial Land Office  
Presented at the EGM Meeting in Bangkok



Picture 7. Cold Storage for Archive Conservation



Picture 8. Documents stored in a Cold Storage at -40o Celsius in Jakarta



Picture 9. Land books found in a critical condition (flooded with sea water and mud), requiring conservation and restoration work



Picture 10. Land books found in a critical condition (flooded with sea water and mud), requiring conservation and restoration work

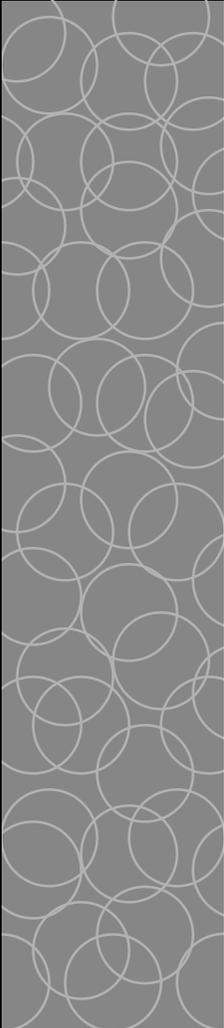
## B. The Need for Land Rights Protection

- u Registered rights (revalidated, confirmed, and new title)
- u Unregistered rights (accepted and recognized by the community)
- u Unregistered land title holders is about 3-5 times as many as registered titles
- u The untitled land parcels are governed largely by traditional customary, or *adat* law
  - *Adat* land held by individuals, which is not registered, but is recognized from the colonial Dutch period as being private land
  - Communal *adat* land, which is very rare in the tsunami-affected areas
- u Land rights recovery and protection clearly should be a priority task
  - possibilities of land grabbing
  - illegitimate claims over land holdings or rights of vulnerable and disadvantaged groups
- u Estimated 100,000 inheritance cases
- u Potential conflict over boundaries, ownership, inheritance, and between individuals and government



## 3. BPN RESPONSES TO TSUNAMI DISASTER

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- A. Conservation and Rehabilitation of Land Documents**
  - B. Reconstruction Implementation and Process**
  - C. Community Driven Adjudication**

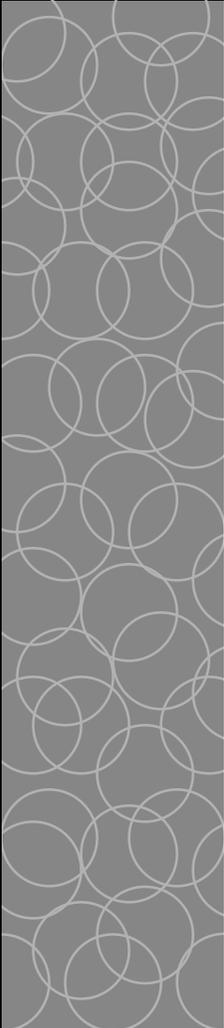
# A. Conservation and Rehabilitation of Land Documents

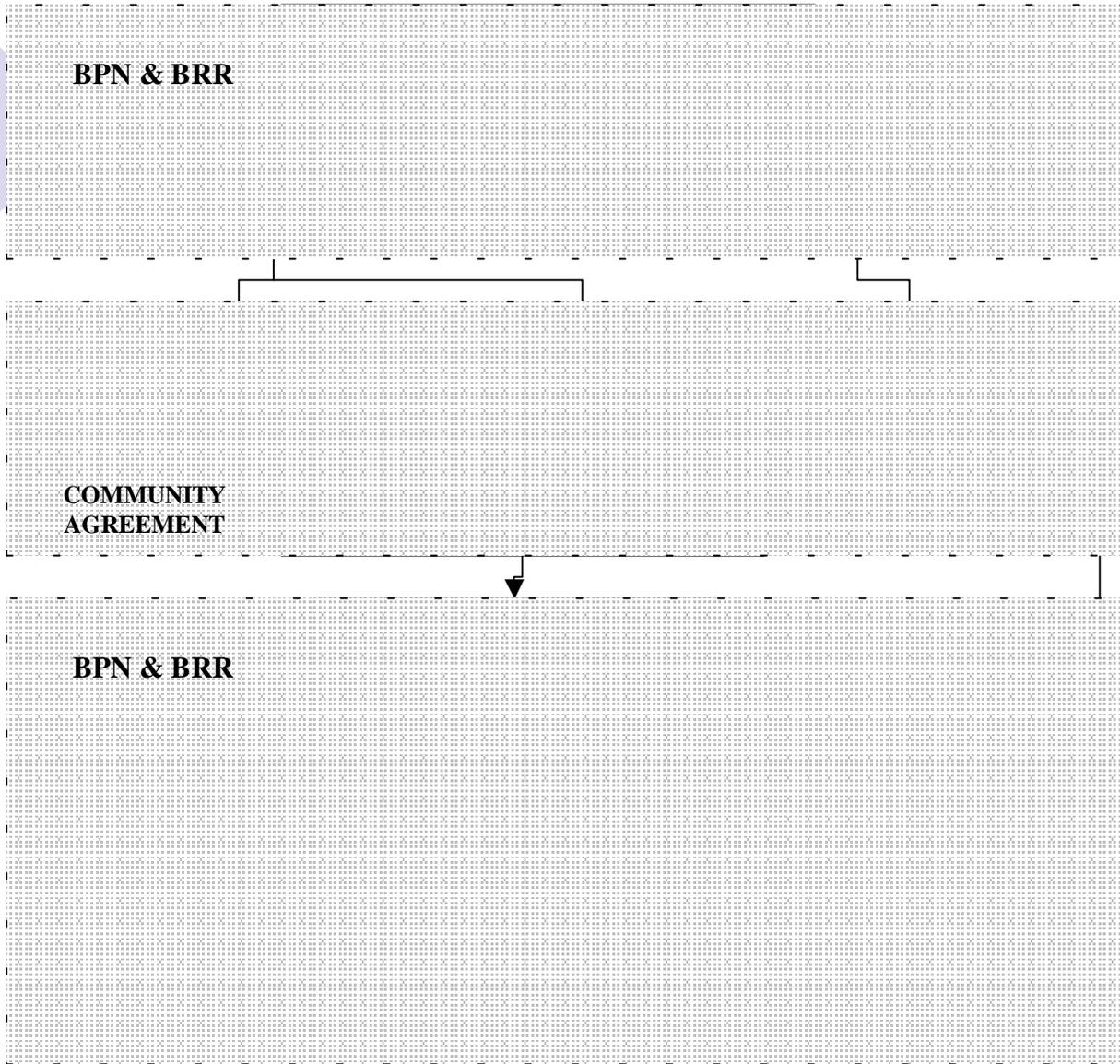
- u Head of National Land Agency's Decree No.01-II-2005, January 12, 2005 Re. Team tasking to rehabilitate and reactivate land services in Aceh
- u About 632 boxes or 15 ton documents be successfully rescued (requiring conservation and restoration work in cooperation with Japanese Government)



## B. Reconstruction Process

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- u RALAS project aims to bring consistency and deliver minimum service standards to the Community Driven Adjudication (CDA) process
  - u Community agreement to identify ownership rights
  - u Working with a number of NGOs
  - u RALAS Project aims to ensure that community-led processes are conducted to a certain standard

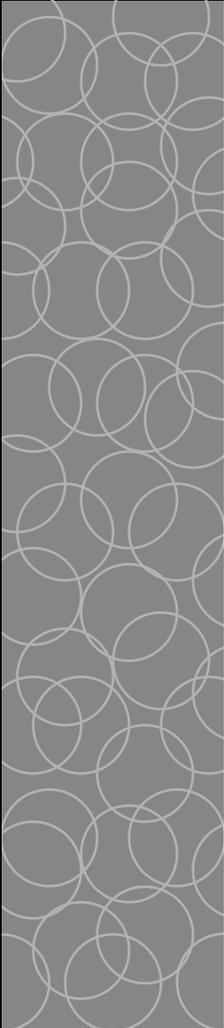


Community Driven Adjudication & Registration Process



## C. Community Driven Adjudication

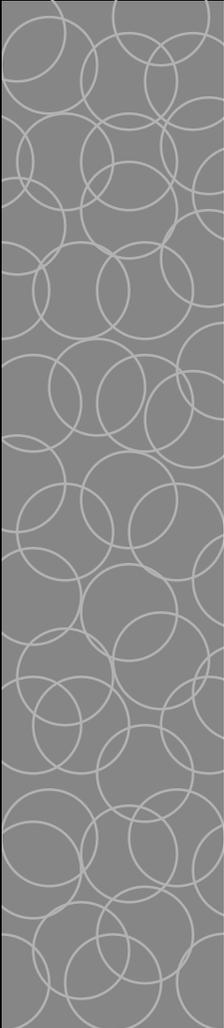
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- u Community mapping under a participatory process but do not lead to the issuance of legal title.
  - u Only BPN has the legal authority to issue title
  - u CDA Manual as the standard approach for community land mapping (prepared in collaboration w/ Gov., NGOs/CSOs & donors)
  - u Harmonization of already completed efforts undertaken in communities
  - u The adjudication teams conduct field checks and validate “community mapping” and “land inventories”



## 4. RECONSTRUCTION PERFORMANCE

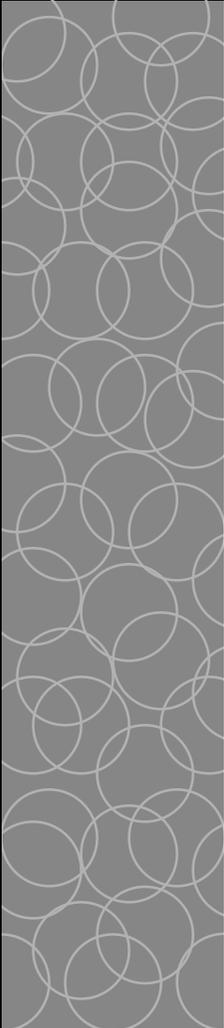
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- A. Performance of process
  - B. Performance of CDA implementation



## A. Performance in terms of process

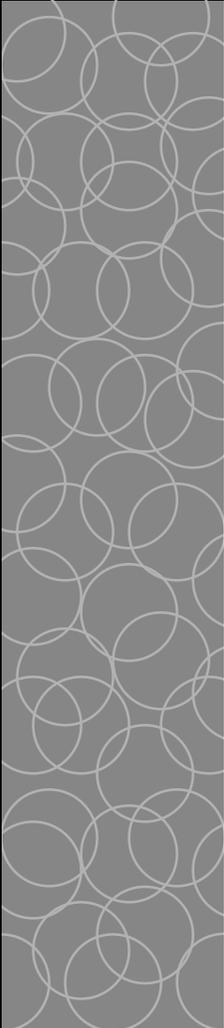
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- u 62 Adjudication Teams with 992 personnel will be deployed to Aceh to the year 2008
  - u As yet BPN has deployed 10 adjudication teams, each of 20 personnel (total 200 personnel)
  - u Manual for CDA completed on June 10, 2005
  - u MOU is being prepared with Oxfam, Partnership with UNDP and the EU
  - u Indonesian Ministry of Finance has committed to waiver of all land registration taxes, fees and charges
  - u A community secretariat to engage with NGOs and CSOs



## B. Performance of CDA implementation

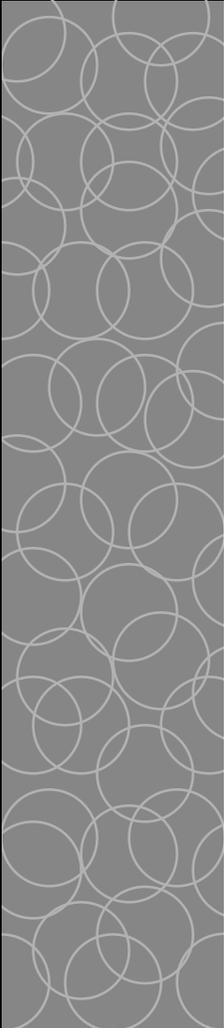
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- u Approximately 17% or 10,200 land parcels have completed community land mapping (completion of approximately 60 villages in Banda Aceh and 40 villages in other parts)
  - u At least 500 personnel have now been trained in Community Driven Adjudication (CDA), comprising 300 NGO facilitators and 200 BPN staff



## 5. RECONSTRUCTION CONSTRAINTS AND POLICY

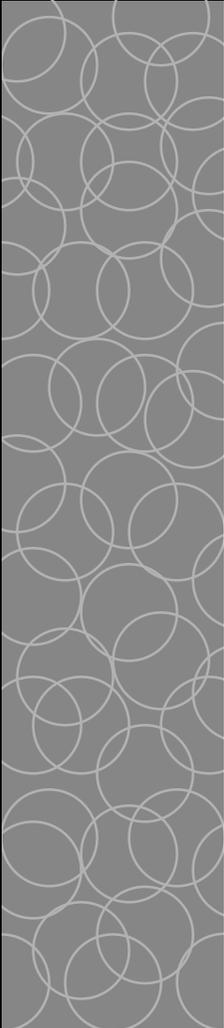
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- A. Constraints
  - B. Policy



## A. Constraints

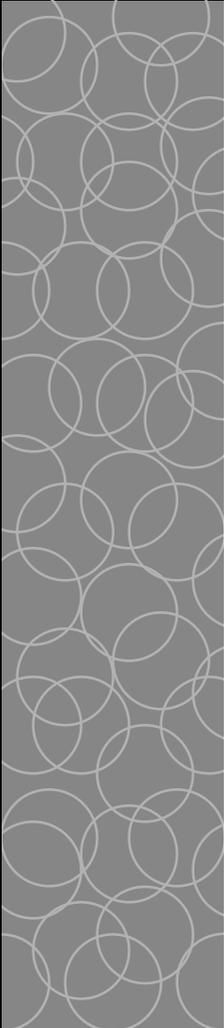
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- u Land registration taxes, fees, and charges;
  - u Harmonization of existing community mapping activities;
  - u Tight-time schedule in its implementation;
  - u Slow process of land information recovery;
  - u Problems related to inheritances and rights of vulnerable groups



## B. Policies

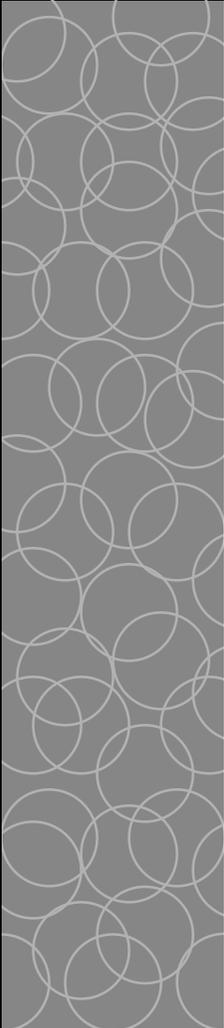
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- u Head of National Land Agency issued Decree No.01-II-2005 on January 12, 2005 Re. Team tasking to rehabilitate and reactivate land services in Aceh
  - u Commitment from the Government, Ministry of Finance, to waive of all land charges
  - u Head of National Land Agency's Decree No. 114-II-2005 dated on June 21, 2005 Re. Community-Based Land Registration Manual
  - u BPN has considered to operationalize its Teams more quickly by delivering some surveying and computing equipment from other BPN-Provincial Offices, on temporary basis before planned procurement is available
  - u Promoted policy to implement digital land administration system in BPN Provincial Office of Aceh
  - u BPN has participated in preparing Draft of Government Regulation to Replace Existing Land Law (PERPU) to regulate matters related to land tenure and rights protection, banking, inheritance, and guardianship



## 6. CLOSING REMARKS

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- u Hopefully this paper which emphasizes on describing the on-going participative reconstruction process in the areas could contribute to the aims of this meeting
  - u On behalf of Government of the Republic of Indonesia, we thank all parties who have paid attention to the areas.