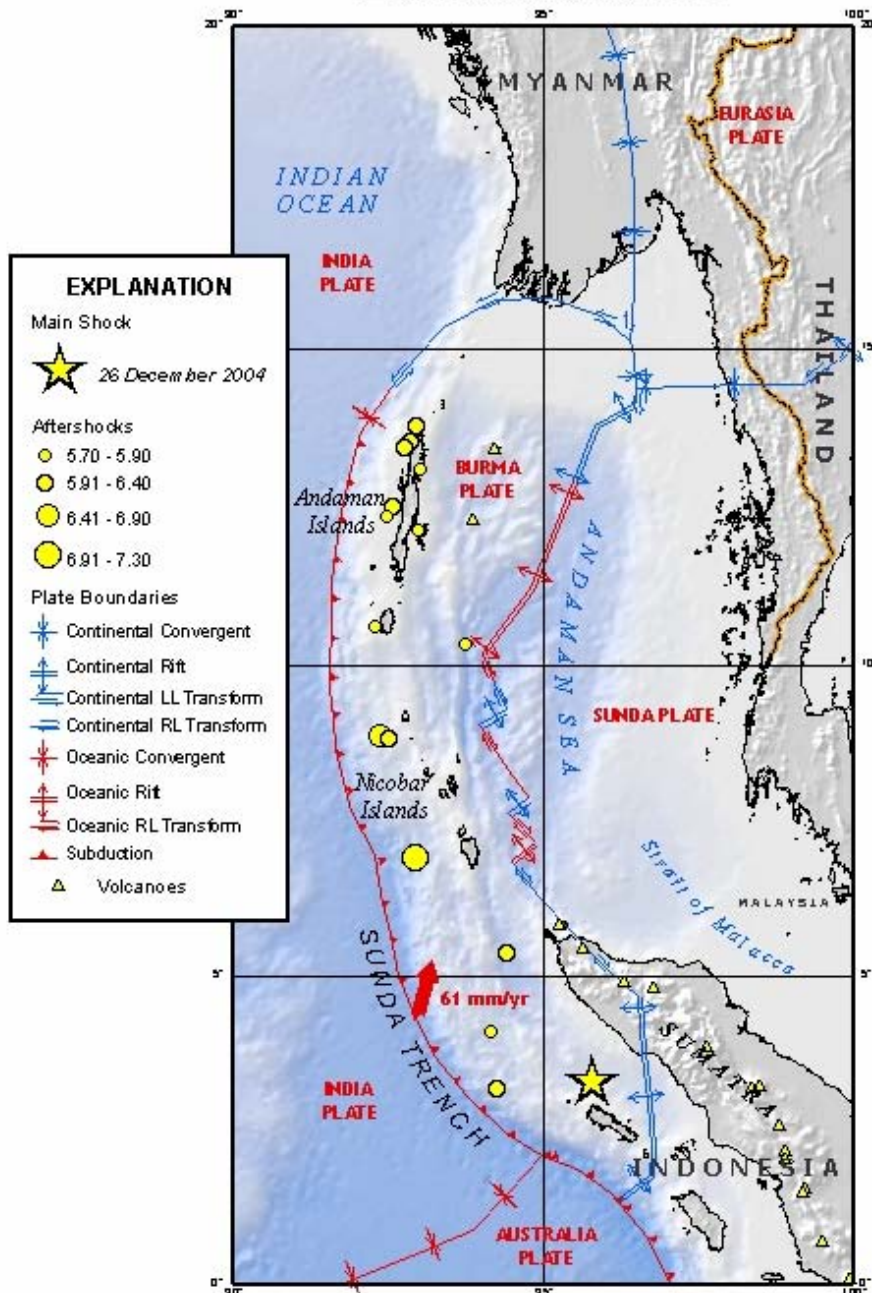


**Notes on Some Potential Impacts of  
the Implementation of Reconstruction  
of the Aceh Land Administration  
System (RALAS) Project on  
Customary Land Rights Institution**

Suraya Afiff



# M9.0 Andaman - Nicobar Islands Earthquake of 26 December 2004



**EXPLANATION**

Main Shock  
 ★ 26 December 2004

Aftershocks  
 ● 5.70 - 5.90  
 ● 5.91 - 6.40  
 ● 6.41 - 6.90  
 ● 6.91 - 7.30

Plate Boundaries  
 ◆ Continental Convergent  
 ◆ Continental Rift  
 ◆ Continental LL Transform  
 ◆ Continental RL Transform  
 ◆ Oceanic Convergent  
 ◆ Oceanic Rift  
 ◆ Oceanic RL Transform  
 ◆ Subduction  
 ▲ Volcanoes



Courtesy:  
DigitalGlobe



**Meulaboh (West Coast Aceh) After Tsunami**  
(Courtesy: DigitalGlobe)



Before The Tsunami



After The Tsunami

# Damaged and Lost

- 167,000 people died or missing
- 500,000 people displaced from their home
- In Nias 900 people died and 13,500 families displaced from home
- City of Banda Aceh and Sabang, Regencies of Aceh Jaya and Aceh Besar: 80 % of their houses were affected
- 80,000 – 110,000 new houses needed

- Road infrastructure: about 19 % of primary roads, 46 % of bridges, and over 50 % of primary roads were impacted in the affected areas
- Approximately 23,330 ha of rice fields and 126,806 ha of other agricultural or garden areas damaged by mud, salination, sand or erosion
- Substantial damage to or loss of land records in BPN and sub-district offices



# Reconstruction of Aceh Land Administration System (RALAS)

- The Multi-Donors Trust Fund for Aceh and North Sumatra (MDTFANS)
- USD 28.50 million grant & loan
- Project Time Frame: August 2005 until 2008.

# RALAS Overall Goal:

- To improve land tenure security in Aceh after the devastation caused by the tsunami and the destruction of evidence of ownership
- At the end of this project, an estimated 600,000 land owners in Aceh and Nias will receive legal title documents

# RALAS Project Purposes:

1. Reconstruction of land records, community-driven adjudication, surveying and mapping, registration of rights and issuance of title certificates and assistance in policy, legal and regulatory issues;

# RALAS Purposes (cont.)

2. Reconstruction and rehabilitation of land offices, provision of necessary equipment, training and capacity building for the National Land Administration Agency (BPN) staff, computerization and development of a back-up system for land-related data; and
3. Support to project management, monitoring and evaluation, complaint handling mechanism and technical assistance to support project implementation

# New Approach to cadastral system

- Using participatory approach
- Community-driven adjudication methods (CDA) through community land mapping
- Free-of-Charge
- The involvement of community groups, NGOs and donor institutions in land certification process

# Main Reasons for Concerned

- The biggest privatization project on customary land ever implemented in Indonesia
- Based on the current national policies and practices: communal land title is not possible
- Facilitating the State to encroach and strengthening its control over customary land

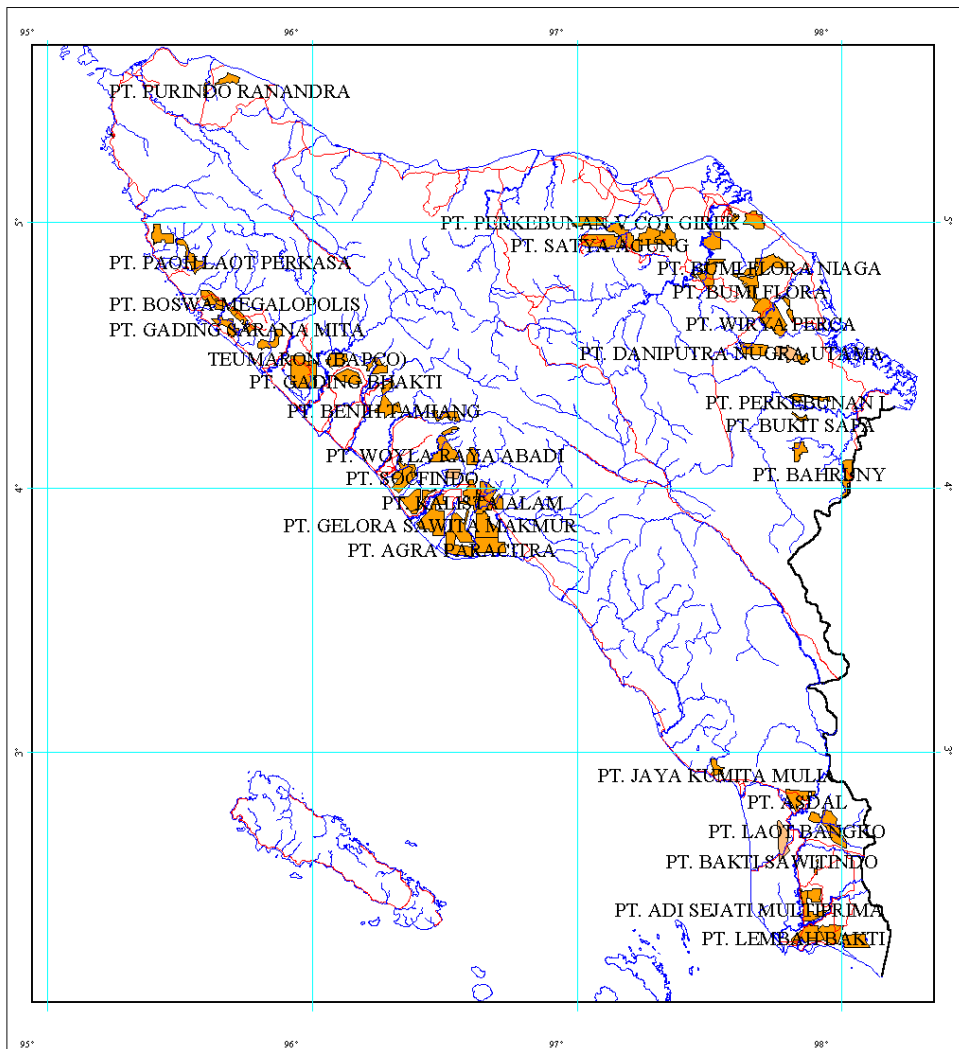












# Intensify Land Conflicts in the Future

1. Customary claims vs State claims
  - \* Approx. 60,22 % of the total land in Aceh is considered as “State Forest”
  - \* Local communities cannot maintain their community land rights that falls under State Forest areas



### PETA PELEPASAN AREAL HUTAN UNTUK BUDIDAYA PERTANIAN

-  Batas Perairan dan Sungai
-  Jalan
-  Batas Propinsi
-  Kebun Pola PBSN
-  Kebun Pola PIR-SUS
-  Kebun Pola PIR-TRANS



Dipetakan Kembali Oleh:  
 Tim GIS Proyek Inventarisasi Hutan Nasional  
 Direktorat Jenderal Inventarisasi Tata Guna Hutan Dan Kebun  
 DEPARTEMEN KEHUTANAN DAN PERKEBUNAN, 1998

# Conflicts (cont.)

2. National vs Aceh's special autonomy:
  - \* a *mukim* controls its own territory and wealth (*kekayaan*) (Qanun 18/2001)
  - \* *Mukim* material wealth might include forests, land, rivers, lakes, mountains, wetlands and other *ulayat* ownership as long as it does not contradict government regulations (Qanun 3/2003)

# Conflicts (cont.)

3. Inter community and inter-individual land conflicts that occurred in pre-tsunami period

- \* “fake” (*aspal*) land certificate

- \* internal family disputes

# Conclusion

- Land administration project in Aceh might caused significant transformation of the communal land rights institution
- A disaster might create a window of opportunity for the State to strengthen and expand its control over communal land (“new enclosure”)
- International structural adjustment agenda is implemented under the banner of humanitarian reconstruction