

<b>Title of proposal:</b> Recovery of Property Rights and Reconstruction of Land Administration System
<b>Project Proponent and Proposed Implementing Agency:</b> The National Land Agency (BPN)
<b>Objectives (designated goals/outcomes)<sup>1</sup> :</b> The objectives of the proposed project are (i) to recover and protect the land rights of the people in the affected areas, and (ii) to rebuild land administration system.
<p><b>Link with Indonesia Disaster-Related Recovery Program:</b></p> <p>The damage caused to property rights in the Tsunami affected areas is severe. A summary of the damage and its impact are outlined below:</p> <ul style="list-style-type: none"> <li>(i) The BPN office in Banda Aceh was severely damaged and documents were either damaged or lost. Other BPN offices suffered various degrees of damages. BPN has lost 42 staff.</li> <li>(ii) The Land Book of the Banda Aceh land office was flooded with sea water and mud and requires immediate action for recovery; otherwise, these documents if not treated in the next couple of months, may be irretrievably damaged.</li> <li>(iii) Cadastral maps were destroyed.</li> <li>(iv) Only 25% of land in Aceh is titled. Some areas have lost all physical and human evidence of ownership.</li> <li>(v) There is no back up for the Land Book or the cadastral maps.</li> </ul> <p>There is a need to recover property rights as soon as possible for the following reasons: (i) the recovery of property rights is essential for reconstruction efforts as property rights provides as an important input in spatial planning, reconstruction and compensation; (ii) There is a need to protect the people ownership rights where there are no documents, physical evidence on the ground or peoples' memory; the most vulnerable are the living children and widows who could not defend their rights and their land could be subject to land grabbing; and (iii) secure property rights and well functioning land administration system is essential for the economic recovery of the affected areas.</p> <p>The proposed framework (Attached to this concept note) was developed in full partnership with BPN and Bappenas staff and in consultant with the various working groups on reconstruction, and local governments and NGOs. The framework was also shared with potential donors.</p>
<b>Expected Results (output)<sup>2</sup>:</b> The expected outcomes include: (i) protection of property rights of affected communities; (ii) reconstitution of land records and reconstruction/renovation of damaged land offices; (iii) establishment of a transparent and effective process of dispute settlement of land conflicts; and (iv) complete the issuance of land titles of urban and agriculture land in Aceh province.

<sup>1</sup> Designated goals (outcomes) are generally multi-year, and the implementing organization usually has a direct (though not complete) influence over them. Designated goals can help to achieve targets defined in the recovery program.

<sup>2</sup> Results must be achieved before the activity is completed and their attainment must lie within the capability of the implementing organization. Results are linked to the attainment of the designated goals.

## **Description of Main Activities<sup>3</sup>** : The proposed project includes three phases:

### **Phase I: Urgent Recovery of Land Records (To be completed by the end of June 2005).**

This phase will focus on the immediate actions that need to recover the damaged land records and cadastral maps, undertake public relations to address the immediate concerns of the affected communities, and initiate the process to recover the occupation database. Activities under this phase would include:

- 1.1 Immediate recovery of the damaged land books and cadastral maps;
- 1.2 Urgent Delivery of office equipment and supplies to the provincial and BPN land offices to respond to the community needs.
- 1.2 Development and implementation of a community engagement strategy that aims to address the concerns of the affected communities with regard to the protection of their property rights. The major activities include public relations advertising in the mass media, information dissemination, supporting services provided for traumatized landowners, hiring of NGOs to support community participation, establishing help hotlines, and setting up a complaints handling system.

### **Phase II: Establishing Land Occupancy Records Database and Initiating Design and Reconstruction of Land Offices (To be completed by September 2005)**

- 2.1 Given that about 70% of parcels are not registered and most evidence (e.g., landmarks and human memory) in the affected areas were destroyed, it is important for the community and government to develop a record which identifies the occupancy of land as it existed before the tsunami. This work could be done through close cooperation between the communities and government, and through integrating maps done through community mapping and matching with official records such as the tax system, electoral register, utility companies address databases, and viewing the location of the actual houses as they appeared on the satellite images before the tsunami. The database would be constructed as soon as possible and then should be verified with local governments, surviving community members and leaders to ensure its accuracy and integrity. Once verified, a notification letter would be issued as evidence of ownership in the name of the occupant (whether alive or dead). These notification letters would be distributed to living members of the family whenever is possible.
- 2.2 Design of BPN land office in Banda Aceh. Following the approval of the new spatial plan, BPN will identify a new location for the land office. Engineering design should start as soon as possible. Moreover, construction bidding documents should be prepared and issued.
- 2.3 Physical work for the renovation of other BPN offices in the affected area should also

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<sup>3</sup> Activities are tasks that must be implemented to achieve the results described above. Describe the activities in general terms (by categorizing them) in relation to the results.

start during this period. This work will include activities such as land office renovation, furniture and fittings provision, etc.

2.4 Reconstruction of recovered land books. During this period, land books in Banda Aceh and other areas will be reconstructed.

2.5 Fully implementation of community engagement strategy. The major activities include public relations advertising in the mass media, information dissemination, supporting services provided for traumatized landowners, hiring of NGOs to support community participation, operating the help hotlines and complaints handling mechanism.

**Phase III: Rebuilding the Land Administration System (To be completed within three years)**

3.1 Reconstruction of a new land office for Banda Aceh; support the provision of furniture, equipment and supplies for the office.

3.2 Complete the renovation and the supply of equipment and furniture for all other land offices in Aceh.

3.3 Completion of the Physical Cadastral Infrastructure and Legal Cadastre (issuance of title certificates). This will be the largest and major activity of the proposed action plan. This would include systematic registration, reconstruction of ownership records, production of cadastral maps, and distribution of land title certificates. This would require the establishment of geodetic control points, large scale aerial photography, cadastral mapping, adjudication, community awareness and participation, dispute settlement support and issuance and distribution of titles.

3.4 Continuing implementation of community engagement strategy. In addition, the activities include the establishment and operationalization of a transparent land dispute resolution mechanism. The major activities include public relations advertising in mass media, information dissemination, supporting services provided for traumatized landowners, hiring of NGOs for community participation, operating the help hotlines and complaints handling mechanism. Land dispute resolution system, including providing legal aid services, should be established and operated.

3.5 Development and implementation of a "disaster proof" records filing system to ensure that all land related documents including, titles, supporting documents and cadastral maps will be retrieved easily in case of another major disaster.

**Monitoring arrangements and indicators for outcomes:** The proposed project will benefit from the monitoring and evaluation framework developed under LMPDP project. This framework includes internal and external monitoring. Internal monitoring includes monitoring of project inputs and outputs. External monitoring includes monitoring of project outcomes and impacts. External monitoring will include the engagement of NGOs in community organization and mobilization and to ensure transparency and efficiency in the issuance of land titles.

**Outcome Indicators:**

1. Recovery of damaged land records
2. Reconstruction and renovations of all damaged land offices
3. Reconstruction of cadastral maps
4. Issuance of land titles in all affected areas
5. Establishment of a transparent dispute settlement mechanism
6. Implementation of land record disaster recovery plan

**Name of authorized representative and Indonesian organization that endorsed proposal:** The proposal was endorsed by the National Land Agency and Bappenas.

**Estimated Costs: US\$28.5 million**

**Cost breakdown (means):**

<b>A. Phase One: Urgent Recovery of Land Records</b>	
Computers	0.03
Other equipment	0.08
Office stationery and consumables	0.04
Copying of all and record/documents	0.30
Preparing and issuing a special decree on construction permits and title certificates in affected area	-
Development and implementation of community engagement strategy	0.10
Preparation for relocation plan	0.10
<b>Subtotal Phase One: Urgent Recovery of Land Records</b>	<b>0.65</b>
<b>B. Phase Two: Occupancy Database and Initiation Land Office Reconstruction</b>	
Re-establishing Occupancy Records and Database	2.00
Banda Aceh New Land Office Design	0.05
Renovation of other land offices	1.00
Recover land books in affected areas	0.50
Fully implementation of community engagement strategy	0.40
Finalizing massive relocation plan	0.20
Development of special law on relaxing evidence requirements for legal cadastre in affected area	0.10
International TA on project implementation and management	0.10
<b>Subtotal Phase Two: Occupancy Database and Initiation Land Office Reconstruction</b>	<b>4.35</b>
<b>C. Phase Three: Rebuilding the Land Administration System</b>	
Construction of land office in Banda Aceh and provision of equipment	2.00
Systematic adjudication and title distribution	20.00
Land records disaster recovery system	0.50
Community engagement and dispute resolution mechanism	1.00
<b>Subtotal Phase Three: Rebuilding the Land Administration System</b>	<b>23.50</b>
<b>Grant Total</b>	<b>28.5</b>

**Trust Fund contribution sought: US\$28.5 million**

**Other financing: None**

Existing or planned activities in same sector by other agencies and proposed coordination:  
None.

Approved allocation from the Trust Fund:

Other specific approvals, if required

Expected disbursement

	<i>FY05</i>	<i>FY06</i>	<i>FY07</i>	<i>FY08</i>	<i>FY09</i>
	<i>US\$3.2</i>	<i>US\$9.65</i>	<i>US\$8.65</i>	<i>7.0</i>	

Decision of Steering Committee

*Approve*

*Reject*

*Hold*

Comments of Steering Committee