

# EAST ASIA AND PACIFIC REGION

## Social Development Notes

*INNOVATIONS, LESSONS, AND BEST PRACTICE*

### After the Tsunami

#### *Women and Land Reforms in Aceh*

On Boxing Day morning, 2004, a 9.3 magnitude earthquake struck the Indian Ocean. The quake unleashed a blast of energy and created a tsunami three stories high. The disaster claimed more than 228,000 lives, affected 2.5 million others and caused close to US \$11.4 billion of damage in 14 countries. By far the highest price was paid by Aceh, where more people died than in all the other countries combined. In Banda Aceh, the capital of the province, the tsunami claimed nearly a third of the population. More than 800 km. of coastline was affected and close to 53,795 land parcels were destroyed. The land administration system sustained significant damage as documentation of land ownership was washed away. Physical boundary markers, including trees and fences, also disappeared. The tsunami and earthquake not only shattered housing and other coastal infrastructure, they also shook the foundations of Acehese society and the social capital built up over decades.

#### **Women's Strength in the Face of Disaster**

The tsunami deprived many women of the existing safety nets offered by their families, especially spouses or parents. In a society in which the man is still regarded as the head of the household, this new reality brought an additional burden to many. In Aceh, land is a powerful symbol of community, family solidarity, culture and land issues were traditionally considered to be the “natural” dominion of men. After the tsunami, women were not only on the verge of losing property, assets and livelihoods; in some cases, even their social recognition and status were at risk. The disaster also created opportunities for social and physical reorganization, however. Changes in gender relations, which would not have been possible before, were suddenly apparent, and women showed particular dynamism in the recovery and reconstruction process. They assumed leadership roles and learned to be more assertive after the disaster, albeit in non-confrontational ways. Women also helped

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*By securing land and property rights, women have positively impacted post-disaster recovery and reconstruction efforts in Aceh.*

— KEITH CLIFFORD BELL,  
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restore normalcy and order within the family and community, protecting household land and property rights. In many instances, they assumed primary responsibility for income generation, managing household resources and nurturing the family. In addition, they played a significant role in translating the individual grievances associated with the recovery of land and property rights and in strengthening the social agenda for property ownership.

### Empowering Women Through Land Titling

The Reconstruction of Aceh Land Administration System (RALAS) project was designed by the World Bank and the Multi-Donor Trust Fund for Aceh and North Sumatra as an emergency response to the need for reconstruction of housing and communities in the region. RALAS was the first World Bank project to support post-tsunami reconstruction efforts and the project design included a Community-Driven Adjudication process to land titling, which involved civil society-facilitated community land mapping. Dispute resolution and social protection for women and vulnerable groups were anchored in the local interpretation of Islamic law and adat (traditional) practices. Gender Action Plan (please see our website [www.worldbank.org/gender](http://www.worldbank.org/gender) for more information on GAP) funds enabled the team to learn more about the RALAS project's efforts to improve women's access to land and their property rights. The study aimed to discern what worked in terms of increasing women's access to



land, going beyond mere procedures to understand the socio-cultural constraints faced by women in Aceh. It analyzed the extent to which project activities and results are sustainable and replicable and provided recommendations for other post-disaster situations.

### Women's Land Rights: What Happened After the Tsunami?

The GAP-funded survey on land titling involved a wide cross section of the community—hundreds of people participated, often for little or no money. The inhabitants of Aceh, especially women, enthusiastically embraced the survey tool and realized that its findings could better shape land policy in the future.

The report showed that in Aceh, as in many countries, multiple land tenure regimes, both traditional and formal, operate simultaneously. Some of these systems are gender-neutral and those which are informal have often enabled communities to discreetly manage land tenure within a broad socio-economic framework that assigns equal rights to women and men. Most women continue to depend on the advice of geuchiks, local leaders and religious chiefs, who still play a significant role in protecting land and property rights. However, this relationship is gradually maturing as women are beginning to seek explanations, and to question some of the decisions made by these local leaders.

However, during the RALAS project, the promotion of women's land rights required dedicated advocacy and policy dissemination. This was mostly because women lacked information on their legal rights. Unfortunately, the majority of land titles continue to be registered in the names of men. In cases involving inheritance after the disaster, for example, women have very little voice or power to act.

The lack of female representation in local committees disempowered them. It prevented them from re-establishing access to their land and property rights. In addition, the absence of gender-disaggregated data also limited the Government's capacity to address women's concerns. It was in this context that the international community and local NGOs played a key role, building a broad-

based consensus around the restoration of women's property rights, also signaling good practices and fair governance.

## Strengthening Women's Land Rights for the Future

The study illuminated trends by which women sought to recover their land and property rights. Women's approaches to land recovery and reconstruction immediately after the disaster often involved the use of temporary markers to claim land rights—they would divert pressure by using the names of their male family members to mark their land. Women also took great interest in community-level land mapping exercises and there were high levels of female participation across the island. Indeed, the survey noted that, in the case of land recovery and reconstruction efforts, their participation was higher in community-based activities than in other programs.

The report noted several areas that could be improved to bolster women's land rights in the future. Traditional leaders and government institutions are inclined to stereotype women's roles and rights and are less willing to adopt creative solutions and support women's claims. This situation could be improved by making Shariah courts more accessible to women through the gender-sensitization of court officials. The dissemination of information about the courts and the interpretation of Islamic law by women judges could support women's rights.

Also important is the need to raise Government targets for land registration and titling functions for women. Currently, most Government policies are gender-neutral. While these policies capture some women's issues, they neither distinguish between the groups that are vulnerable and those that are relatively protected, nor recognize the limitations of local and informal practices and institutions. In addition, more resources could be put towards recruiting and training women staff, both in the field and in the central office.

## Implications for Haiti and Other Disaster Zones

**A well-functioning, gender-informed approach to land and property rights is crucial in the**



**management of the reconstruction and development agenda in post-disaster situations.**

While there is universal recognition that natural disasters impact women and men in different ways, there are few guidelines to ensure the adoption of a gender-sensitive approach to disaster management and reconstruction programs.

The traumatic experience of a community in a disaster situation cannot be underestimated. It is important that recovery and reconstruction programs are designed to serve men and women's social, economic and psychological needs. When women hold land rights, their families have a form of socioeconomic support which can drive the recovery of the wider community to some degree.

**Based on the experience of Aceh and the knowledge of the reconstruction team there, these recommendations have been shared by the Poverty Reduction and Economic Management Network (PREM) with other World Bank teams working in post-disaster zones, such as Haiti.**

Immediately after a disaster, the responsible government agencies should freeze land transactions and transfers in order to prevent land-grabbing and dispossessions. The context of a disaster response is different to that of a development response—there are immediate needs that must be addressed after a disaster in order for citizens to have the basics for survival. The coordination of donors, NGOs, etc., with Government leadership is critical to the success of emergency response

and reconstruction efforts. Government-coordinated, community-based approaches need to be designed and managed in tandem in order for land and property rights to be restored. This is key to women's inclusion in land titling projects. Further, all these efforts need to be carried out by teams made up of both women and men at field and decision-making levels.

Land mapping allows a community to quickly move ahead with housing and reconstruction after a disaster. It ensures that land ownership rights are respected. If this process is well documented and standardized community agreements are signed, it can help minimize land-related conflicts and provide governments with a good basis of evidence for official adjudication and registration of ownership.

In emergency responses, striking the right balance between speed and deliberation is crucial. People have urgent needs that have to be met, but it is also important to consider their longer term requirements and to minimize spending.

For example, experience suggests that it is best for houses to be rebuilt to regulatory standards, taking recognized land rights into account. Information and communications technologies can be harnessed to support and strengthen preparedness for and responses to emergency situations and reconstruction efforts.

Tools such as Geographic Information System (GIS) and Global Positioning System (GPS) are very useful if adapted to the context—more so if community-based groups (rather than government employees or private contractors) are trained to use them.

Public awareness-raising about land titling and property rights is crucial to ensuring that everyone knows their rights before, during and after an emergency strikes. Without basic awareness of these rights, women cannot claim the land and property to which they are entitled. One method of raising public awareness that has proved valuable is making local communities own the gender agenda by building on local ideas, customs, proverbs, etc., that are favorable to women. These need to be integrated into public awareness campaigns to ensure that gender sensitivity is not perceived as a “Western” imposition, but a local requirement.

Taking gender-related factors into account in land administration can diffuse tensions over identity, status and power that may threaten peace and security in post-conflict societies.

A perfect damage assessment is not required. It is possible to respond to a crisis with meaningful interventions, such as community mapping, that can begin immediately, while a broader government framework is being created. However, complementary government-coordinated and community-based approaches are required to ensure the restoration and recovery of land and property rights. This is central to women's inclusion in the economic system. Government-led coordination efforts result in the timely delivery of support and minimal legal and institutional uncertainties.

## Contact

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