

00 EXECUTIVE SUMMARY

This report is in three parts; background, key advocacy issues, and aftermath. It is written by a former Oxfam Global Land Adviser who has been a public admirer of Oxfam's land rights advocacy work in post-tsunami Aceh, Indonesia. So it is not a formal evaluation, rather a history and celebration of some outstanding work and a contribution to Oxfam's historical and institutional memory.

Oxfam decided to work on land rights in Aceh not, as I had previously imagined, because of a chain of centrally driven events from Oxford, including an early 4-country scoping study by Shaun Williams of post-tsunami land and property rights, but because Lilianne Fan, newly appointed Advocacy Coordinator in Aceh, listened to Acehnese communities and NGOs and it was they who identified that land was a critical issue demanding attention.

Context: It was hugely important that a new government came to power in Indonesia just two months before the tsunami. It was very different from its brutal, militaristic predecessors, and it quickly set about bringing an end to the secessionist conflict which had plagued Aceh for 30 years. A peace agreement was signed with GAM (the Free Aceh Movement) in August 2005 and subsequent events resulted in free elections and a new Provincial Government of Aceh, and with Aceh enjoying an unprecedented degree of economic and political autonomy within Indonesia. Among other things, this allowed enormous space for agencies such as Oxfam to engage in advocacy work with the new, very inexperienced government. In fact, Oxfam staff have enjoyed extraordinary access to the new government, on occasion working in government institutions, including the ministerial level Rehabilitation and Reconstruction Agency, BRR, for months.

Oxfam's land rights advocacy work has been situated within *six broad phases*: no clear authority, January - March 2005; a period of consultation, March - July 2005; the peace agreement, August 2005; engaging on national policy, September 2005 - September 2006; demonstrations and their aftermath, September - December 2006; new openings, January - December 2007.

The links between programme and advocacy work in Aceh have been complex, and it took time for the advocacy work to gain the appreciation and support of senior management. But it is striking that an advocacy post was created as early as February 2005, though its origins are still shrouded in some mystery. In March 2006 a small policy unit was set up designed to be strategic and research based, and this progressed in 2007 into the current well-endowed Policy and Advocacy Unit (PAU).

Oxfam's advocacy work in Aceh has been characterised by a very strong culture of *engagement with authorities, with other agencies and with communities*. Lilianne Fan believed that Oxfam had to (1) use the new political space available and take advantage of the changes happening, but also create new space; (2) engage people in a way that convinced them that they shared our vision and highlight areas of common interest; and (3) recognise that things in Aceh had changed, and give change an opportunity to take hold.

An example of working with other experts and agencies was the early collaboration with the Australian academic and Indonesian law specialist, *Daniel Fitzpatrick*. His *UNDP/Oxfam report on land rights* in mid-2005 helped point the way for advocacy work on national issues and he subsequently wrote four policy papers for Oxfam on renters and squatters, resettlement, women's land rights and land administration.

Part two focuses in detail on seven major, inter-connected issues which have featured strongly in Oxfam's land rights advocacy work: (1) local land cases, (2) RALAS – the World Bank-funded Reconstruction of Aceh Land Administration Systems project, (3) resettlement, (4) renters and squatters, (5) the barracks, (6) women's land rights, and (7) land administration.

Local land cases have been the bedrock of Oxfam's land rights advocacy work from the beginning and continue to be almost 3 years later. This arose through the time honoured practice of listening to communities about their concerns. Oxfam took some of these cases to the authorities to try to resolve specific problems. There were early successes at Lhoong, Aceh Besar, and Lamno, Aceh Jaya. Later, Kurniawan (Oxfam's Advocacy Officer) started to pull together a network of mostly local NGOs which became the Joint Land Advocacy Working Group (JLAWG). This has taken up a number of high profile cases, more than one involving the military, another a palm oil company.

The RALAS project has been characterised by tensions between BPN, the National Land Agency, and the World Bank over what kind of surveying was appropriate after the tsunami (community driven or wait for the usual experts?) and the speed of distributing the certificates, and between the project and local NGOs over how seriously the latter were being treated. Oxfam initially engaged quite strongly, with training of staff, many joint meetings and a focus on monitoring, and tried to hold RALAS accountable to the World Bank's own gender best practice guidelines, but RALAS failed even to record gender-disaggregated data. There remains some uncertainty about the future of RALAS, which was supposed to issue 600,000 land titles within three years.

Resettlement, and who is entitled to it, has been a thorny issue since the tsunami and, in terms of implementation, remains so. It was to be voluntary; with tsunami victims having choices about where to move to. Oxfam was part of an inter-agency Land Task Force, set up in November 2005, which drafted resettlement guidelines, but these were shot down by a key official of BRR, the reconstruction agency, for being too community driven. By mid-2006 it was clear that renters and squatters were being discriminated against and Oxfam advocated strongly on that. In September there were violent demonstrations in the barracks, which led BRR to change its policy and to sack its obstructive official. Oxfam had pressed for a community-based delivery of land for resettlement, but BRR said this was too difficult and instead opted for a huge government-run resettlement programme for renters with a real risk that many new houses might never be occupied. Oxfam has engaged with this process to try to improve it once it became clear that BRR was going ahead anyway.

Renters and squatters were initially discriminated against as beneficiaries and one of the great triumphs of Oxfam's land rights advocacy work in Aceh has been to focus on these forgotten, neglected people (hardly mentioned in the original Master Plan) and keep banging away on this at the policy level until it was resolved more favourably. Daniel Fitzpatrick's research, in identifying the numbers involved, was critical. Oxfam launched a multi-pronged strategy, including lobbying the office of UN Special Envoy Bill Clinton and TV, radio and press briefings. BRR changed its policy in January 2007, and renters and squatters became eligible for land and housing assistance from BRR.

The barracks have been a hugely divisive issue because of their use in counter-insurgency by previous Indonesian governments. So 'old Indonesian hands' in Oxfam were reluctant to contemplate working in them, yet it is there that the reservoir of vulnerability has always been and where most renters and squatters are found. BRR announced its intention to close down the remaining barracks by mid-2007, later by the end of 2007, but Oxfam and other agencies on the Barracks Working Group argued that this made little sense because the housing to which people were moving was incomplete. They also urged that people be given 30 days' notice when barracks were being closed (decommissioned). In its technical work, Oxfam is concerned to reduce public health risks, as some barracks are starting to fall apart and nobody is renovating them, and also to sustain its advocacy work until proper housing solutions are reached. In late October 2007, some 5,000 families remained in the barracks; by late January 2008, the figure was just over 2,000.

Women's land rights are always critical and the gender dimensions of access to land and housing have been a significant underlying theme in all Oxfam's land rights advocacy work in Aceh. This is not surprising in a complex legal context of a mix of Shari'a, adat (customary) and statutory law, of significantly more women than men dying in the tsunami, of difficult issues around inheritance and guardianship, and of conservative social and cultural pressures against women emerging after the tsunami. Oxfam has supported a range of innovative legal awareness work through local and international NGOs and welcomed BRR's joint land titling policy for land acquired for resettlement. Daniel Fitzpatrick's policy paper on women's rights to land and housing focused on inheritance and documenting land rights and recommended joint titling under the RALAS project. Oxfam will continue to engage with BPN on this and to support local NGOs working in his area.

Land administration is another of Daniel Fitzpatrick's policy papers, which makes detailed recommendations on how it could be strengthened and improved. Many of the key institutions were degraded by the tsunami and the conflict. He notes 'there are risks in providing funds to institutions that at times may be lacking in transparency so it is essential that the government assistance recommendations be complemented by civil society-based monitoring and advocacy mechanisms.' Much in this area will depend on what happens to the RALAS project and the degree of reform of the provincial land administration system under the new Aceh Government.

Some broadly highly favourable *views by others of Oxfam's land rights advocacy* work have been compiled during research for this report and these are set out in section 9. John Clark, once Oxfam's chief policy adviser, now a key figure in the

World Bank, noted that 'it showed the value of linking the micro with the macro, of building the policy analysis and advocacy on very close connection with some of the most vulnerable people in the province.' Daniel Fitzpatrick appreciated the multiplicity of advocacy tools which Oxfam brought to bear, for example on renters and squatters, which in combination became very powerful. He also argues that 'if you're going to have an advocacy strategy and feed in data, it is very effective if no one else has that data, and that if Oxfam is going to have successful advocacy, it must have the capacity to follow through, otherwise it could really hurt itself.'

Future advocacy directions for Oxfam are likely to involve working closely with government on the implementation of some of the recommendations in Daniel Fitzpatrick's policy papers, further work on local land disputes through the Joint Land Advocacy Working Group, but also working on broader issues of poverty reduction and economic development closely related to the plans of the new Aceh Provincial Government. So Oxfam is supporting work on Participatory Poverty Assessments and engaging with government plans for land reform and small-holder plantations. Since November 2007, Oxfam has been part of a small core group working on the Governor's *Green Economic Development and Investment Strategy*, formally launched at the Bali Climate Change Conference on 12 December 2007. In this engagement, Oxfam has drawn heavily on the land administration policy paper, has argued the need to ensure that people's land rights are protected in the process of identifying or acquiring state land for plantation development, and that the *Strategy* be developed through a process that allows for the active engagement of local stakeholders. Oxfam has not hitherto been allowed to do *post-conflict work* in Aceh for fears that the public which gave so generously to the tsunami appeal might not welcome this. Even high level lobbying by Barbara Stocking, Oxfam's Director, to the Disasters Emergency Committee (DEC) failed to change this position. Many in Aceh strongly contested this view, while many local NGO partners of Oxfam of course make no such distinction. Oxfam will finally be able to support local NGOs and local authorities through a new livelihoods programme focusing on post-conflict areas.

Some of the *lessons learned from the Aceh experience* with relevance to other post-disaster situations include the need to:

- have a general understanding of the dynamics, recent history, context and culture of an area, but without coming with too many preconceived ideas;
- understand the mandate of your organisation and whether it will be there for longer than just the emergency period;
- talk to as many groups as possible, especially direct victims, as it's important to understand what they see as priorities, but also talk to a wider group, including local civil society organisations, academics, government, and other international agencies who have been around for a time, to understand what the critical dynamics are and the challenges they're facing. They will have a longer term view, as they're embedded in the society;
- look at where gaps may be emerging;
- think of doing advocacy around issues where you can have a longer term effect, not just 'do the IDPs have enough water or food?', and look at areas where you could really make a change for the longest term possible and look at the levers of change which you could affect;

- cast your net wide from the very beginning;
- help people to see what opportunities are available;
- always see yourselves as agents of change.

This advice and this approach seem to this writer to offer really important lessons to others who may seek to engage in advocacy work in future post-disaster situations.