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Reducing Vulnerability to Natural Disasters in the Asia Pacific through Enhanced Tenure Security

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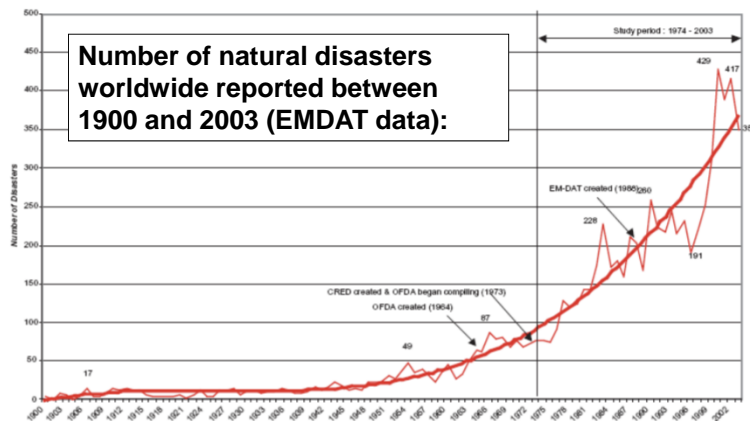


Introduction

- Prevalence of natural disasters.
- Impact of disasters.
- Limitations in capacity in the region.
- Why tenure security is important.
- Emergency response – rapid assessments.
- Early recovery – hazard mapping.
- Long-term recovery – resolving claims to land.
- Reconstruction – restoring capacity, restitution.
- Mitigation and Preparedness.

Prevalence of natural disasters

- The 4th IPCC Assessment Report says that climate is very likely to lead to an increase in frequency and severity of some extreme weather events (cyclones, floods).



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Prevalence of natural disasters

- According to the World Bank Independent Evaluation Group developing countries have borne the brunt of natural disasters, accounting for over 95 percent of all casualties (IEG, 2006).
- The most affected region is Asia with 79% of worldwide deaths from natural disasters during the period 2000-2007.
- India, China, Indonesia, Vietnam and the Philippines are among the worlds most disaster prone countries.
- Small Island Developing States (SIDS) are among the most vulnerable.

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Categories of natural disasters

- **hydro-meteorological disasters**: including floods and wave surges, storms, droughts and related disasters (extreme temperatures and forest/scrub fires), and landslides & avalanches; and
- **geophysical disasters**: divided into earthquakes & tsunamis and volcanic eruptions.
- The most recurrent disasters are cyclones, storm surges and floods and these affect the largest number of people, whereas *extreme drought* has the greatest impact on food security in terms of lost crops and livestock.
- Natural hazards can be **slow-onset** or **rapid-onset**. Natural disasters that are considered rapid-onset include earthquakes, tropical cyclones, storm surges, landslides, avalanches, wildfires, floods, and volcanic eruptions.

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- 2006 Yogyakarta earthquake
 - large number of deaths.
 - structural damage.
 - damage to infrastructure affecting livelihoods.
 - transitional shelter and resettlement.

Impact of disasters



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Impact of disasters



- 2009 tsunami in Samoa
 - Tsunamis are infrequent & warning varies.
 - loss of life, destruction to buildings and infrastructure, erosion.
 - need for safe transitional shelter and resettlement.
 - displacement from livelihoods.



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Impact of disasters

- 303 cyclones occurred in the Philippines between 1990 and 2006.
- extremely strong winds, torrential rains, floods, landslides, storm surges causing coastal flooding.
- Large number of displaced persons.
- Need for safe transitional shelter and resettlement.



“disasters produce more marginal people - people who have survived but are unable to recover their livelihoods, who are destitute and forced to live in even more vulnerable situations”

(Wisner and Luce, 1993).

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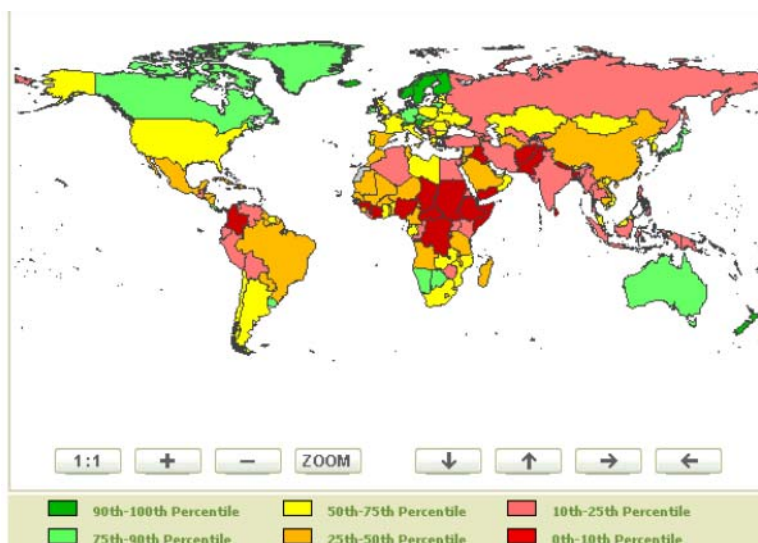
Limitations in Capacity

- Many of the countries in the region have *Least Developed Country* (LDC) Status:
 - Cambodia, Lao PDR, Myanmar.
 - Samoa, Solomon Islands, Timor-Leste, Tuvalu, Vanuatu.
- Many Pacific Island Countries are SIDS.
- Many of these countries are also in the lower half of the Transparency International Perceptions of Corruption Index.
- Land tenure varies widely from region to region and within regions, but high percentage of customary lands.
- Ongoing land administration projects underway in several countries in SE Asia, and the Pacific Land Program.

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Political Stability

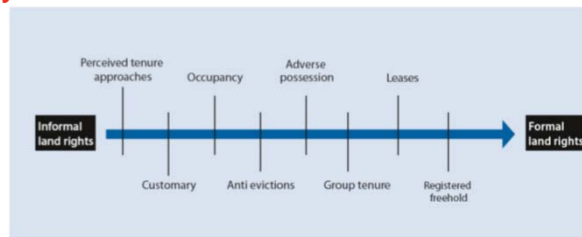


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Why tenure security is important

Many of the most vulnerable have poor tenure security.



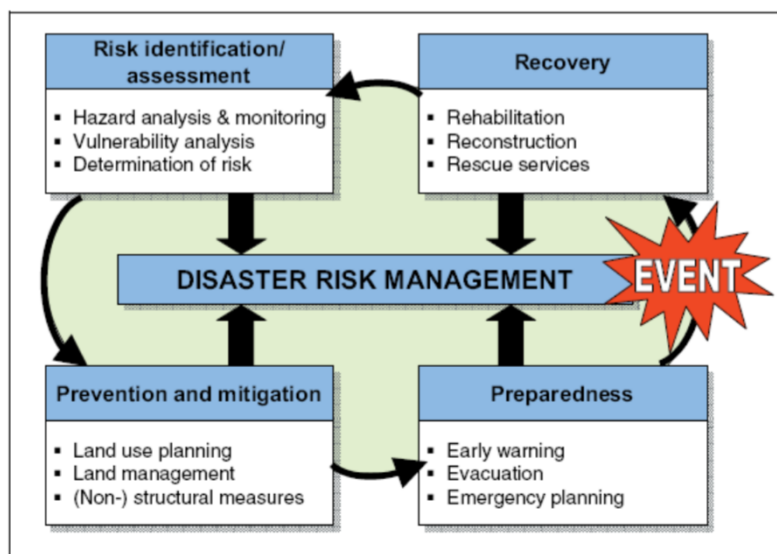
- Material threats from displacement – land grabbing, coercion, forced resettlement.
- Material threats from destruction – damage to property, loss of land records, land degradation, damage to boundary marks and footings.
- Administrative threats – poor public sector capacity, ad-hoc rule changes.
- Human rights threats – discrimination, inappropriate land acquisition and compensation.

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Elements of Disaster Risk Management

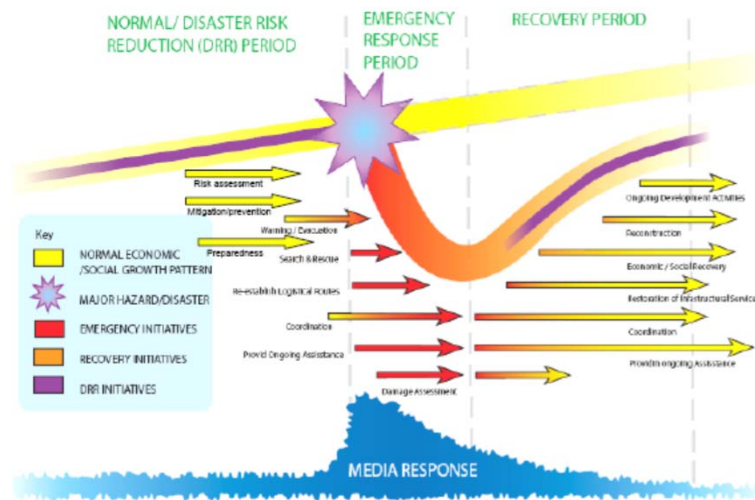
(FIG Publication 38, 2006)



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The DRM Framework (Baas *et al*, 2008)



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Emergency response - evacuation

- Significant displacement of people after a disaster.
- Humanitarian Charter and Minimum Standards in Disaster Response (Sphere, 2004).
- Range of short term shelter options from settlement camps to host families, and quality of shelter may be progressively improved.
- Expectation that they will be short-term.
- Resettlement needs to involve community consultation.
- Respect tenure security of host communities.
- Keep records of people in post-disaster settlements, and recognise their tenure rights.

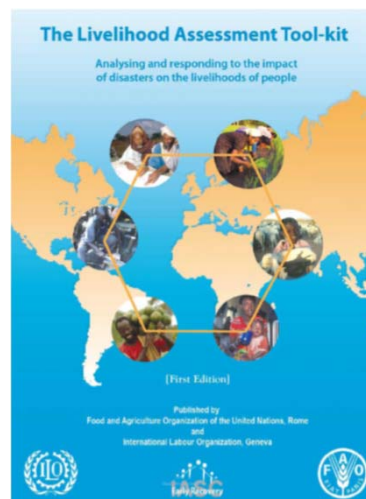


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Emergency Response – Rapid Assessments

- Humanitarian and emergency agencies undertake *Damage and Loss*, and *Livelihoods* assessments in the first 2 weeks, to gain initial understanding of the impact.
- Life saving issues are key at this stage – not land issues!
- However, early consideration of land issues is helpful for later action.



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Including land issues in a rapid assessment

Pre-disaster situation	Pre-disaster attitudes to land
	The legal framework for land administration
	Capacity of the land administration system
	The main features of property rights and land tenure systems.
	Identify key laws and regulations on land and property, including discriminatory housing and property laws and acts in relation to displacement, age and gender in particular.
Post-disaster situation	Assess the impact of the disaster on the land
	Impact of disaster on land records.
	The extent of geospatial (mapping) information
	Assess the need for resettlement
	Impact on vulnerable groups
	Impact on the land agencies

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Early recovery – land availability and hazard risk mapping

- Vulnerability of people can be reduced by the appropriate siting of post-disaster settlements.
- Resettlement away from low-lying coastal areas can reduce vulnerability to cyclones.
- A lack of access to safe land leads to people settling on hazard-prone land. An analysis of land availability can help identify alternatives.

The pull back to pre-disaster lands

- For most disaster-affected people the opportunity to return to their own land and dwellings is a major goal.
- They may have lost pre-disaster livelihoods, fear loss of property through looting, or loss of community.
- People who are resettled from hazard-prone lands may later return.
- However, there may be security concerns, safety issues, fear of persecution, site clearance after a disaster, and reconstruction activities.

Long-term recovery – resolving claims to land

- Important to resolve claims to land (adjudicate) prior to reconstruction to reduce future land disputes.
- Information from post-disaster assessment is useful.
- Involve the community in the adjudication process – e.g. Community Driven Adjudication in the RALAS project.
- Adjudication involves determining the validity of claims to land and the location of boundaries.

Long-term recovery – resolving claims to land

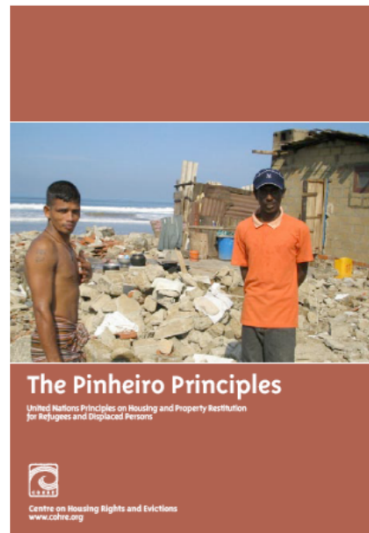
- There are different levels of legitimacy of claims to land:
 - legally legitimate – individual or communal tenure recognised by law.
 - socially (but not legally) legitimate – e.g. customary rights to state land, informal settlements, tenants.
 - lacking legitimacy – e.g. illegal occupation (palmer *et al*, 2009).
- The second category of rights is more difficult to verify and the landholders are more vulnerable to eviction.

Reconstruction – restoring capacity in the land administration system

- Recovery and reconstruction places greater demands on land agencies than experienced pre-disaster.
- There may have been damage to buildings, equipment, surveying infrastructure, boundary marks, or loss of records.
- Capacity will need to be restored, and the aim should be to “Build Back Better”.
- Staff may need training in post-disaster processes.

Long-term resettlement and restitution

- The Pinheiro Principles provides guidance on restitution for displaced persons.
- The aim should be for return to pre-disaster lands where safe and desired.
- Tenure security should be at least as good as pre-disaster.
- Where permanent resettlement provide recognition of property rights and essential infrastructure.



Mitigation

- Develop land policies based on a consultative and participatory process, as a basis for gradual improvement to tenure security.
- Develop land use master plans based on a consultative and participatory process.
- Voluntary resettlement of people in hazard-prone areas where appropriate.
- Decide upon potential transitional settlement areas.
- Undertake education on land rights for people living in hazard-prone areas.
- Ensure land records are safe from the impact of disasters.

Preparedness

- Documenting the pre-disaster land tenure systems and attitudes to land.
- Developing a register of pre-disaster landholders and their level of tenure security.
- Undertaking capacity building for land administration agencies.

Concluding comments

- Poor tenure security and poor recognition of property rights increases vulnerability.
- The poor, women, children, and minority groups are the most vulnerable.
- Land issues cant be addressed in response phase but preliminary work is important.
- Information about land issues from rapid assessments should guide recovery and reconstruction.

Concluding comments

- Provide recognition of tenure for people resettled after a disaster.
- Improvements to tenure security is a long-term process and is best achieved after the development of a consultative land policy framework.
- Involve the community in all decisions on resettlement and restitution.



Five years after the Asian Tsunami: New homes in Deah Baro village, Banda Aceh, which was destroyed by the tsunami.
(Source: www.guardian.co.uk)

Thankyou!