

The Governance of Recovery and the Recovery of Governance: Learning from the Spatial Planning Practice During Aceh' Reconstruction Process, 2005-2009

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ABSTRACT

The experiences of Aceh' recovery after the December 2004 Indian Ocean earthquake and tsunami provide an example for the study and practice of governance of recovery, not only in Indonesia but also in the world. Three specific aspects justify this: the scale and background of the disaster, the extra-ordinary measures taken, and the effectiveness of the measures. The challenges of the disaster were not only that the disaster had an unprecedented scale, but also it was in the middle of a three-decade long armed conflict between the central government in Jakarta and the Independent Aceh Movement (the GAM) in the province. In addition, it was also at the time when the country just recovered from deep multi-dimensional crises, and took place when the country practically had no effective legal and institutional infrastructure in place, and preparedness, to face large-scale disaster. In short, the disaster simply brought additional challenges to the many burdens the country had faced. Such challenges affected the way the recovery process was governed. The establishment of a coordinating and implementing agency with robust authorities, instead of utilizing existing government structure as previously practiced, and the appointment of a strong leadership, were determining factors. Generous supports from international communities were, therefore, a consequence of a built-trust and confidence. Moreover, with such a mandate, breakthrough was possible, such as in the village planning which overcomes the limited provision of the existing spatial planning law. Reflecting from these experiences it might not be easy for authorities in recently disaster-impacted areas in Central Sulawesi Province, for instance, to be as effective as BRR was in Aceh (and Nias). In Central Sulawesi, basic principle of rehabilitation and reconstruction, i.e. the immediate return of situation to normalcy, hardly achieved due to complex processes of multi-level decision-making.

Keywords: *governance, rehabilitation-reconstruction, spatial planning*

1. INTRODUCTION

The study and practice of disaster governance have not been developed well, not only in Indonesia but also in the world [1]. Available studies, such as Anderson [2] on (inadequate) responses after the Katrina hurricane, and Yoshimitsu, et.al [3] on the reconstruction of the post-Hanshin earthquake, mention the issue of governance in a scattered way. Only Samadhi [4], perhaps, who have raised and discussed the challenges of governing rehabilitation and reconstruction (R/R) in Aceh-Nias more thoroughly. Several factors may have contributed to this limited development. **First**, limited number of large-scale disasters took place in the last several decades. Consequently, opportunities to develop cases or justify strong legal and

institutional frameworks have also been limited. Meanwhile, **Second**, existing institutions dealing with disasters were considered sufficient as scale as well as frequency of previous disasters were relatively small and manageable. In Indonesia only after the earthquake and tsunami in Aceh, 26 December 2004, that a special agency for disaster management, i.e. National Agency for Disaster Management (or BNPB – *Badan Nasional Penanggulangan Bencana*) was established and a special law (i.e. Law No 24 year 2007 on Disaster Management) was issued.

International communities have formulated various recommendations on disaster risk reduction and prevention measures to governments and other stakeholders, such as the Hyogo Frameworks for Action, 2005-2015 [5] and the

Sendai Framework for Disaster Risk Reduction, 2015-2030 [6]. Although those recommendations have been instrumental in strengthening the readiness of nations to disasters, none, however, specifically formulated on how disaster recovery should be governed. The governance of recovery is much dependent on institutional set up and legal infrastructure of each country. Therefore, to learn more on disaster recovery governance, we need to look at the experiences of nations. It is in this context that specific experiences of Aceh' rehabilitation and reconstruction, such as on spatial planning, provide lessons to improve the practice of disaster governance, not only in Indonesia but also in the world [7].

During its existence, the executing and coordinating agency of rehabilitation and reconstruction of Aceh and Nias(BRR -*Badan Rehabilitasi dan Rekonstruksi Aceh dan Nias*), with the generous assistance of no less than 900 international and national agencies from 55 nations [8], had been able to finish no less than 140,000 houses, 3000 kilometers of road, 120 bridges, 2000 school buildings, 14 seaports, rehabilitation of 60,000 Ha of agricultural land and 20,000 Ha of fishpond [9]. In addition, BRR was also able to assist gradual recovery of provincial and district/municipal governments' capacities which were ineffective not only due to the geological disaster but also to the social and humanitarian disaster of the previous 3 decades. Since its second year of the 4 years existence of BRR (April 2005-April 2009), the agency received highest opinion of National Supreme Auditor (BPK-RI), best Report of the Performance of Government Institution (also since its second year), etc. With these achievements, the process of governing the recovery and recovering the governance may be considered completed satisfactorily.

2. PURPOSE AND METHODOLOGY OF THE STUDY

This study seeks to investigate lessons that can be learned from experiences of post-disaster recovery governance in Aceh. Specific experiences of spatial planning are taken as focus of the study. In addition, the study also reviews the mechanisms that have been used to complete such a mandate. At the end of the study the author also wishes to reflect on the case of current R/R of post-disaster in the Province of Central Sulawesi.

Most of the data used for this study were collected during the author's terms as humanitarian worker in Aceh from January 2005 to August 2009. This included a role in UN-Habitat (January – December 2005), a civil society initiative of Re-Act/URDI (January – April 2006), BRR (April 2006-April 2009), and, later, at the closed of BRR, as an advisor to BKRA (*Badan Kesenambungan Rekonstruksi Aceh – Agency for the Continuation of the Reconstruction of Aceh*)

(June – August 2009). Additional data and notes were also excerpted from documents and archives of above aid agencies as well as studies undertaken by various parties, including hired consultants for above agencies.

3. CHALLENGES OF R/R IN ACEH

Four major challenges underlie the context for the disaster recovery and the way it was governed later, namely:

- a. **The (unprecedented) scale of the disaster.** The magnitude and impacts of the December Indian Ocean earthquake and tsunami in Aceh, Indonesia, was unprecedented in the modern era. According to USGS, the earthquake was at magnitude of 9.1 Richter Scale [10] and impacted large number of casualties: 127,720 persons death and 93,285 persons missing, and substantial loose of assets [9]. The following map and table show result of damage assessment conducted jointly by Bappenas (National Development Planning Agency) and International Donors in January 2005 [11].

Figure 1: Unprecedented Damage Along Aceh Coastline



Source: [9].

- a. **The three-decade long armed conflict** between the Independent Aceh Movement (GAM) and the Central Government. This may be taken as a continuation of uneasy relations of the people of Aceh and various external authorities since the last quarter of the 19th century [22]. Various efforts have been made to cease the conflict, but of no satisfactory results. Only after rounds of negotiation, after the disaster, a peace agreement was finally signed between the two parties, 15 August 2005. According to Hamid [12], three factors stimulated the agreement, one of which was the disaster and the understanding that continued conflict would only worsened the misery of the people of Aceh.

- b. **The recovery process of the country from deep financial, economic and socio-political crises** of 1998-2000. The disaster struck at the time when the country just recovered from financial and economic crises with the dismissal of the Indonesian Bank Restructuring Agency

(IBRA, or BPPN), February 2004 [23]. Despite technically recovered, however, not all financial-economic indicators have returned to normalcy -- the economic growth, for instance, had not returned to the pre-crisis level. The disaster, therefore, only brought new challenges to the country. Furthermore, “the scale of the humanitarian catastrophe and physical devastation was too great for any one of the affected nations to manage on its own, with the possible exception of India...” [13]. Fortunately: “The international community opened its heart and walled in an outpouring of sympathy and support...” [13]. Out of US\$7.2 billion pledged, US\$6.7 billion realized for R/R projects. This amount came from NGOs (US\$2.4 billion, or 35.8%), donor agencies (US\$2.2 billion, or 32.8%), and from Government of Indonesia (US\$2.1 billion, or 31.3%) [8].

c. **The relative non-existence of a robust legal and institutional infrastructure to deal with large-scale disaster.** Even though the country lies in one of the most active seismic and volcanic zones in the world, practically no large-scale disaster had taken place since independent, prior to Indian Ocean earthquake and tsunami of 2004. This absence of large-scale disaster contributed to the non-existence of an appropriate legal and institutional infrastructure in place. The BNPB, as mentioned earlier, with its executing authority and resources, was only established in 2007, following the issuance of Law 24/2007 on Disaster Management.

4. SPECIFIC CHALLENGES: SPATIAL PLANNING

The BRR was established with a mandate to coordinate and to execute R/R efforts. In anticipation of its complex task, nominated chairman of BRR, Dr Kuntoro Mangkusubroto, demanded that: the agency should be based on a law, and its chairman should only report to the President. Furthermore, the agency should also be authorized to hire and fire to be able to have a winning team [9].

According to Law 10/2005 on BRR article 5 (a), R/R includes spatial planning, which means that the process of R/R should start with spatial planning. Presidential Regulation No 30 year 2005 on the Master Plan for the Rehabilitation and Reconstruction of Aceh (and Nias) mandated that all impacted cities and districts need to have RTRWKs (District or City Spatial Development Plan) in accordance to the existing Law 24 year 1992 on Spatial Planning. However, there were unanticipated challenges: Law 24/1992 on Spatial Planning stipulates that the formulation of RTRWK requires an RTRWP (Provincial Spatial Development Plan). At that time, the validity of RTRWP of the Province of Aceh, legalized in 1995, was in question since the morphology of the provincial coasts has

changed significantly due to the disaster. Moreover, the operability of a completed RTRWK was not yet sufficient at the technical level. A detailed spatial plan (RDTR) and building guidelines (RTBL), two sub-levels of the RTRWK, therefore, were also needed. The law requires for all these plans to be formulated serially and referenced to the spatial plan at the larger scope. With this formal procedure, the time needed for all plans to be completed was at least three years, and until then, housing structures should not be under construction. This certainly could not be accepted as the demand of all survivors of a disaster is to immediately return to normalcy. Therefore, a breakthrough was needed to be formulated and decided.

Case 1: Village Planning

Discussions toward the formulation of an earlier version of village planning (VP) have started as early as May 2005. The discussions led to the publication of 4 guidelines in June 2005, namely:

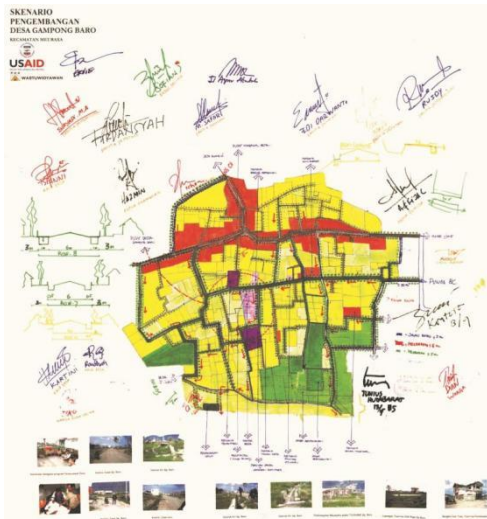
- a. Participatory Land Mapping;
- b. Manual for Community Agreement on Boundaries of Land Ownership, and Land Marks on Map;
- c. Manual on the Planning and Reconstruction of Villages; and
- d. Rehabilitation and Reconstruction of Houses.

Village Planning turned out to be an acceptable breakthrough to above legal constraint. Though the approach may not be the sole solution for the Acehnese’s complex reconstruction problem, it managed to pave the way for the R/R project. Two reasons justify this acceptance. **First**, Law 10/2005 on BRR stresses: “the rehabilitation and reconstruction ... must be conducted in a special, systematic, well-directed and integrated manner as well as comprehensive with the participation from, and taking into account aspiration and needs of, the society...”. This means, BRR was allowed to take steps, such as preparing transitional spatial plans, if it deemed necessary to accelerate the R/R process. **Second**, before and after the establishment of BRR, various voices such as from leaders of the Traditional Islamic Schools (*dayah*) of Aceh who urged the government to respect the traditions of the people of Aceh [14]. The traditions are represented, among others, in a belief that: *ureueng po rumoh* (literally: homeowners; symbolically: local people) are those who have ethical authority to decide what, and how, their houses and villages would be reconstructed. *Ureueng lingka* (literally: neighbors; symbolically: the external party) are those who come to provide assistance, but the authority must rest with the *ureueng po rumoh* [15].

Village mapping was an important necessary step preceding VP for some villages, especially those near the coast. Village mapping, conducted with the participation of the

village, was needed because traces of property boundary were sometimes not so clear due to the tsunami. The purpose of VM was more on having community agreement than on mapping out exact boundaries of individual and collective property. Results of village mapping, i.e. village maps, should be agreed by all concerned members of the community.

Figure 2: Example of A Legalized VP



Source: [16]

Formulation and enactment of a VP required varied time, depending upon situation of assisted community, assisting agency, and a number of specific post-disaster factors, such as the existence of community leaders (head of the village/*geuchik*, council of elders/*tuha peut*, etc.). Generally, however, overall process took 1 to 3 months. The enactment by the community, as manifested in the signing on the agreed site plans, was justified because: first, local governments were not fully effective. Second, article 6 of Law 10/2005 mandates the importance of participatory planning in R/R. The enactment of VP through community agreement was a reflection of such a legal direction. Another mechanism was also proposed later, i.e. community contracting mechanism. Community contracting is a mechanism in which skillful members of the community build houses of members of the community with materials and/or fund provided by assisted agency. This mechanism was approved by some assisting agencies, and also by BRR, i.e. on the island of Nias [17]. Community contracting was a reflection of the recovery of governance [18].

Case 2: Master Planning of the City of Banda Aceh

The city of Banda Aceh has already had a master plan before the tsunami struck, i.e. RTRW of the City of Banda Aceh, 2002-2010, legalized as City Regulation No 3 year

2003. However, as mandated in Perpres 30/2005, due to "...changed in urban structure...", the city has to have a new master plan. The process of formulating a new master plan started at the end of 2005. It was JICA (Japan International Cooperation Agency) who proposed and conducted an "Urgent Rehabilitation and Reconstruction Plan" (URRP). This urgent plan was intended as transitional guidelines for R/R efforts, as a formal master plan, i.e. an RTRWK, should follow a certain format, contents, and procedure, as dictated by Law 24/1992 on Spatial Planning as well as, later on, Law 26/2007 on the same. Consulting agencies during plan formulation process included the City Government of Banda Aceh and BRR. JICA finalized its work and presented it to those agencies in February 2006. Therefore, the plan was taken as guidelines perhaps for several initial R/R projects.

The second important initiative was taken by each local governments, including the government of the city of Banda Aceh, and supported by BRR, to formally fulfill the mandate of Perpres 30/2005, i.e. to prepare a new RTRWK (City Spatial Development Plan). Formulation process of this plan was thorough, which includes: broad-based data collection (including Focus Group Discussion with concerned communities), stakeholder consultation, examination by technical agencies (such as: BRR, City Development Planning Agency). Technically, this process ran through 2006-7. This process was also benefited from the availability of proper geo-spatial maps provided by the team of geo-spatial agency at BRR. Legalization process includes: assessment by and letter of recommendation from technical department, such as Ministry of Public Works, and thorough elaboration by local parliament. At the time BRR closed its office in April 2009, all cities and regencies were in the process of finally formulating or legalizing their RTRWKs.

5. CONCLUSION AND LESSONS LEARNED

In term of spatial planning, several conclusions and lessons may be learned from experiences of R/R in Aceh:

- a. The coordinating and implementing agency of large-scale R/R should be robust, with a clear and sufficient authority in decision making. It is with this authority that the R/R in Aceh, for instance, was able to make a breakthrough in conceptualizing and applying the VP initiative;
- b. The coordinating and implementing agency of R/R and its leadership need to be as close as possible to the field so as to enable them to respond to immediate needs of the survivors and R/R;
- c. Although responsibility to formulate and legalize RTRWKs rests with local governments (according to Law 26/2007 on Spatial Planning) higher government

level needs to facilitate this process so as to accelerate it;

- d. In the case where RTRWKs could not be formulated and legalized in due time a transitional (spatial) plan need to be considered. The Law on Spatial Planning or the Law on Disaster Management should have a clause on a transitional plan after a large-scale disaster. The sole purpose is to accelerate the R/R process to enable survivors to return their life to normalcy. Later, this transitional plan can be integrated to a formal RTRWK;
- e. In the case of limited data available, including data on borders of individual housing lot, the socially most-acceptable and effective way was to rely on information and acceptance from the villagers. Therefore, those villagers should have a role in the planning and decision making processes concerning the R/R of their village [18] [19].

The case of R/R in the city of Palu and 3 other regencies (Donggala, Sigi and Parigi Moutong) in the Province of Central Sulawesi, following the September 28, 2018 earthquake and tsunami have faced various challenges. According to *Pemerintah Provinsi Sulawesi Tengah, 2018* [20], impacts of the disaster demonstrate that existing RTRWP and RTRWK of 4 impacted cities and regencies should be reviewed, to seriously accommodate the problem of fault lines, liquefaction sites, etc. in these very active seismic zones. As shown in the same report, in the last 90 years alone, 4 earthquakes and tsunamis have struck the coast of Donggala, ranging from 2 to 10 meter high [20]. Therefore, the reviews of those spatial development plans should be fundamental, as city and settlements developed in have been ignoring such fault lines for several decades; one of the fault line, i.e. Palu Koro fault line, for instance, is passing right inside the City of Palu.

The master plan for the R/R of Central Sulawesi, however, does not provide clear guidelines as to how to deal with such challenges. Even worse, the master plan does not anticipate the challenges toward the legalization of RTRWP, RTRWK and RDTR, i.e.: the long process of validating KLHS (*Kajian Lingkungan Hidup Strategis* – Strategic Environmental Study), and recommendation of maps approval [21]. However, it does not provide direction, or steps to be taken by responsible agencies to accelerate the process of legalizing those spatial plans in the context of R/R. Existing legal and institutional provisions or guidelines do not provide sufficient room for decision makings by officials who work from/at the field; with regard to spatial planning, technical recommendations are still needed from the central government in Jakarta. Therefore, basic principle of R/R, i.e. immediate return (of survivors) to normalcy, was a question mark.

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