Voluntary Land Donation (VLD) as a Form of Land Acquisition

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(with thanks to Indira Dharmapatni
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Motivations for using Voluntary Land Donation (VLD) include:

- Community development projects may require in-kind land contributions from the community (strengthens cooperation and project ownership)

- To stretch limited project funding where land acquisition is part of the overall project cost (government roads projects, for example)

The Voluntary Nature of Land donations may be questioned when:

- The owner of land to be donated cannot be given the power of choice and the ability to say “no” if they do not agree with the donation

- “Voluntary” is more likely when construction is not location specific. Because if owners object to one location, it can be built on another location where they agree (ex: a school can be sited in different locations but a reservoir for a dam might not be)

- “Voluntary” is less likely in cases of location-specific infrastructure. When the owner cannot say no if there is only one suitable project location for building, **then** the chance of coerced acceptance / or eventual expropriation is much greater

VLD is popular in Community Driven Development (CDD). Indonesia has a large WB CDD Programs (PNPM)

- **National Urban and Rural Community Empowerment Programs since 2008**

  - 13,000 urban wards -- 21 million people
  - 4,800 sub-districts – 60,000 villages

- **Water and sanitation project**

  4,000 rural villages, access to water for 3.5 million and to sanitation for 2 million

- **Fast growing portfolio**

  $ 2.6 billion since 2006→ 1.5 billion during 2010-2011, high percentage of GOI contribution

- **These programs involve significant VLD**

Types of community projects Involving Land Donation

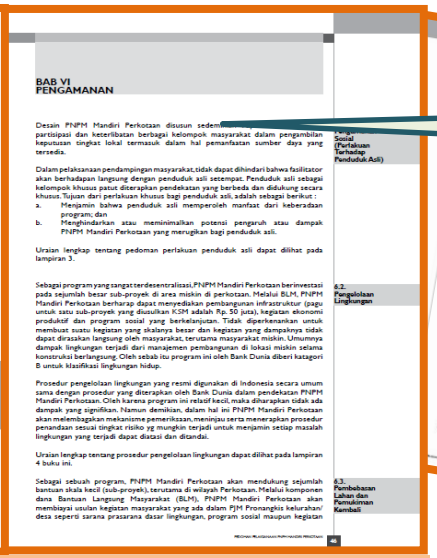
Challenges and Risks of Community VLD

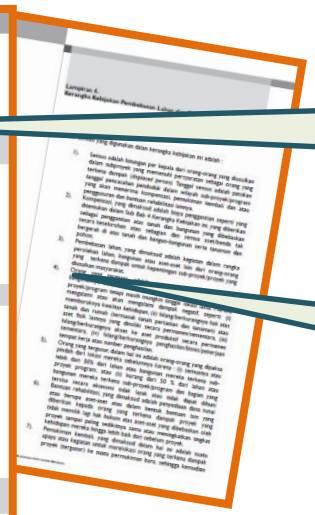
- Community's understanding of VLD and its consequences (pros and cons), poorly documented land decisions can divide community
- How to ensure that "voluntary" is "truly" a voluntary decision to donate or not donate, made without coercion
- Donated by whom (clans, families, individuals) and for what (use with limitations, transit, right of return)
- How to ensure that the project provides various options/sites for project infrastructure
- Legal issues: taxes, is there a need to transfer land title?
- Lack of documentation of key decisions may lead to complaints

GRM (Grievance redress) in Indonesia CDD Projects

- GRM at three levels – village, city, national
- Complaints box, text/phone number, email/project web
- Facilitators/consultants at local and national levels (capacity building)
- Complaints follow-up, responses recorded

Guidance through project manuals and other instruments





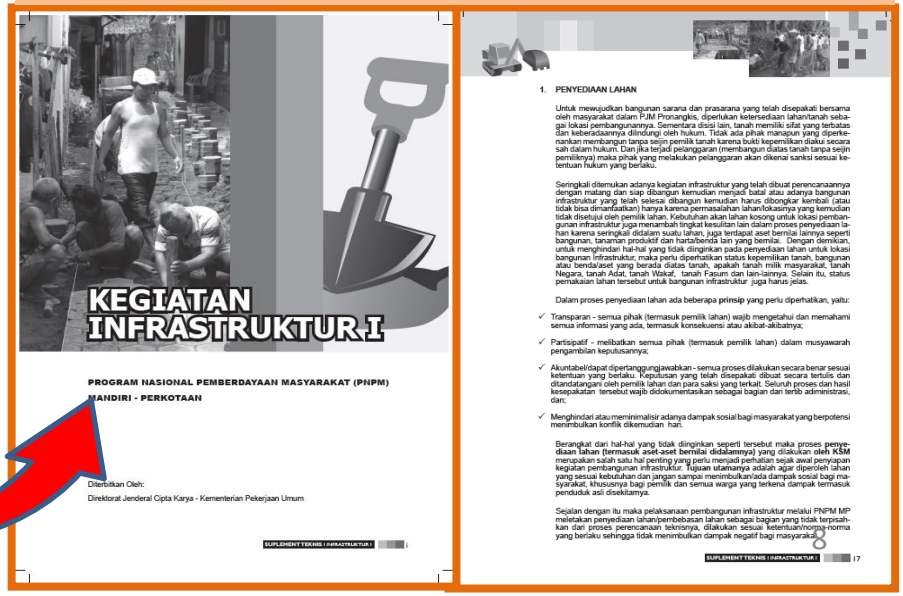
Safeguards, policy, standards in main text

details in annex

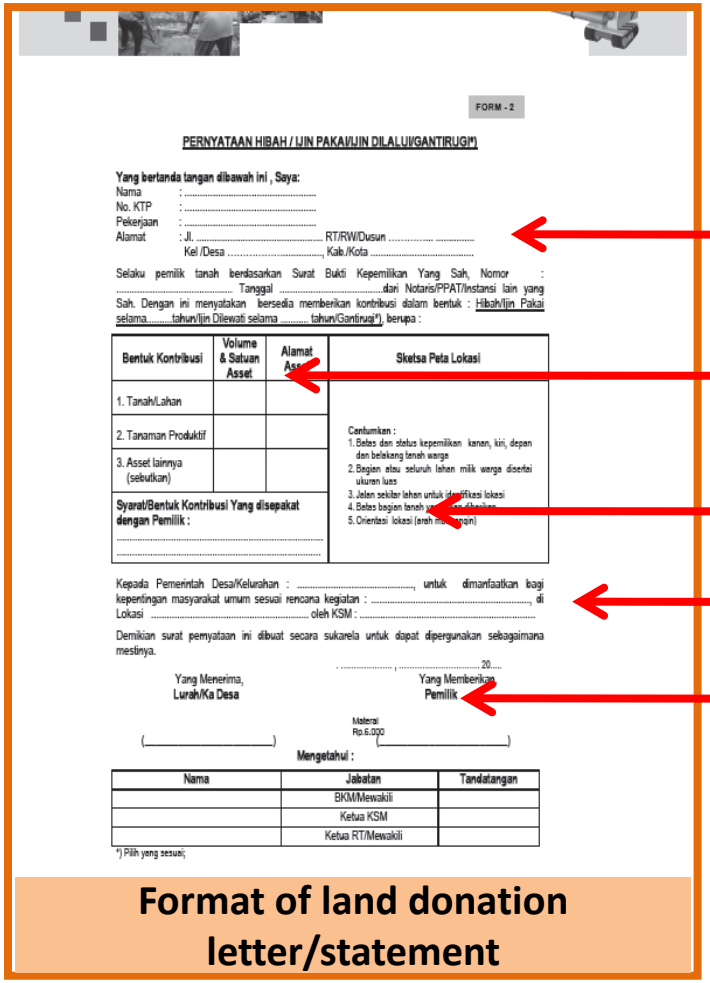
PNPM Urban General Project Guidelines

2. Technical Guidelines for Safeguards

Technical Manual for Infrastructure



Format for land donation documentation provided



FORM - 2

PERNYATAAN HIBAH / IJIN PAKAI/IJIN DILALUI/GANTIRUGI*)

Yang bertanda tangan dibawah ini , Saya:
Nama :
No. KTP :
Pekerjaan :
Alamat : Jl. RT/RW/Dusun
Kel /Desa , Kab./Kota

Selaku pemilik tanah berdasarkan Surat Bukti Kepemilikan Yang Sah, Nomor : Tanggal dari Notaris/PPAT/Instansi lain yang Sah. Dengan ini menyatakan bersedia memberikan kontribusi dalam bentuk : Hibah/Ijin Pakai selama tahun/Ijin Dilewati selama tahun/Gantirugi*), berupa :

Bentuk Kontribusi	Volume & Satuan Asset	Alamat Asset	Sketsa Peta Lokasi
1. Tanah/Lahan			Cantumkan : 1. Batas dan status kepemilikan kanan, kiri, depan dan belakang tanah warga 2. Bagian atau seluruh lahan milik warga disertai ukuran luas 3. Jalan sekitar lahan untuk identifikasi lokasi 4. Batas bagian tanah yang akan dihibahkan 5. Orientasi lokasi (arah mata angin)
2. Tanaman Produktif			
3. Asset lainnya (sebutkan)			
Syarat/Bentuk Kontribusi Yang disepakat dengan Pemilik :			

Kepada Pemerintah Desa/Kelurahan : untuk dimanfaatkan bagi kepentingan masyarakat umum sesuai rencana kegiatan : di Lokasi oleh KSM :

Demikian surat pernyataan ini dibuat secara sukarela untuk dapat dipergunakan sebagaimana mestinya.

, 20....

Yang Menerima, Lurah/Ka Desa

Yang Memberikan, Pemilik

Materai Rp.6.000

( ) ( )

Mengetahui :

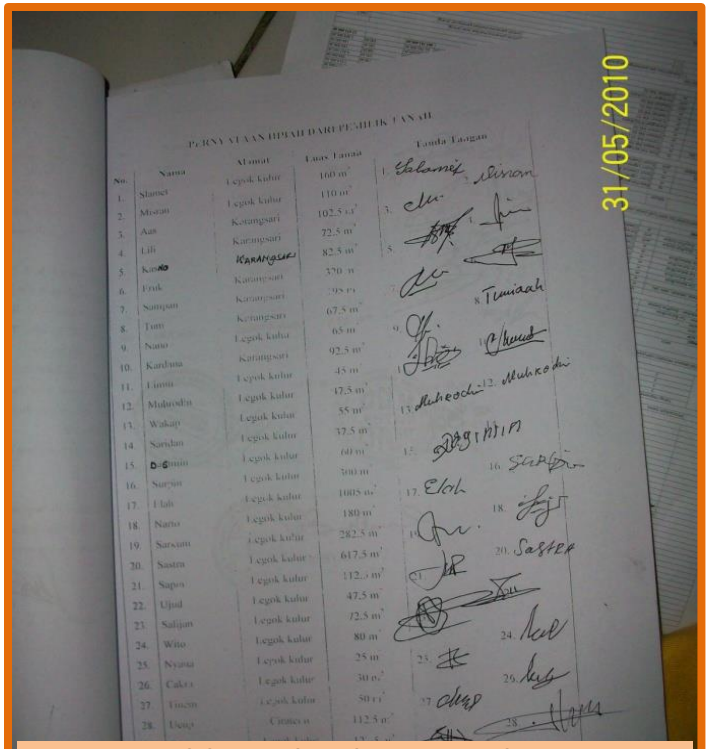
Nama	Jabatan	Tandatangan
	BKM/Mewakili	
	Ketua KSM	
	Ketua RT/Mewakili	

*) Pilih yang sesuai;

Format of land donation letter/statement

Format for land donation letter/statement

- Land Owner Data (name, address, occupation)
- Title, status, address, and condition of land
- Site Map
- Utilization of Land
- Signature of Land Owner & Head of Village, witnesses, and also acknowledgement of local village government



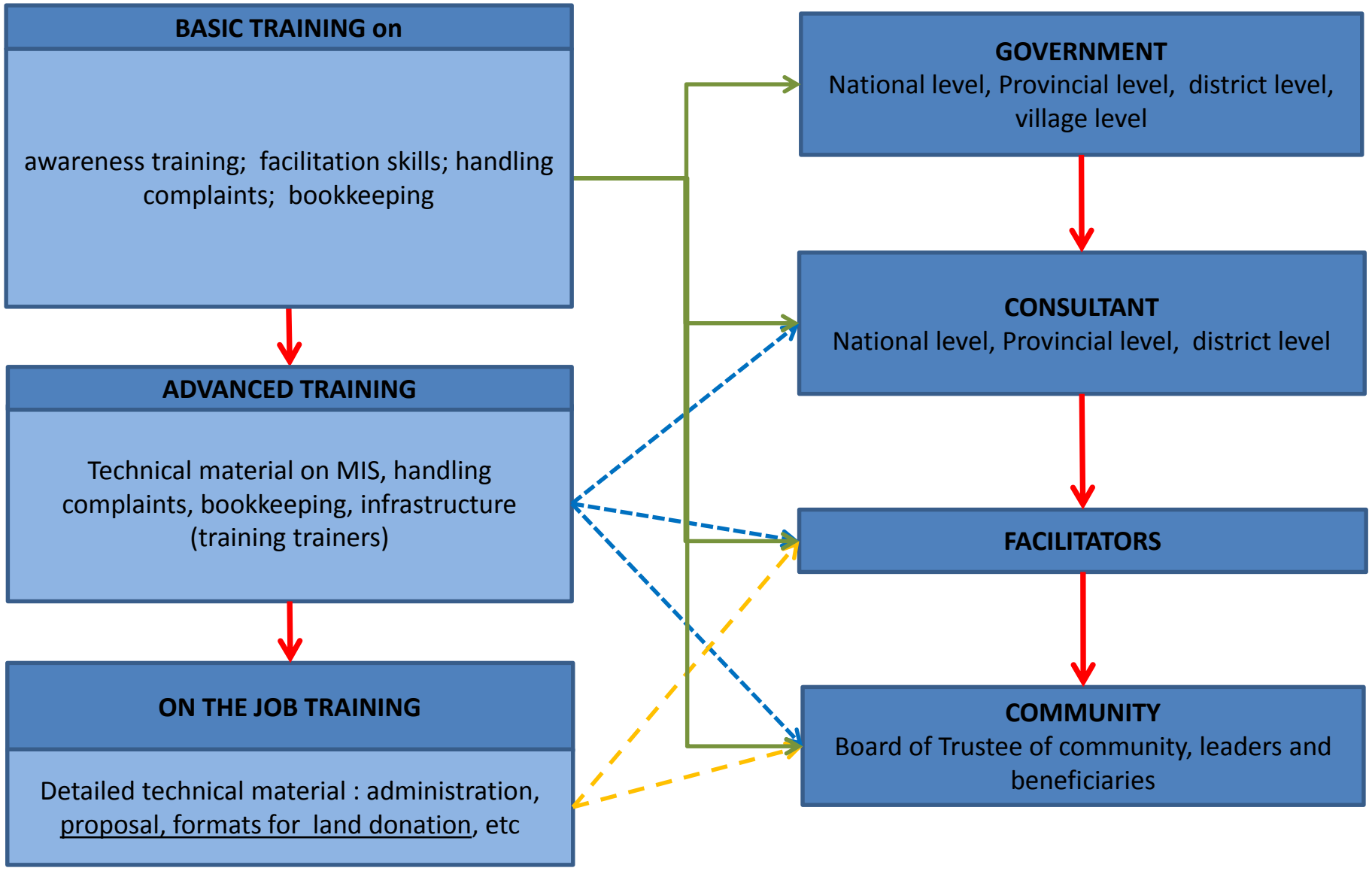
Name, address, land size, and signature of land owner in format for land donation

Facilitation, support, training

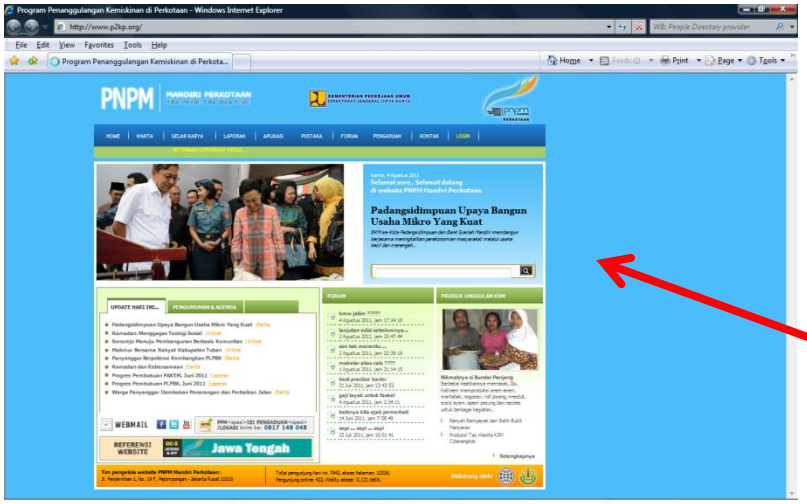
Capacity building

Project management, facilitators, village governments

TRAINING


BASIC TRAINING on
awareness training; facilitation skills; handling complaints; bookkeeping
ADVANCED TRAINING
Technical material on MIS, handling complaints, bookkeeping, infrastructure (training trainers)
ON THE JOB TRAINING
Detailed technical material : administration, proposal, formats for land donation, etc
GOVERNMENT
National level, Provincial level, district level, village level
CONSULTANT
National level, Provincial level, district level
FACILITATORS
COMMUNITY
Board of Trustee of community, leaders and beneficiaries

Supervision and Oversight



Monitoring

- Web-based monitoring results (CDD project web site)
- Regular supervision by government and donor
- Regular meetings face to face and teleconference with facilitators, local govt., beneficiaries

Limited VLD: insufficient for proposed design need

Drainage was built without proper alignment, may need to be deviated

Public latrine was built in very small area next to alley.

Public latrine was built too close to access road without proper safety divider

Spring water capturing facility was built into steep cliff

Successful VLD management in Indonesia (PNPM) CDD projects depended on:

- Strong management capacity involving consultants, facilitators, and local government
- Good project socialization and capacity building programs
- User-friendly project guidelines and formats
- Easy to use complaint handling
- Willingness to process the land ownership transfer when needed (individual to community)
- Good coordination between local government and project stakeholders

Different Community VLD Scenarios