

DRAFT AIDE MEMOIRE: PACIFIC REGIONAL LAND INITIATIVE

A. BACKGROUND

Land policy reform is increasingly on the agenda in the Pacific region. Papua New Guinea, Vanuatu, Solomon Islands, Samoa, Tonga and East Timor are all undertaking or considering ways of strengthening their land systems. And the growing push for reform is not coming from governments alone. Customary landowners in many countries recognise that their present and future livelihoods depend on sensible and sustainable management of traditional lands. Land is crucial for food security, shelter, community development and economic wealth. It is central to the growing regional challenges of urbanisation, migration, resource-related conflicts and - in some cases - political instability and state fragility.

National and local land policy reform efforts in the Pacific have the potential to be complemented by 3 ongoing regional activities: (1) the Land Management and Conflict Minimisation (LMCM) agenda, (2) the Pacific Urban Agenda (PUA), and (3) The Pacific Land Program.

Land Management and Conflict Minimisation (LMCM)

Starting in 2006 the Pacific Island Forum Secretariat undertook research into the linkages between land management and conflict minimisation in the Pacific. The results of the research are contained in a synthesis report published in 2008 called “Improving Access to Customary Land and Maintaining Social Harmony in the Pacific.” The Forum also developed 12 Guiding Principles and an Implementation Framework to provide guidance to Pacific Island Forum states, which were endorsed at the leaders meeting in 2008. The leaders provided the Secretariat of the Pacific Community (SPC) with the mandate to develop a regional initiative to support national land reform efforts. The regional initiative will be implemented by SPC’s Land Resources Division.¹

The Pacific Urban Agenda (PUA)

SPC has also been given implementation responsibility for the Pacific Urban Agenda (PUA), which was developed at a regional meeting in 2003² and formally adopted and included in the Pacific Plan (Initiative 13.5) in 2005. A number of development partners have supported this work including NZAID, UN Habitat, Cities Alliance, ADB, UNESCAP and the Commonwealth Local Government Forum (CLGF). PUA activities have a strong land dimension, not only in terms of urban land planning but also in relation to customary land and the development of peri-urban settlements.

¹ Pacific Islands Forum Secretariat 2008, 39th Pacific Islands Forum, Alofi, Niue (19 – 20 August 2008) Forum Communiqué, <http://www.forumsec.org.fj/_resources/article/files/FINAL%202008%20Comuniqu%20-%2020%20Aug%20081.pdf>

² Pacific Conference on Urban Management, 1-4 December 2003, Nadi, Fiji.

The Pacific Land Program

In 2008, the Australian Government announced a \$54 million budget initiative for a second phase of its Pacific Land Program. This program was established in 2006 to support countries in the region that wished to strengthen their land systems. A key focus is on supporting land practitioners, broadly defined to include professional, technical, administrative personnel as well as civil society and customary stakeholders. The second phase will run for an initial four years and, in addition to the existing bilateral programs in Papua New Guinea, Vanuatu and Solomon Islands, includes plans for a regional component. The indicative budget for the Pacific regional land initiative is A\$12 million over 3 years (i.e. until 30 June 2012).

Since 2007 there has been a significant level of consultation to explore the potential scope of an AusAID regional land initiative. These include: (i) discussions with technical experts and Pacific stakeholders associated with the *Making land work* report (ii) a scoping study in late 2007 into the education and training needs of land practitioners³ (iii) AusAID Pacific Land Steering Group meetings in 2007 and 2008⁴ (iv) a regional meeting of Pacific land administrators and land professionals in July 2008⁵ (v) presentations and discussions at the “*Making land work* Conference” in Vanuatu in June 2008 and (vi) follow-up meetings associated with the Pacific Urban Agenda.⁶

A Draft Concept Paper for a Pacific Regional Land Program was developed at the end of 2008 and informal feedback was received from a range of stakeholders within AusAID. The Concept Paper was amended to reflect this internal feedback in early 2009. A concept peer review was conducted in April 2009. The peer review provided approval to proceed to detailed design and made a number of suggestions for the design process.

A Joint Approach to Regional Land Activities

Building on regular consultations and collaboration starting in back in 2006, in July 2009 AusAID and SPC agreed to undertake a joint design mission to take forward the respective regional programs through a regional land initiative. A joint design approach was considered appropriate given the similar aims, approach and stakeholders associated with the LMCM, PUA and AusAID’s Pacific Land Program. The design team was made up of AusAID and SPC representatives as well as consultants with appropriate thematic and cultural expertise. From 6-21 August 2009 the team consulted with regional and national stakeholders in Fiji, Samoa, the Solomon Islands and Tonga (see annex).

³ *Scoping Study for a Pacific Regional Land Support Unit* (2008), Dr Ken Lyons and Steve Likaveke (former permanent Secretary of the Dept of Lands, Solomon Islands), commissioned by AusAID under the Pacific Land Program

⁴ The Pacific Land Steering Group provided advice to AusAID on the development of its Pacific Land Program. Meetings occurred on 16 Feb 2007 and 14 March 2008.

⁵ Pacific Regional Seminar 16-18 July 2008, *Good Governance in Land Tenure and Administration in the Pacific Islands*, Suva, Fiji; Organised jointly by FAO and USP, viewed March 2009 <<http://www.usp.ac.fj/index.php?id=6806>>

⁶ Pacific Conference on Urban Management, 1-4 December 2003, Nadi, Fiji; Second Pacific Conference on Urban Management, 23-25 April 2007, Nadi, Fiji; Pacific Regional Urban Management Workshop, 2-4 October 2007, Brisbane, Australia.

The regional land initiative will complement national and local land policy reform efforts, particularly in relation to LMCM/PUA activities, by taking advantage of economies of scale and service delivery mechanisms at the regional level.

B. DESCRIPTION OF PROPOSED ACTIVITY

1. Goal

The goal of the Pacific regional land initiative is to:

Provide regional support for Pacific Island land systems to enable greater levels of social and economic development and reduce the potential for instability due to land-related conflict.

2. Objectives

The long-term objectives of the Pacific regional land initiative are to enable greater social and economic development, and reduce the potential for land-related conflict, by:

- Capacity-building
 - *Expanding the pool of capable local land practitioners through relevant and accessible education, training and professional development*

- Coordination
 - *Facilitating greater coordination of land sector activities by regional and other stakeholders through better information-sharing and consultation mechanisms*

3. Anticipated Outcomes

While the program will work at a regional level to address land issues of common concern, by taking advantage of economies of scale, it is anticipated that outcomes will also be evident at the national and local levels. During the initial phase of the programme (i.e. until 2011/2012), the outcomes delivered at a regional level and identified through the consultation process will include:

- Greater numbers of land practitioners, including proportionate increases in the number of women and local land users, with appropriate tertiary qualifications, links to professional and peer groups, and/or access to training opportunities, information and community networks.

- Greater coordination of land sector activities through increased integration of gender issues, and enhanced access to information, networks and research, to support national and local land initiatives.

4. Components

There will be three components: (1) Information Sharing and Coordination; (2) Education, Training and Professional Development; and (3) a Flexible Funding Facility. Component 3 will

support components 1 and 2. All the components will be supported by a participatory priority-setting/needs analysis conducted annually.

Component 1 – Information Sharing and Coordination

This component contributes to capacity-building and coordination objectives by enabling ongoing learning and innovation by governments, civil society, donors and other stakeholders on land sector issues. It includes building linkages between global, regional and national stakeholders, facilitating training programs for national and local land practitioners, building up a pool of local experts, conducting regional workshops, and producing an annual regional land sector report. Information sharing and coordination activities will be provided through a Land Resource Centre, which will be based in SPC's Land Resources Division (LRD). The Land Resource Centre will require additional staff with relevant expertise to coordinate and facilitate regional land sector activities.

Component 2 – Education, Training and Professional Development

This component will contribute to the capacity-building objective in terms of improving the capacity of prospective and current land practitioners through greater access to formal education, training and professional development. It includes improving the curriculum across various land disciplines, establishing linkages between international institutions, professional associations and the private sector and aligning training and education programs to the current and anticipated needs of the sector. It also includes support for a regional association, partnerships between local and international professional associations and the development of relevant and accessible industry standards and codes of conduct.

Training and education activities will be provided through the University of the South Pacific Department of Land Management (USP-DLM), with support for scholarships, staff development, and course review and curriculum development. Professional development activities will be provided through the Pacific Islands Land Professionals Association (PILPA), with support for a secretariat, international linkages, continuing practitioner training, and ethics and standards development.

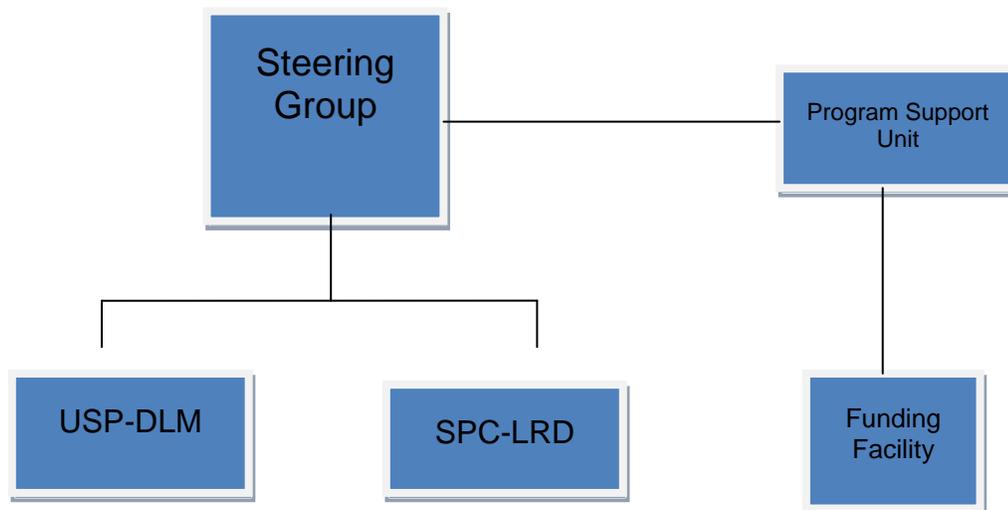
Component 3 – Flexible Funding Facility

The Facility supports the first two components by making resources available for prioritised activities of regional concern and/or that benefit more than one country. It will also provide capacity-building and management support for SPC LRD and USP DLM. Potential activities for resourcing support include competitive research and policy analysis grants, a workshop/conference fund, and workplace attachments and training of trainer programs.

D. Management Arrangements

Key components of the management arrangements will include a steering group, SPC-LRD, USP-DLM, and a program support unit.

Figure 1: Structure of Management Arrangements



The Steering Group will provide strategic oversight and advice. It will approve the annual work program for each component, endorse the annual land sector report, and endorse M&E appraisals. It will be made up of representatives from Pacific countries, regional organizations and donors.

The Program Support Unit will have responsibility for policy and program coherence, internal reporting and accountability, and monitoring and evaluation of the performance of the overall program. It will provide support for work planning, human resource development and annual land sector reporting.

SPC-LRD and the USP-DLM will have responsibility for operational management. It is proposed that USP-DLM will also have responsibility for support to PILPA.

The Flexible Funding Facility may be (1) contracted out, or (2) managed directly by AusAID.

E. MONITORING AND REVIEW MECHANISMS

A performance framework will be developed for the regional land program. A technical advisory group will review and monitor each component of the program. The methods and approaches to performance assessment will involve: (1) an annual land sector report, and (2) individual component and project reporting.

F. RISK MANAGEMENT

Risk	Proposed approach
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Lack of capacity in existing regional institutions (SPC & USP) and non-state actors to support national and local level land sector priorities	<ul style="list-style-type: none"> -Build up the capacity of regional institutions (SPC and USP) and civil society groups that have a regional footprint -Gradual and phased support given the limited absorptive capacity of these organisations -Support to both technical and corporate areas
Potential for Australian support to the land sector to be perceived as an unwarranted intervention in the Pacific	<ul style="list-style-type: none"> -Program to clearly and visibly support the Pacific Plan (in particular the Land Management and Conflict Minimisation principles and the Pacific Urban Agenda) -The program to support existing regional institutions (USP and SPC) rather than establish a new entity -Ensure direct ownership and control of the program through the establishment of Steering Group made up of Pacific Island country stakeholders -Development of a communication strategy that clearly identifies how the program is managed and supported by the region
Lack of donor coordination in the land sector and potential for duplication of development assistance	<ul style="list-style-type: none"> -Create new donor harmonisation and coordination mechanisms if necessary, as well as supporting existing mechanisms
Lack of demand for regional land services and difficulties in responding to emerging local and national land sector priorities in a timely way through a regional support mechanism	<ul style="list-style-type: none"> -The Program work plan will be based on a detailed needs analysis to identify the priority issues that are of common concern to countries and communities in the region -The Work plan will be based around a yearly planning and review cycle -Establishment of a flexible funding facility to support a range of activities at a regional level
Perception that the Program may support vested interests of politically and economically powerful groups at the expense of local communities and vulnerable groups including women	<ul style="list-style-type: none"> -Support initiatives on good governance in land administration -Support work by civil society to work with local communities and vulnerable groups including women (e.g. SPC's Community Education and Training Centre) -Distribution of an annual land sector report to keep key stakeholders informed about what the program is doing

G. NEXT STEPS

Follow-up consultations are required with USP and SPC to resolve some issues before the design documentation can be finalised. In relation to USP, these consultations include formalising the request for DLM assistance, and ensuring consistency and coordination with current USP donor support programs and institutional reform efforts. In relation to SPC, the consultations include finalising institutional responsibility for PUA activities, and determining the phasing in of capacity-building and management support for its new LMCM/PUA functions. It is also important to gain USP and SPC agreement on the details of governance interactions with the Flexible Funding Facility.

Follow-up consultations are also required with key stakeholders via Posts. Copies of the Aide memoire are recommended to be shared with Posts to provide feedback to be incorporated into the design. A draft design document will be submitted to AusAID and SPC in November 2009, followed by a design peer review in December 2009.

Acknowledgements

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ANNEX

List of Team Members

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Anna Naupa, Senior Program Officer – Vanuatu, AusAID

List of Agencies/Stakeholders consulted

Fiji		
Judith Robinson	Minister Counsellor, Suva	AusAID
Romaine Kwesius	Counsellor, Suva	AusAID
Cameron Bowles	Pacific Leadership Counsellor	AusAID
Rosalyn Morgan	Program Manager for Education (USP and ARDS)	AusAID
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Samoa		
Name	Position	Organisation
	President Vice-President Board members	Samoa Umbrella for Non Government Organisations
Tagaloa Jude Kohlhasse	Assistant Chief Executive Officer	Planning and Urban Management Agency
Tu'u'u Ieti Taule'alo	Chief Executive Officer	Ministry of Natural Resources and Environment
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Lui Seru	Principal Valuer	Central Property Valuers
Pele Fuata'i	Deputy CEO	Technical Division, Ministry of Natural Resources and Environment
Hinarui Petana	CEO	Ministry of Finance and Planning
Ian Bignall	Counsellor	AusAID Apia Post
Frances Schuster	Program Officer	AusAID Apia Post
Solomon Islands		
Shaun Williams	Consultant	World Bank – IFC
Daniel Evans	Consultant	World Bank - Justice for the Poor
Ruth Liloqila	Permanent Secretary	Ministry of Land, Housing and Survey
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		and Survey
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	Director of Land Registry	Ministry of Land, Housing and Survey
Hilda Kari	Land Reform Unit	Ministry of Land, Housing and Survey
Genesis	Land Reform Unit	Ministry of Land, Housing and Survey
	Director of Valuation	Ministry of Land, Housing and Survey
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Jane Christie	Program Manager	RAMSI Law and Justice Program
Barry Apsi	Adviser	RAMSI Law and Justice Program
James Remobatu	Permanent Secretary	Ministry of Justice
Pam Wild	Adviser to the PS of Justice	Ministry of Justice
Kirsty Burnett	NZAID Manager	NZAID
Dr. Abdoul Mbaye		EC Delegation
Rev. Leslie Boseto	President	Lauru Lands Association
Cromwell	Community leader	Lauru Lands Association
Edward Kingmele	Permanent Secretary	Ministry of Agriculture
	Under Secretary	Ministry of Agriculture
	Senior directors of Agriculture (Research, Extension, GeoPlanning)	Ministry of Agriculture
Sir Albert Palmer	Chief Justice	Supreme Court of the Solomon Islands
Ruth Maetala	Gender and CEDAW Officer	Ministry for Women, Youth and Children
Mia Rimona	Officer in Charge	SPC - Honiara
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Judy Tarilopo	Program Officer - Economic Infrastructure	AusAID
Andrew Shepard	Development Program Specialist	AusAID
Lynn	Acting Permanent Secretary and Director of	Ministry of Development, Planning and Aid

	Planning	Coordination
Adrian Toni	Director, Economic Infrastructure and Productive Sector	Ministry of Development, Planning and Aid Coordination
Andrew Fracas	Productive Sector Planner	Ministry of Development, Planning and Aid Coordination
Sakiusa Rabuka	Officer in Charge	PIFS - Honiara
Iris Wienders	Former LMCM Adviser to PIFS	
Tonga		
Name	Position	Organisation
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Lord Tuita	Minister	Ministry of Lands, Survey and Natural Resources
Salesi Fotu	Deputy CEO	Ministry of Lands, Survey and Natural Resources
Tevita So'otanga	Acting Deputy CEO	Ministry of Lands, Survey and Natural Resources
Simione Silapelu	President	TANGO
Kelepi Po'uliva'ati	Private Surveyor	Po'uliva'ati Private Land Surveyors
Viliula Mafi	Private Valuer	
Tsutom Nakao		Chamber of Commerce
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