

SECRETARIAT OF THE PACIFIC COMMUNITY**THIRTY- EIGHTH MEETING OF THE
COMMITTEE OF REPRESENTATIVES OF GOVERNMENTS AND ADMINISTRATIONS**
(Noumea, New Caledonia, 13-16th October, 2008)*REGIONAL POLICY AGENDA***AGENDA ITEM 3.3 - SUSTAINABLE LAND MANAGEMENT FOR ECONOMIC GROWTH
AND SECURITY**

(Paper prepared by the Secretariat)

EXECUTIVE SUMMARY

1. Land is an integral part of the lives of Pacific Island people and is the main source of livelihood for most. It is an essential part of people's cultural identity, binding communities together, and is an important element in social and political relationships.
2. More than 85 per cent of all land in Pacific Island countries and territories (PICTs) is customarily owned.
3. Population pressures, unsustainable logging and the effects of tourism development all have negative impacts on the land and the resources it provides. These impacts include loss of fertility, damage to watersheds, soil erosion and lagoon pollution.
4. Having secure access to customary land for economic development, while at the same time ensuring sustainable use of that land, has become more urgent with the need to increase the pace of economic growth in the region. Rarely, if at all, have the economic and security-related dimensions of land been pursued simultaneously. Experience around the world shows that there can be no peace without equitable development, which must include sustainable management of resources in a democratic environment free of conflict.
5. The challenges then become 'How can PICTs and resource owners unlock the development potential of their land, while at the same time retaining the security of their resources for current and future generations?' 'What is the role of governments in making land 'work' for their people?'
6. This brief paper tries to address some of the challenges that PICTs need to consider in developing land-based economic opportunities, while at the same time putting in place measures that will ensure the security of the land for landowners, developers and investors.
7. (Note: Parts of this paper draw on a major study supported by the Australian Government called *Making land work.*)

RECOMMENDATION

8. CRGA is invited to consider this paper and:
- i) note the decision of Pacific Islands Forum Leaders to prioritise land management and conflict minimisation in the Pacific Plan;
 - ii) note the findings of the study on *Making land work* and the assistance that Australia plans to provide to support this initiative in the region;
 - iii) endorse the promotion by SPC's Land Resources Division of land zoning and mapping, economic analysis of land use practices and community-based consultation processes as tools for sustainable development and management of land resources for economic growth in PICTs; and
 - iv) endorse the joint development by SPC and the Pacific Islands Forum Secretariat – with the support of national, regional and international partners – of a regional initiative on land management and conflict minimisation for economic and social development to be implemented by SPC, specifically by its Land Management and Resources Support Team.
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SUSTAINABLE LAND MANAGEMENT FOR ECONOMIC GROWTH AND SECURITY

BACKGROUND

1. Traditional land use and customary ownership regimes throughout our region have sustainably supported food security and the livelihoods of island populations over centuries. Now, however, traditional land use systems are under pressure and changing rapidly. This transformation is mainly due to the new 'opportunities' for land use afforded by the expansion of the market economy (e.g. hotels, mining, urban development) coupled with the breakdown of traditional agricultural systems due to population growth, rural-urban drift, and social and economic changes.
2. Less than two per cent of the total area of the Pacific Islands region is land. Fiji, New Caledonia, Papua New Guinea, Solomon Islands and Vanuatu account for 97.9 per cent of that total land area, as shown in Table 1.

Table 1: Percentage distribution, by subregion, of land in the Pacific Islands area.

Subregion	No. of PICTs	Land area (sq. km)	Population density	Percent distribution
Melanesia	5	540,239	11	97.9%
Micronesia	7	3,214	158	0.6%
Polynesia	10	8,231	73	1.5%
All subregions	22	551,684	13	100%

3. Sustainable land management (SLM) is affected firstly by the amount of land available and then by the need to decide how best to manage that land.
4. The expansion of commercial cropping on to marginal land, cropping on fragile soils without the use of special conservation measures, shorter fallow periods, deforestation and burning of grassland are causing land degradation, lower crop and pasture yields, and increased food insecurity and rural poverty. This is occurring against a backdrop of a general lack of long-range planning and policy development in PICTs and insufficient effort to incorporate environmental protection measures in urban and rural production systems.
5. The effects of climate change, especially the effects of El Nino and La Nina conditions, have disrupted local weather patterns leading to water shortages on the one hand and more frequent flooding on the other. Water use, as it relates to land use and agriculture, must always be seen as part of a continuum. What happens in forested ecosystems in the mountains affects freshwater supplies and can have negative impacts on agricultural lowlands through flooding and sedimentation. Damage to reef ecosystems can mean less food for families who have carefully managed and harvested the reef fishery for hundreds of years. The end results may also affect tourism ventures.

6. More than 85 per cent of land in PICTs is customarily owned by groups, with different rights held by individuals as defined by inheritance and social relationships. Land ownership involves the notion of custodianship, with individuals and society having a joint responsibility to take care of the land for the benefit of current and future generations.
7. As Pacific Island people have become more involved in the market economy and thus need higher incomes to meet basic needs and aspirations, conflicts over fair returns have arisen between landowner groups, and between landowners and investors and the state. The increasing value of land has led to misuse of the representational and distributional authority of landowning group members who hold such powers, with decisions made for personal gain rather than in the interests of the group as a whole.

WHAT IS SUSTAINABLE LAND MANAGEMENT AND LAND USE PLANNING?

8. SLM is a holistic or integrated approach to land resources development and management. It considers technical, physical, sociological, economic and political issues in making land use decisions to achieve the most efficient and non-destructive long-term use of land resources. SLM attempts to balance development with conservation.
9. Land use planning is fundamental to SLM, whether we are considering a mountain ecosystem, grassland or coastal zone, and it underlies the sustainable development and conservation of forestry, inland and coastal resources. Planning must include systematic assessment of physical, social and economic factors in such a way as to encourage and assist land users in selecting options that increase productivity, are sustainable and meet the needs of society. Land use planning must be considered a key component of all agricultural development and conservation.
10. Land resources are limited and finite. The limited amount of arable land available for food and agricultural/forestry production is under increasing pressure from generally high population growth and rural-urban migration to the coastal margins of PICTs. There is an urgent need to match land types and land uses in the most rational way to optimise sustainable development and management of land resources.
11. Land disputes can lead to wider conflict. Under the Pacific Plan, PIF Leaders have recognised the need to strengthen land management systems – as articulated in the PIFS Land Management and Conflict Minimisation (LMCM) Project, Phase I – as a priority for action during 2009.

CRITICAL CHALLENGES FOR SUSTAINABLE LAND MANAGEMENT FOR ECONOMIC GROWTH AND SECURITY IN THE PACIFIC

12. A major limiting factor to SLM in PICTs is the lack of data and information on rural land use and management. In most PICTs, the administrative and institutional frameworks used for resource allocation and management are highly sectoralised. Attempts at coordination have often proved ineffective, but lack of coordination constrains the development process, increases friction between ministries, and in many cases promotes unsustainable use of land resources.
13. Customary and introduced land management systems have co-existed, for a long time almost independently of each other. It is now generally accepted that individualisation of customary ownership rights is not a necessary condition for increased economic activity. Increased economic activity can be achieved by maintaining and protecting group-based customary tenure and allowing individuals to use rights consistent with the requirements of a market-based economy.
14. Lack of clarity regarding customary landowning groups and their claims plays an important role in the apparent divide between customary and introduced land management systems. In most PICTs, there is limited formal recording of the activities of customary landowning groups, including membership and decision-making processes. Efforts to formally record and register customary land have had limited success and in some PICTs have actually contributed to conflict.
15. The use of customary land under informal arrangements has helped landowners achieve some improvements in their economic well-being. However, without proper legal backing, informal arrangements do not provide individuals with sufficient certainty to invest in longer-term productive activities, nor do they provide sufficient security to obtain loans.
16. Leasehold conditions are guided by state legislation. Some lease conditions encourage the optimal economic use of land, but can also be a source of conflict between landowners and investors, and between different generations of landowners. Landowners may not know the true economic value of their land when they enter a lease agreement. As new information becomes available to the next generation of landowners, existing lease agreements may become a source of conflict, which can in turn discourage outside investors.
17. Most PICTs do not have an active land rental market. Governments have used administratively determined rental systems that usually do not reflect local market conditions. Where land rent and lease conditions are directly negotiated between landowners and investors, differences in access to information have resulted in inequitable distribution of returns. Combined with the changing needs and aspirations of individual landowners, inequitable distribution of benefits has been a source of tension and conflict.
18. Customary conflict resolution mechanisms have become less effective in a number of PICTs, and people increasingly turn to formal court processes that can be costly and time consuming. When local land-related grievances are not appropriately addressed, they can end in large-scale conflict or crises.

MAKING LAND WORK – PACIFIC LAND PROGRAMME

19. AusAID's Pacific Land Programme was established in 2006 to support PICTs wanting to make more land available for economic and social development. Phase one of the programme identified a number of innovative practices and principles for working effectively with customary forms of tenure in the Pacific. This information is contained in the publication, *Making land work*, which was officially launched on 12 June 2008 at a land conference in Vanuatu
20. The second phase of the programme, which began in 2008, involves an investment of AU \$54 million over four years to assist countries who wish to strengthen their land tenure systems. Work has already commenced in four countries: Papua New Guinea, Solomon Islands, Vanuatu and East Timor. A regional programme will strengthen the education and training of land professionals and improve the management of urban settlements and expanding urbanisation.
21. AusAID's *Making land work* report identified five different linkages that need to be created between customary and formal systems of land governance:
 - i) *Formal recognition of customary groups*
This includes mechanisms such as the landowner trusts in Vanuatu; incorporated land groups in Papua New Guinea, Australia and New Zealand; and recording of group membership, as in the Cook Islands and for Maori-owned land in New Zealand.
 - ii) *Formal protection of customary landownership through recording or registration*
This includes a range of systems to record and safely store important information about customary land. For example, Vanuatu has a system to record and register agreements over customary land, and Fiji and Cook Islands have systems to register more detailed information about land.
 - iii) *Facilitation of dealings in customary land*
This includes systems that enable customary groups to directly lease their land to investors, as in Vanuatu, or systems whereby customary groups can indirectly lease their land to outsiders through the national government, as in Fiji, Papua New Guinea and Solomon Islands.
 - iv) *Protection and assistance to customary groups in land dealings*
This means assisting customary groups to negotiate with outsiders on a more fair and equal basis. This could include an advisory service like that in operation in parts of indigenous Australia, government oversight of lease agreements as in Samoa, Cook Islands and Kiribati, mandatory lease conditions, or a broker model such as Fiji's NLTB.
 - v) *Supporting customary, formal and new institutions for resolving land disputes*
This includes giving formal recognition to customary institutions as in Samoa, Vanuatu and Solomon Islands, the creation of specialist land courts (which operate in most Pacific countries) or the creation of new alternative dispute resolution institutions, which are based on mediation techniques that can bridge the gap between customary and formal systems.

22. No Pacific country has been able to establish durable and effective linkages in all five areas. Each country has its own challenges in relation to these linkages. Some countries need to create new linkages, other countries need to remove poorly performing ones, and yet others need to reform outdated linkages. The positive news is that a growing number of PICTs are keen to try new ideas and learn from each other during the process.
23. Discussions are underway between AusAID and SPC on possible co-location of the regional component of AusAID's Pacific Land Programme and LRD's Land Management and Resources Support Centre in Suva, to facilitate collaboration and where appropriate, integration.

STRATEGIES FOR SUSTAINABLE LAND MANAGEMENT FOR ECONOMIC GROWTH AND SECURITY

24. Chapter 10 of Agenda 21 – the comprehensive UN plan of action for the environment – is entitled 'Integrated Approach to the Planning and Management of Land Resources'. Its objectives are as follows:
25. *'To facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to sustainable and integrated management of land resources. In doing so, environmental, social and economic issues should be taken into consideration. Protected areas, private property rights, the rights of the indigenous peoples and their communities and other local communities and economic role of women and youth in agriculture and rural development, among other issues, should be taken into account.'*
26. SPC/LRD and its national, regional and international partners are assisting PICTs to enhance the sustainable development and management of their land resources for economic growth through the following strategies:
 - i. **Promoting sustainable land management and conflict minimisation**
27. The development of sustainable land development frameworks through partnerships between key stakeholders, including landowners, government officers and regional development agencies, can facilitate good decision-making regarding sustainable land use and management practices.
28. Effective and sustainable land management mechanisms linking customary land with state-based land administration systems are essential if improved access to customary land for economic purposes and minimisation of local conflicts are to be achieved. Similarly, mechanisms to resolve local land-related conflict can be strengthened by finding an appropriate balance between customary and introduced conflict resolution processes. Such improvements must reflect basic principles of accountability and transparency at all levels of government and within landowning groups.

ii. Mainstreaming of sustainable land management into PICT national strategic development plans (NSDP)

29. Mainstreaming SLM principles into PICT NSDPs and the establishment of national land use planning units can support the development of appropriate national land use policies and plans. This process will also assist national governments and administrations in complying with international agreements.

iii. Developing national land use policies and plans

30. Having national land use policies and plans in place is fundamental to ensuring sustainable land development and management. Such policies and plans need to be developed in a participatory manner to ensure ownership by local communities and enhance integrated implementation. Agriculture and forestry development on the higher islands and agro-forestry on atolls form the basis of PICT national economies, and demand for more efficient use of land resources is ever increasing.

iv. Integrating land use planning process

31. PICTs are encouraged to promote the use of integrated land use planning. This process involves systematic assessments of land use potential, alternative patterns of land use and prevailing physical, social and economic conditions for the purpose of selecting and adopting the options likely to be most beneficial to land users. The options chosen must not degrade the resources or the environment. There must also be a selection of measures to encourage such land use.
32. A participatory, bottom-up land use planning process should naturally begin at local level and involve active participation of local communities. The experience and local knowledge of land users and local staff should be mobilised to identify development priorities and draw up and implement plans. This process prevents/minimises land-related conflict and enhances economic growth through proper allocation of land resources.

v. Applying land zoning process

33. PICTs are encouraged to use the land zoning process as the first stage in the participatory development of land use plans. Land zoning involves the identification, definition and spatial presentation of land zones and the establishment of procedures to manage permitted land uses.
34. Land zoning must take the following factors into account: the suitability of the land to support and sustain certain types of production or lifestyles through the application of sound land management and land and biotic resource conservation practices; national policy in respect to land rights and priorities for conservation and development; the current land use pattern, e.g. officially sanctioned through land allocations or traditional rights, or under illegal occupation; and the social and cultural customs and customary land tenure rights of land owners and their communities.

vi) Promoting participatory community-based consultations and formation of land-care groups

35. International experience shows that SLM should be introduced at both the national and grassroots level. At the grassroots level, people should be involved from the planning to the implementation stages of the process.
36. At the community level, resource owners and users need to be organised and empowered to plan and manage their resources, in order to provide the bottom-up input necessary in interactive resources management. Landcare groups can facilitate this process.
37. The landcare group concept is based on participatory community development. Experience has shown that technology alone does not improve the management of natural resources. Emphasis is therefore placed on institutional strengthening, local decision making and building the self reliance of local communities.

vii) Economic analysis of land use practices

38. PICTs are encouraged to apply environmental economic assessment through analyzing the economic costs of poor land use practices as opposed to SLM. The outputs from this component will:
 - a. raise awareness of the impacts of land degradation;
 - b. facilitate decision making and land use planning by providing information on the full costs and benefits of various land use options; and
 - c. provide insight into how costs and benefits of land use options accrue to different communities and stakeholders.

viii) Developing appropriate information systems

39. Governments should adopt a pragmatic and systematic approach to land use planning and zoning of areas of customary land in high demand. Most PICTs have developed their own Geographic Information System (GIS) and therefore have the spatial information (cadastral, land, forestry, soils, infrastructure) required to support informed decision making by policy makers, land users and owners.
40. Key areas of customary and formal land administration systems that need particular attention include: recording of customary land, plus registration where demand for land is high; recording of customary law decision-making authorities; processes for obtaining group consensus; and clear demarcation of the roles of government and customary landowners in land dealings.

ix) Capacity building

41. National capacity building at all levels, in all aspects of land use and sustainable development is essential. Improved awareness and education regarding the environmental, social and economic implications of different land use practices can also facilitate improved management. It is vital to provide targeted training programmes for landowners and land users in relation to customary land tenure, commercial use and financial management, and to strengthen the capacity of government agencies in technical land administration and management, policy development skills, social aspects of customary land tenure and mediation.

EXPANDING THE WORK SCOPE OF THE LAND MANAGEMENT AND RESOURCES SUPPORT CENTRE

42. The SPC LRD Land Management and Resources Support Centre was established in 2005 to support land use policy development and planning. There are now plans to expand the scope of its assistance to members to cover land management and conflict minimisation (LMCM). Additional technical capacity will be acquired to improve members' capacity in LMCM-related communication and consultation, and generation and storage of land management and administration information and access to that information by all stakeholders. LRD will establish a web portal that will provide biophysical, agricultural, forestry, economic and land use information on all PICTs. The portal will act as a technical backstopping mechanism for PICTs.
43. The above actions are being undertaken in response to PIF Leaders' endorsement (Niue meeting, 2008) of the development of a regional initiative under the Pacific Plan to support members in their efforts to improve land management and minimise conflict. The Forum Secretariat and SPC are now working together to develop this regional initiative as a second phase of the LMCM project.

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