

vanuatu



Land Sector Framework 2009-2018



**"A prosperous, equitable & sustainable
Land sector for Vanuatu"**

**Authorized by the Ministry of Lands & Natural Resources
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ACRONYMS

AusAID	Australian Agency for International Development
CoM	Council of Ministers
CRP	Comprehensive Reform Program
DCO	Development Committee of Officials
DoL	Department of Lands
DSPPAC	Department of Strategic Policy, Planning and Aid Coordination
GoV	Government of Vanuatu
LSF	Land Sector Framework
LSCU	Land Sector Coordination Unit
Malvatumauri	National Council of Chiefs
MBC	Ministerial Budget Committee
MDG	Millennium Development Goal
MoL	Ministry of Lands, Minerals, Energy, Environment and Rural Water Supply
MoU	Memorandum of Understanding
MTSF	Medium-Term Strategic Framework
NLS	National Land Summit
NLSC	National Land Steering Committee
NZAID	New Zealand Agency for International Development
PAA	GoV Priority Action Agenda
TWG	Thematic Working Group
UNDP	United Nations Development Program
VCC	Vanuatu Cultural Centre
VLGC	Vanuatu Land Governance Committee
VSTLRI	Vanuatu Short Term Land Reform Initiative

EXECUTIVE SUMMARY

This Land Sector Framework (LSF) provides the foundation for a strategic plan to implement land sector reforms in Vanuatu. It is intended to guide government, the private sector and civil society in the use and management of Vanuatu's land resources. The LSF is based on a *Vision* and a set of strategic objectives or themes. It outlines implementation priorities for a LSF policy and activity agenda over a ten year period and builds upon the 2006 National Land Summit (NLS) resolutions and recent donor initiatives in the sector.

Policy Context

The overall policy context for LSF development is driven by a Government of Vanuatu (GoV) commitment to improve the welfare and quality of life of its people through the development challenges defined in the GoV Priority Action Agenda (PAA) for 2006 – 2015 as follows:

- Achieve higher and sustainable economic growth to create jobs and raise incomes while conserving resources for future generations;
- Ensure macro-economic stability to create a stable investment climate; and
- Raise standards of service delivery, particularly to the rural and outer regions, to improve access to basic services while lowering the costs of internal trade.

The National Vision for Vanuatu is to achieve by 2015 “a significant increase in real per capita incomes, along with steady growth in levels of employment.” The PAA priorities are:

- Promotion of private sector led economic growth, particularly in primary industries and tourism, within an environment of public sector reform, good governance and appropriate regulation; and
- Provision of resources for education and training to ensure a skilled, motivated, gender-balanced labour force.

They will be achieved through a process which aims to harmonise the development activities and the support of the donor partners.

Strategic Approach to LSF Development

The LSF facilitates an integrated approach to the land sector which encompasses all stakeholders and services and enables actions and resource use to be prioritised. It is intended to mobilise the stakeholders to achieve a common purpose or mission.

The *Vision* is to create:

“A Prosperous, Equitable and Sustainable Land Sector for Vanuatu”

To achieve this *Vision*, five themes (or strategic objectives) have been identified which, collectively, constitute the land sector *Mission*:

“To provide an enabling environment for multi-stakeholder participation in the effective use, management and stewardship of Vanuatu's land resources”

Four principles will guide stakeholders and policy makers to ensure that the land sector activities are aligned with the GoV development agenda. These principles are:

- Management of land resources must comply with social and economic objectives,
- Stewardship of land resources must guarantee environmental sustainability,
- Land agencies must be relevant, cost-effective, efficient, and sustainable, and
- Planning, implementation, decision making and monitoring of activities must be participatory, transparent and accountable to protect the interests and rights of all stakeholders.

Some of the key aspects of the land sector which have informed LSF development to date include the:

- Prevalence of customary land tenure over leasehold tenure,
- Centrality of Kastom principles and practices as a core of national identity and their application to land tenure and Kastom law in Ni-Vanuatu society,
- Uncertainty over customary authority and leadership and its impact on land dealings and transactions,
- Impact of economic development pressures on customary land,
- Weakness of women's land rights compared to men and the marginalisation of women in decision-making processes on land matters and the social consequences,
- Inequities in the current application of the land lease administration system and the long-term social and economic impacts of such practices,
- Importance and significance of multi-stakeholder processes in the governance of land,
- Lack of operational efficiencies in the land lease administration and records information systems,
- Under-utilisation of Vanuatu's cultivable land for productive use,
- Looming effects of urbanisation and informal settlements in the major urban centres of Vanuatu,
- Land tenure security for customary landholders to provide a secure basis on which to plan and invest for the future,
- Land tenure security for vulnerable groups,
- Role of the land sector as an important part of the framework for environmental and natural resource management,
- Planning and development of the land asset; including the management of government and public lands, the management of common property resources, individual and community-based land use planning, and urban planning and development.

These key aspects have informed the development of the five themes for the LSF which are:

- Enhancing the governance of land,
- Engaging customary groups,
- Improving the delivery of land services,
- Creating a productive and sustainable sector, and
- Ensuring access and tenure security for all groups.

The following strategies and activities form the basis for LSF implementation:

LSF Strategies and Activities

Vision	A Prosperous, Equitable and Sustainable Land Sector for Vanuatu				
Mission	To provide an enabling environment for multi-stakeholder participation in the effective use, management and stewardship of Vanuatu's land resources				
Themes	Enhancing the governance of land	Engaging customary groups	Improving the delivery of land services	Creating a productive and sustainable sector	Ensuring access and tenure security for all groups
Strategies	•Ensure accountable, transparent and fair dealings in land •Encourage sector-wide oversight of land governance system	•Build civil society capacity to contribute to sector development •Increase support for community awareness and engagement	•Strengthen agencies to use resources properly •Improve coordination within land sector and delivery capacity	•Strengthen land management •Foster land market development •Support sustainable development practices	•Facilitate better access to land •Strengthen local-based dispute resolution •Strengthen land tenure security
Policy and Activity Agenda	•Land law reform •Land and environmental policy development •Land governance system	•Community awareness and engagement •Community boundary mapping •Community relations and structures	•Efficient and effective enabling services •Service culture and performance •Information technology and management •Infrastructure and civil works	•Land market development •Physical planning and development •Sustainable land and environmental management	•Clarify and strengthen land rights •Land and resource dispute resolution •Protect vulnerable groups •Social, gender and youth assessments

The LSF emphasizes: the empowerment of customary groups to understand their land rights and undertake their own land planning and development; a participatory multi-stakeholder approach to land governance; increasing productive land use, improving the efficiency and effectiveness of land service delivery mechanisms within urban and rural areas; addressing the inequalities, tenure insecurity and inequitable systems and processes associated with land dealings and transactions, strengthening the land rights of women and vulnerable groups, and creating a supportive framework for sound environmental and natural resource management.

LSF Implementation

The LSF provides a roadmap for land sector development over a ten year period. It is based on a fundamental premise that land is not the sole responsibility of the GoV but that all stakeholders should share in the responsibility for its management. LSF implementation is divided into two (2) five year periods and will require alignment with the GoV budget cycle and planning horizons. This will facilitate its integration with the corporate and annual planning of the government agencies and stakeholders involved in its implementation.

It is envisaged that new initiatives and approaches for the land sector will be designed, piloted and evaluated during implementation. Outcomes from these applications will guide the direction and scope of subsequent activities and also inform the development of future land policy. For the first five years (2009-2013), activities have been identified which are considered to be priority areas and core to land sector development. For the second period (2014-2018), activities are designed to consolidate previous achievements and broaden the scope of implementation so that longer-term challenges; such as urban drift, informal settlements and hazard management are addressed.

Governance Arrangements

The multi-dimensional and multi-stakeholder elements of the LSF highlight the need to clarify the responsibilities and linkages between the stakeholders involved in the governance arrangements. The Ministry of Lands (MoL)

has shown vision, leadership and commitment and will take carriage of procurement, administration and implementation of the LSF - including the oversight for land policy development, planning and resource allocation.

This oversight will be facilitated by a multi-stakeholder *Vanuatu Land Governance Committee* (VLGC) established to develop and maintain a strong strategic focus on the LSF. The Director-General of Lands will be the *Focal Point* and will be supported at the national level by a *Land Sector Coordination Unit* (LSCU) within the MoL structure. The LSCU will be responsible for day-to-day administration of LSF implementation, including monitoring and evaluation. LSF implementation will also need coordination at sub-national levels although the structures at these levels will need careful consideration.

There will be occasions when specific land sector studies must be undertaken. It is envisaged that these tasks will be coordinated by the LSCU and supported by a number of *Thematic Working Groups* (TWGs). The roles and responsibilities of the TWGs may align with the LSF themes and / or be formulated to address specific studies using resources drawn from stakeholder expertise.

Monitoring and Evaluation

Monitoring and Evaluation (M&E) is an integral part of LSF implementation and will provide vital information on land sector performance. Responsibility for M&E oversight will lie with the MoL and they will be supported by the LSCU in an administration and coordination role. M&E will need to be multi-level and multi-disciplinary and all stakeholders will have roles to play. Principles which will be applied to M&E are:

- Processes must not impose huge demands on key stakeholders while, at the same time, they must reflect adequate engagement,
- Analysis and reporting must blend both qualitative and quantitative data,
- M&E must support broader GoV data collection and management requirements and ensure that the information is used systematically and consistently; and
- Data must be disaggregated by gender as well as by province / island.

The M&E Framework must be consistent with the LSF policy and activity agenda and incorporate processes to review LSF outcome statements to ensure they are clear, measurable and achievable. The approach must be participatory and aim to achieve stakeholder consensus on actual progress. It is envisaged that a combination of annual reviews and results-based M&E will be used to obtain information on performance that will guide future LSF decision making. Annual reviews will be carried out by the VLGC and more extensive evaluations will be conducted every five years or less, if deemed necessary.

Collection tools for M&E will vary across activities and key stakeholder groups and it won't be appropriate to standardise the processes. Likewise, the sources and types of information and data will also vary according to the indicators for success. It will generally fall into three categories; (1) routine data for reporting, (2) national data, and (3) sector - specific data. Indicative performance measures have been prepared for the LSF policy and activity agenda. An opportunity also exists to design an M&E Framework that can measure performance at the LSF outcome levels and can be linked to broader GoV development goals.

Funding and Resources

Funding for land sector initiatives should be underpinned by an expenditure program which is under GoV leadership. Moreover, the overall approach presents both challenges and opportunities - including new funding mechanisms that will increase the impact of land sector initiatives on GoV development goals. A sector-wide approach intrinsically relies upon the formulation of investment scenarios that are based on a clear policy frame-

work and implementation strategy, will uphold the principles of good governance and are developed through extensive multi-stakeholder consultation and participation.

Funding support for the LSF can be secured from a range of sources; including; national, provincial and municipal governments; donor agencies, the private sector and - potentially - self-generating revenue. Several donor initiatives have already commenced with UNDP, AusAID, NZAID and World Bank undertaking, or soon to initiate, activities in line with the LSF themes. This current engagement provides an opportunity to build confidence in, and prove the strength of, a sector-wide approach to land. However, the suitability of alternate funding mechanisms and sources can only be explored and developed once the LSF implementation schedule has been refined and specific priorities and areas of activity confirmed.

In the short-term, there is a need to integrate the financial and resource allocations for the current donor programs into a consolidated resource envelope for LSF implementation which is aligned to the GoV planning and budget cycle – taking into account the manpower resources available. On the other hand, the longer term financial and resource envelope is more difficult to predict and estimate. This will require the development of an investment strategy which outlines different assumption-based scenarios for the rate at which activities in the land sector over the ten year period will either expand or contract.

Summary

This report presents the rationale, justification and the design of a Land Sector Framework for Vanuatu. It summarises the current status of progress on its development and provides a foundation for the next stage of planning prior to full implementation. A preliminary implementation schedule has been prepared, initial stakeholder mapping has been undertaken, governance arrangements have been proposed and key activity areas for each theme have been identified.

The development of the LSF is now at a stage where a consultative process with key stakeholders is required to obtain initial feedback on its strategic direction and thematic content. Once this feedback has been received and incorporated, steps can be taken to undertake the next series of actions which have been proposed – including its endorsement and approval by the GoV.

1. INTRODUCTION

This Land Sector Framework (LSF) for Vanuatu has been developed by the Ministry of Lands (MoL) to provide a comprehensive framework for the implementation of sector wide initiatives based on the recommendations from the 2006 National Land Summit (NLS)¹. It acts as a road map for Government, the private sector and civil society for the use and management of Vanuatu's land resources.

The formulation of the LSF is the first step in developing an integrated approach to land sector planning which encompasses a diverse group of stakeholders and a broad spectrum of services. It is intended to capture the interests of multi-stakeholders in the sector to achieve a common vision. This challenge will require ongoing land policy development, greater institutional harmonisation, better coordination and new approaches for land service delivery and performance monitoring.

The LSF implies a shift towards a sector-wide planning approach. It is not intended as a blueprint; instead, it provides a framework in which Government, stakeholders and donors can work together to improve land sector planning. The LSF acknowledges there is limited capacity in the Vanuatu land sector, so it will be important to prioritise actions and resources. A coordinated effort will be needed across the land sector to support policy formulation, funding, monitoring and evaluation of performance.

Land sector stakeholders in Vanuatu include: a rural majority who reside on customary land; urban dwellers, some of whom engage in small business and commercial enterprises; those working in land-related sectors such as agriculture, forestry, tourism and property development; national and provincial government staff; civil society; and the private sector.

The LSF is based on a vision and a set of strategic objectives or themes. It outlines a ten year LSF policy and activity agenda which accepts that priorities will change. It builds upon recent donor-supported initiatives in the land sector and, in particular, the 2006 NLS resolutions which are an integral part of the LSF and have been categorized under the following headings:

I. Land Ownership	II. Fair Dealings	III. Sustainable Development
A. Ownership of land B. How to identify the legitimate land owner C. Awareness	A. Enforcement of lease laws B. Lease agreements C. Certificate of negotiation D. Power of the Minister over disputed land E. Strata title F. Agents and middlemen/women G. Lease rental and premium	A. Before lease approval B. Lease conditions C. Public access D. Enforcement E. Zoning F. Awareness

The next stage in the development of the LSF will comprise a process of consultation with, and research and analysis by a wide range of stakeholders. It draws and builds upon the NLS resolutions and other recent donor-supported initiatives in the sector.

1.1 Land Sector Agenda

The overall policy context for the development of the LSF is driven by a commitment of the Government of Vanuatu (GoV) to improve the welfare and quality of life of its people. This is articulated through several broad development challenges as defined in the Policy and Action Agenda (PAA) for 2006–2015, as follows:

¹The Ministry of Lands wishes to record its appreciation to Dr. Douglas Larden and Ms Anna Naupa who contributed to and assisted with the compilation of this report.

1. Achieve higher and sustainable economic growth to create jobs and raise incomes while conserving resources for future generations;
2. Ensure macro-economic stability to create a stable investment climate; and
3. Raise standards of service delivery, particularly to the rural and outer regions to improve access to basic health and primary education services while lowering costs of internal trade.

The National Vision is to achieve by 2015 “a significant increase in real per capita incomes, along with steady growth in levels of employment.” Within the region, Vanuatu is one of the leading countries in achieving the Millennium Development Goals (MDGs) in education, health, environmental management and other key social indicators. Public sector reforms are directed towards raising governance standards and productivity levels in the civil service and will result in higher service standards and managerial accountability.

The main implementation priorities for the PAA are:

1. The promotion of private sector led economic growth, particularly in primary industries and tourism, within an environment of public sector reform, good governance and appropriate regulation; and
2. The provision of resources for education and training to ensure a skilled, motivated, gender-balanced labour force.

These priorities are being achieved through a Medium-Term Strategic Framework (MTSF) which sets the basis for development goals which are country-specific and aligned with the broader MDGs. The MTSF also aims to harmonise development activities and donor partner support and advocates the development of sector-specific strategic frameworks. The ongoing development of the LSF will, therefore, need to make sure it remains consistent with other land-related policy statements and is aligned with and well-informed by these documents.²

The central role of land in the social and economic development of Vanuatu has ensured its inclusion in the Government's Comprehensive Reform Program (CRP) which was initiated in 1997. The most recent CRP matrix for the period 2004–2006 highlighted the need for:

1. Reform of the land law system in order to minimise uncertainty about land tenure and facilitate better land use;
2. Gazettal of the Customary Land Act; and
3. An attractive, safe, healthy and sustainable environment.

The role of land in Vanuatu was re-emphasised at the *National Summit for Self Reliance and Sustainability* held in July 2005, during which the recommendation was made to stage the *National Land Summit*. The NLS identified twenty resolutions which could form the basis of a new land policy. The resolutions highlighted the importance of 'land' as a driver for change. They also highlighted the need for an equitable and sustainable policy framework and regulatory regime.

A transitional strategy was prepared and a National Land Steering Committee (NLSC) was soon established to provide oversight for the implementation of the resolutions. This LSF is informed by these developments and is designed to contribute to the goals of the PAA as outlined above.

From a global perspective, the LSF incorporates the spirit of the 1992 Rio Declaration and recognises that environmental responsibility and care, social issues and sustainable development, including the stewardship of land, are not only the concern of Government but must be shared by a range of different stakeholders – implying that a participatory multi-stakeholder approach is essential to dealing with such issues.

² See e.g. Taufatofua, P (2007), *Agriculture Sector Policy 2007-2012*, Food and Agriculture Organisation of the United Nations, FAO/SAPA.

1.2 Guiding Principles

The LSF implicitly provides multi-stakeholders and policy makers with broad guiding principles that, when collectively applied, will ensure land sector activities are aligned with the Government of Vanuatu's overall development agenda. These guiding principles are envisaged to be:

- 1) *Management of land resources will need to comply with broader social and economic objectives*

This principle implies that the management of the land asset and its resources should:

1. Be guided by efficiency and equity concerns;
2. Fulfill stakeholder expectations and desires;
3. Protect disadvantaged and vulnerable groups; and
4. Be gender responsive.

Clear decision-making and governance rules will need to be specified in consultation and by agreement with all key stakeholders.

- 2) *Stewardship of land resources must guarantee environmental sustainability*

Land is a natural resource which provides a range of goods and services. Therefore, it is paramount that land resources are managed within a broader ecological context to ensure that negative environmental impacts are minimised and the economic and social benefits derived from land are maximised for current and future generations.

- 3) *Land sector organisations must be relevant, cost-effective, efficient, and sustainable*

Land sector organisations must have a clearly defined role in land resource management, provide services that are efficient and effective in terms of cost, and be sustainable in terms of ongoing funding of their activities.

- 4) *Planning and implementation, decision making and monitoring of land sector activities must be participatory, transparent and accountable in order to protect the interests and rights of all stakeholders*

The land sector must be responsive to the interests and rights of all landholders. This means there must be clear, transparent and equitable processes in place for land resource allocation and the monitoring of their use and impact. All stakeholders must be accountable for decisions on land allocation and service provision, and community groups and individuals must also be encouraged to participate actively in the governance processes which control these activities.

In the following sections, the key land sector issues in Vanuatu are summarised in *Section 2*. The strategic themes of the framework are explained, together with the challenges, risks and opportunities for their achievement in *Section 3*. Some aspects of LSF implementation are presented in *Section 4*, and a proposed LSF governance structure is outlined in *Section 5*. The approach for monitoring and evaluation and for funding and resourcing of the LSF are discussed in *Sections 6 and 7*, respectively.

2. KEY LAND SECTOR ISSUES

Vanuatu is a small Pacific island country with a population of about 218,000 dispersed over 65 of the archipelago's 83 islands. The capital, Port Vila, has a population of only 33,700. With such a small and dispersed population, Government and civic organisations can only have a very limited influence outside the towns. Furthermore, communication and inter-island trade is limited. Activities in the land sector must therefore be planned carefully to ensure that their scope and scale match the modest capacity of the agencies and stakeholders involved, while ensuring they integrate well with current Government programs.

2.1 Customary Land Tenure

At Independence in 1980, the land in Vanuatu was formally restored to the customary owners and users. The new Constitution proclaimed: *All land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants*.³ It further proclaimed that the rules of *kastom* form the basis of land ownership and use in Vanuatu.³ As such, land is closely linked with heritage, power, and spirituality. Custodianship and the exchange of rights are central to *kastom* practice, ensuring that harmony, authority, relationship networks and social responsibility are maintained.

Rights to land, however, are often not easily identifiable, but tend to depend upon oral histories, 'memory culture', complex local categories, and varying inheritance practices. The clustering of the population into villages, plantation communities and towns has also meant that many customary land owners and users no longer live within their traditional boundaries or even with their own communities. Because of this, boundaries and rights have inevitably become less certain over time.

Within a single community it is not uncommon for there to be conflicting forms of interest in the same area of land. While the Constitution recognises that *kastom* rules apply to customary land dealings, the lack of formal rules has led to ongoing disputes and a lack of certainty and security over ownership, boundaries and use of the land. Dispute resolution vitally depends on *kastom* chiefs and *kastom* law to clarify any conflicting local practices. Yet despite its diversity, *kastom* retains wide respect and authority in Vanuatu society and is almost universally regarded as the core of national identity.

2.2 Authority in Custom

The Malvatumauri (National Council of Chiefs) is the peak organisation providing advice to Government on *kastom* values and practices in Vanuatu, and according to the Constitution it must be consulted on all matters related to land. However, chiefly authority is frequently bypassed and while the chiefs make many decisions on customary land tenure, a fundamental issue confronting all of these decisions has been a lack of clarity on customary authority and leadership.

Today authority is exercised by a range of chiefs who hold varying sway. These include *kastom* chiefs, led through the Malvatumauri, who are the traditional basis of authority and represent the families, clans and tribes of the ni-Vanuatu. However, authority is also exercised by village or community chiefs whose leadership over a cluster of dwellings was established by the former colonial authorities in order to facilitate service delivery.

As well, chiefly status is attributed to many religious or political leaders and this diffusion and lack of clarity has led to many uncertainties over leadership and authority. Of particular concern is that the legal system accepts the legal status of a chief to sign official documents on behalf of their community, despite underlying uncertainty regarding the scope or status of their authority.

³Article 73 and 74 of the Constitution

2.3 Development Issues

Most ni-Vanuatu have access to land through customary systems. At the same time however, the potential of land to drive economic development in Vanuatu has rarely been realised under customary practices alone. Constraints such as poor inter-island transport, lack of access to credit, poor access to basic services, and limited income-earning opportunities have restricted people's ability to explore the potential of their land and have resulted, directly or indirectly, in emerging social problems. This situation is regarded as a serious concern and had led to initiatives such as the *Kastom Ekonomi* Program led by the Vanuatu Cultural Centre (VCC).

Population growth rates in Vanuatu are quite high (2.6 percent) and in 2004, 41 percent of people were under 15 years of age. This demographic profile places a huge strain on education and youth employment. One consequence is that growth in urban areas and peri-urban villages is occurring at more than twice the national average. This places further pressures on land and leads to dissent and conflict when incursions on customary land occur. As a result, informal settlements have been established which lack basic services, including water and sanitation, thereby posing a serious public health risk. These informal settlements are also a potential source of social instability.

Customary practices are struggling with the pressures of economic development. There is increasing evidence to show that traditional systems are being severely challenged, undermined or exploited to support conflicting claims over land, the pursuit of inconsistent interests, and the private ambitions of individuals.

2.4 Gender Perspectives

The strength of customary systems is that they have evolved to ensure social security, safety and sustainability in traditional subsistence communities. As such, *kastom* integrates many practices that go some way toward protecting women's rights and often provide traditional avenues for women to gain rank within their communities and participate in decision-making processes, but generally not in relation to land. This usually still rests with men.

However, evidence suggests that even the traditional protection of women's interests afforded by *kastom* are being eroded, and the management of customary land is becoming even more male-centric. This is driven in part through the manipulation of *kastom* in response to issues such as pressures on limited land resources and the increasing commoditisation of land. Women are being more marginalised from the decision-making processes involving land and many of the decisions are even less socially equitable and transparent than before.

Although land legislation is gender-neutral, the implementation of the process has adopted a male bias. As such, the issue of women's access to land has been placed on the national agenda in Vanuatu to ensure that gender-specific policies are addressed. Improved gender equality has been shown to improve social cohesion, security and economic opportunity. This is reinforced if women are included in decision-making and their rights to utilise, own and develop land are protected and their awareness of these rights is increased.

2.5 Formal Land Dealings

Under the current law, Government or private investors can negotiate long-term (e.g. 75 year renewable) leases with customary owners. While all land is deemed customary, leases are deemed to be incontestable by law and there is no legal recourse for a customary owner to rescind the deal or regain any right to their land. The incontestable status provides protection for the public or private sector to develop the land, yet the arrangements are often "private" dealings that create disputes which the disenfranchised customary landholder or user must resolve with the person who signed the lease on his or her behalf.

In the past, leases for the development of large agricultural holdings, or for the provision of land for public needs, have been the touchstone of many ongoing disputes. However, these are insignificant compared to recent land development issues. These days Vanuatu is being heavily promoted as a tourist destination. Hence, many pristine coastal and hilltop sites have been leased, with local community access being blocked to beach frontages,

foreshores and associated infrastructure. In other cases, the leased land has remained idle for speculative purposes or has tied up prime agricultural land for alternative land uses.

The inherent subtleties of custom law, the uncertainty of custom authority and the lack of recognition of the customary group as a legal entity, has led to many reports of inequitable land dealings. This has resulted in benefits only being captured by a few, with some ni-Vanuatu being estranged from their land because the lease terms and conditions have unfavourable clauses for renewal and fail to provide access rights and/or long-term financial return.

For their part, land agents and investors take a very pragmatic approach to land transactions. They are not prepared to spend time and money unravelling the complexities of customary tenure, preferring instead to deal only with the identified “chief” as required by the legislation. This avoids the time-consuming consultations to ensure that all rightful customary owners are identified but could potentially generate numerous conflicting claims and disputes over the land.

Mechanisms have been established in the Constitution to protect customary owners from potentially unscrupulous actions when establishing long-term formal leases. Yet these powers are vested in Government and acted on through the Minister of Lands who has the duty to protect customary owners from formal dealings that may be prejudicial to the owner, user or national interest.⁴

While investments in land require security of tenure, many people believe that the current application of the land lease administration system has gone well beyond the original intent. The consequences of this are central to many of the disputes over land in Vanuatu. Generally it is the less powerful and less vocal segments of the community who suffer most. Without effective policy and enforcement, the long-term social and economic impacts of current practice are likely to harm both investors and local communities alike.

2.6 Land Lease Services

The issues described in *Section 2.5* are compounded by the current disarray of the lease records in the Department of Land's (DoL) Registry Office. Urban and broader development on the two main islands of Efate and Espiritu Santo account for 93 percent of all leases in the country. The remaining 7 percent are mainly large agricultural leases, spread across all islands, many of which are significantly under-developed. Approximately 2,800 leases (or 27 percent) are taken out directly on customary land, while the rest are sub-leases of public land (mainly residential and commercial).

Severe problems exist with a significant backlog of leases awaiting registration in the DoL. Lease approvals are very slow, particularly residential leases for ni-Vanuatu, and can often take from two to four years to establish. In contrast, international investors generally find that their leases take less time. As such, ni-Vanuatu are disadvantaged as banks will not lend until leases are officially registered. More expensive interim measures are required if residential or commercial development is to commence immediately.

Furthermore, the poor record-keeping and uncertainty of the lease registration process leads at best to huge operational inefficiencies and at worst to the exploitation of loopholes in the process to facilitate speedier registration. Hence clearing the backlog and establishing transparent and efficient processes for land lease administration are seen as an urgent priority for the land sector.

⁴Land Reform Act: Part V, Section 8 (2) (c).

3. STRATEGIC THEMES

3.1 Vision Statement

Vanuatu is rich in natural resources and social capital which protect its communities from extreme economic hardship. Moreover, land is a productive asset, and as a prime source of sustenance for the majority of the population it needs to be carefully managed. The prudent allocation of land resources facilitates economic growth but its irresponsible utilisation will ultimately stifle development. In light of these realities, the *Vision* for the land sector is to create:

“A Prosperous, Equitable and Sustainable Land Sector for Vanuatu”

This vision highlights the strong link between land and economic and social development. The GoV vision of “*An Educated, Healthy and Wealthy Vanuatu*” implies a productive land sector that will contribute to prosperity, increased welfare standards and quality of life. The management of land resources in an equitable and sustainable way will be crucial to ensure economic (e.g. productive sector growth), social (e.g. better access to basic services), and environmental (e.g. ecosystem preservation) objectives are achieved.

The LSF has been designed to capture the key land sector issues facing Vanuatu today. The framework draws upon the initiatives from the current land sector agenda (see *Section 1.1*) and other global trends in land sector development which are relevant to the Vanuatu context. The vision encapsulates a long-term goal for which strategies and activities can be formulated. The framework serves to guide decision makers and stakeholders in determining the best course of action to achieve the vision.

To achieve this vision, five strategic objectives (or themes) have been identified which, collectively, constitute a *Mission* for the land sector which is:

“To provide an enabling environment for multi-stakeholder participation in the effective use, management and stewardship of Vanuatu’s land resources.”

The LSF themes directly align with several of the GoV development priorities which focus on equitable growth, primary sector development, good governance, public sector reform, provision of better basic services, private sector development and human resources development. The themes capture the thrust of these priorities and provide sufficient flexibility for their application to the land sector.

3.2 Themes and Strategies

The five themes proposed are based upon an assessment of the key land sector issues outlined in *Section 2* and the outcomes from consultations which formed part of a recent design process for a five year Land Program in Vanuatu. The framework also incorporates some features of land sector development in a global context which are relevant to Vanuatu.

The themes are instrumental in realising the vision for the land sector. Each one defines a key *outcome* for which a series of strategies and activities are formulated. It is intended that the LSF will form the basis for a more widespread consultative process with key land sector stakeholders in Vanuatu before it is finalised and submitted to GoV for approval.

THEME 1

“Enhancing the governance of land”

Previous efforts to provide land sector support in developing countries have generally focused on strengthening the national land agency to improve the institutional, legal, technical, management and tenure frameworks. However, such an approach has not always delivered the expected outcomes. In Melanesian contexts this is

partly because the ultimate beneficiaries are the customary land owners and users who themselves are an integral part of a land governance process.

This first theme acknowledges that communities, civil society and the private sector play an important role in enhancing land governance and must be empowered to assume their traditional responsibilities and actively participate in the process. The rigour and transparency demanded by the governance processes will require that multi-stakeholder responsibilities be defined, overseen and audited. Mechanisms that govern the administration and management of land must also be developed and enforced in order to remove legal anomalies, improve transparency, remove conflicts of interest, reduce disputes and ensure equitable outcomes for all parties.

Two key strategies have been identified for this theme. The first strategy is to **ensure accountable, transparent and fair dealings in land**. This will involve:

- carrying out reviews to improve land legislation, regulations and enforcement criteria;
- incorporating good governance principles in land tenure and administration processes;
- promoting a blend of formal and traditional (customary) systems for land governance; and
- increasing awareness and education on professional conduct and ethics.

The second strategy is to **encourage sector-wide oversight of the land governance system**. This will be achieved by:

- promoting a participatory approach to land governance involving all relevant stakeholders;
- establishing the necessary structures and advisory bodies for the governance system;
- ensuring consistency between legislation and constitutional decrees on land status and tenure systems; and
- aligning land sector activities to the Government reform and priority action agenda.

Indicative activities to support the implementation of the two strategies under this theme are outlined in *Section 4*. They will require significant cooperation and harmonisation between stakeholders, especially given the limited capacity of the Government, private sector and civil society in Vanuatu.

THEME 2

“Engaging customary groups”

In Vanuatu, land provides a fundamental basis for economic growth, social development and stability. Members of customary groups are therefore an integral part of the land sector, but they have been marginalised from decision-making and negotiation processes concerning their land. The 2006 NLS emphasised the need for customary groups to be aware of the traditional (*kastom*) economy, customary and formal land laws, fair dealings in land and their rights and interests to land, including tenure security and land usage for both individuals and groups.

This second theme recognises the importance of actively engaging and working together with customary groups as a part of the land sector initiatives. It acknowledges that developments in the land tenure system must take place in close consultation with customary groups and in harmony with customary tenure systems. The LSF has identified initiatives that will link customary groups to national interests, and align with land policy development areas that have been included in the post 2006 NLS agenda. They include:

- the recording and potential registration of customary land;
- establishing governance mechanisms for land dealings and fostering land markets;
- formal recognition of customary groups;
- providing customary landholders with access to advisory support services; and
- strengthening the mechanisms for dispute resolution.

Two key strategies have been identified for this theme. The first strategy is to ***build civil society capacity to contribute to land sector development***. This strategy will involve:

- strengthening civil society advocacy for the protection of customary land rights and
- encouraging civil society participation in land sector planning and development.

The second strategy is to ***increase support for community awareness and engagement***. This strategy will be achieved by:

- supporting customary principles and practices;
- enhancing community awareness of land rights;
- improving community decision-making on land matters;
- increasing customary landholders' understanding of formal land matters; and
- providing them with greater access to land information.

Indicative activities to support the implementation of the two strategies under this theme are outlined in *Section 4*. This will involve a concerted and sustained effort to

- strengthen community relationships with Government and civil society;
- establish land sector management and advisory structures at sub-national levels;
- create an extensive knowledge base on *kastom* policies and practices;
- build the capacity within traditional communities to negotiate and make decisions on land matters;
- conduct comprehensive community awareness programs on land laws and rights; and
- map community boundaries and cultural sites.

THEME 3

"Improving the delivery of land services"

The effective and sustainable use and management of land depend on efficient, coordinated and streamlined land service delivery; proper utilisation of land sector resources; a strong customer service culture and performance ethic within delivery agencies; and reliable information on land that is accessible to a wide range of land users in forms that are appropriate and relevant.

In Vanuatu, there is a pressing need to improve the land lease registration system, land and mapping information services, the processes for land use planning and development and the management of Government and public

land. The systems and procedures which support these basic services must be both stable and clear to all concerned. The responsibility for some of these functions also needs to be clarified and mandated. This also needs to be supported by legislative, regulatory and administrative frameworks that are transparent, diligent and enforceable.

This third theme recognises that improved land service delivery is fundamental to stability and social harmony within communities. However, it also acknowledges that Government systems are severely stretched. One of the ways to increase effectiveness is for the Government to develop collaborative partnerships with civil society and the private sector to provide these services. The LSF has identified that a key initiative for service provision will be the creation of a coherent and comprehensive Land Information System. This Land Information System should be relevant and readily accessible to the majority of the population.

Two key strategies have been identified to address the issues. The first strategy is to ***strengthen relevant agencies to use resources properly***. This will require:

- strengthening core procedures and operational practices with the land administration system;
- introducing appropriate technologies and information systems to streamline service delivery;
- assessing the effectiveness of institutional linkages and roles to meet land service priorities; and
- introducing a results-based system for measuring performance at sector and agency/stakeholder levels.

The second strategy is to ***improve coordination within the land sector and its delivery capacity***. This will be achieved by:

- fostering better cooperation between key land sector stakeholders;
- adopting a sector-wide approach to resource utilisation and mobilisation;
- supporting the involvement of the private sector and civil society to provide specific land services; and
- strengthening land service capacity at both national and sub-national levels.

Indicative activities to support the implementation of the two strategies under this theme are outlined in *Section 4*. They will require:

- a commitment to continuous improvement;
- the introduction of accountability measures, codes of conduct and standards for land service delivery;
- capacity building for professionals and practitioners in land-related disciplines;
- improved staff performance;
- a customer-focus ethos and, in the longer-term;
- infrastructure and civil works to improve facilities for land service delivery.

THEME 4

“Creating a productive and sustainable sector”

In the early 2000s Vanuatu experienced negative growth rates and was not reaching its full economic potential. However, since then the economy has recovered and is now experiencing sustained GDP growth, averaging 5.6 per cent since 2003 and expecting to remain above 5 per cent in 2009. This growth has been attributed to in-

creasing output in the services and industrial sectors, largely driven by tourism and investment in land development and construction, with services contributing 72 per cent of GDP.

Tourism contributes to the service sector through flow-on effects in transport, communications, wholesale and retail trade, banking and insurance, real estate development and hotel, resort and accommodation services. In particular, the boom in real estate development since mid-2004 and the subsequent land speculation has become a political issue driven by pressure and the concerns expressed by customary landholders who have been disenfranchised from their land.

Agriculture also plays a role, with forestry and fisheries accounting for 18 per cent of GDP. While a large proportion of the total land area is considered unsuitable for large-scale agriculture, only one-third of the total cultivable land is presently farmed. Vanuatu is rich in land resources and so the potential exists to expand the productive base and increase the productivity of land already under cultivation to meet the increasing demands for agricultural produce from the urban population and the tourism sector.

This fourth theme recognises that a productive and sustainable land sector is vital to economic and social development within Vanuatu. Moreover, it acknowledges that sustainability concerns should not be disregarded in favour of short-term productivity gains and that an appropriate balance must be reached if a long-lasting improvement in the quality of life and wealth of Ni-Vanuatu people is to be achieved.

Three key strategies have been identified to address the issues. The first strategy will **strengthen the management of land**. This will require:

- strengthening the systems for and approaches to land use planning;
- adopting an integrated approach to physical planning;
- strengthening the management of government/public lands; and, if possible,
- introducing redistribution schemes designed to minimise urban pressures.

The second strategy will **foster land market development**. This will include:

- the introduction of mechanisms to improve the generation of revenue from land;
- ensure more equitable sharing of the benefits from land transactions;
- facilitate better access to land markets and credit finance; and
- stimulate land development through wealth creation.

The third strategy is to **support sustainable development practices**. This will be achieved through:

- the promotion of sustainable land management practices to facilitate growth in allied productive sectors (e.g. agriculture); and
- by supporting the stewardship and protection of natural resources and the environment.

Indicative activities to support the implementation of the three strategies under this theme are outlined in *Section 4*. They will include initiatives to:

- strengthen physical planning laws and development controls;
- build capacity to improve the management of government/ public land;
- improve land lease arrangements;

- establish entities that facilitate greater access to credit finance for land investment;
- strengthen the system to monitor and assess land and marine quality; and
- undertake environmental and social impact assessments prior to making decisions on land.

THEME 5

“Ensuring access and tenure security for all groups”

Land tenure security is a safeguard which protects and conveys to landholders and users a sense of certainty and stewardship towards their land. This in turn enhances productivity and ensures sustainability. Policies concerned with raising productivity and economic efficiency through greater security of tenure and access to land resources are important, but they must also address the inequalities and injustices which exist in the land sector. As such, access to dispute resolution systems, the protection of vulnerable groups, and studies on the impacts of land reform are important outcomes under this theme.

This theme recognises that to increase people’s security and access to productive assets, legislative review is required, laws and regulations must be strengthened and enforced and the institutional framework for implementation may need to be reassessed. The recording and registration of customary land alone will not suffice. Awareness programs must highlight the need to protect rights and be clear on the associated obligations. The LSF also acknowledges that special attention must be given to poor, disadvantaged and vulnerable groups. Improving the accessibility and efficiency of dispute resolution mechanisms for these groups is important. Mechanisms that can improve security through tenure conversion and service provision rather than outright land purchases by Government will also be explored.

Three key strategies have been identified to address the issues. The first strategy is to **facilitate better access to land**. This strategy will require an appropriate balance to be found between respect for the rights of communities to their land and the economic imperative to access land for commercial ventures. Of equal importance is the need to protect community and broader public access to common property resources such as coastlines, beaches, national parks and waterways.

The second strategy is to **strengthen local-based dispute resolution**. Here the focus is:

- to support customary practices that preserve peace and social harmony in communities;
- to improve access to justice for people engaged in land disputes and are seeking compensation; and
- to strengthen, increase capacity and introduce mechanisms that will resolve land disputes quickly and fairly.

The third strategy is to **strengthen land tenure security**. This strategy will include all landholders and users, including women, children and vulnerable communities. This will involve a review of land tenure laws to assess their complexity and simplify where appropriate, while ensuring that adequate tenure security safeguards are either maintained or added.

Indicative activities to support the implementation of the three strategies under this theme are outlined in *Section 4*. The activities focus on solutions which protect rights and access to customary land, common property resources, cultural and heritage sites and leased areas. Mechanisms for improving dispute resolution processes will look at the effectiveness of sub-national networks and structures, the adoption of community-based approaches, and support to the justice system to expedite court decisions on land compensation claims.

Both caution and sensitivity will be applied to solutions which address the rights of vulnerable and disadvantaged groups. Studies will be undertaken to understand and identify the issues and their implications before proposals are formulated to stabilise, regulate and secure the tenure rights for these groups. Benchmark and periodic studies on the social, gender and youth impacts of land reform will also be undertaken to inform land policy dialogue and development.

3.3 Mapping NLS Resolutions to the LSF Themes

Implicit in the LSF strategies and themes outlined above are the steps, activities and actions necessary to address the twenty (20) resolutions that were agreed to at the National Land Summit held in September 2006. Table 1 shows how these resolutions are aligned with the LSF themes and where the emphasis is placed given the focus and intent of each NLS resolution.

Table 1: Mapping NLS Resolutions to the LSF Themes

3.4 Challenges, Risks and Opportunities

National Land Summit Resolutions		LSF Themes				
		Enhancing the governance of land	Engaging customary groups	Improving the delivery of land services	Creating a productive and sustainable sector	Ensuring access and tenure security for all groups
I. LAND OWNERSHIP						
A. Ownership of land	R. 1					
B. How to identify the legitimate land owner	R. 2					
C. Awareness	R. 3					
II. FAIR DEALINGS						
A. Enforcement of lease laws	R. 4					
B. Lease agreements	R. 5					
C. Certificate of negotiation	R. 6, 7 & 8					
D. Power of Minister over disputed land	R. 9					
E. Strata title	R. 10					
F. Agents and middlemen/ women	R. 11					
G. Lease rental and premium	R. 12					
III. SUSTAINABLE DEVELOPMENT						
A. Before lease approval	R. 13 & 14					
B. Lease conditions	R. 15					
C. Public access	R. 16					
D. Enforcement	R. 17					
E. Zoning	R. 18 & 19					
F. Awareness	R. 20					

The LSF advocates a sector-wide approach to address the key issues facing the land sector in Vanuatu. During LSF implementation, there are likely to be significant challenges to overcome but, conversely, there are also areas where there is scope for improvement. Some of the key challenges, obstacles and risks for LSF implementation will be:

- **Capacity of Government agencies and shared roles:** National Government plays a central role in coordinating and guiding land sector activities, but capacity to provide effective services across the country is limited. Certain service roles may be:
 - devolved to sub-national levels;
 - provided by the private sector (e.g. valuation, surveying, etc); or
 - delivered by civil society (e.g. community facilitation and negotiation support).

This will only be possible if the GoV acknowledges the need, establishes effective processes and provides resources to legitimise and oversee diverse service delivery models.

- **Effective capacity building:** Building capacity will be essential to successful LSF implementation. Moreover, the wide variety of stakeholders involved creates other challenges - each with varying needs, view points and interests. It will be vital for LSF implementers to consider all possible approaches to capacity building at each level, developing and trialling new approaches if appropriate.
- **Land sector harmonisation:** Many donors will be interested in providing support to the land sector in Vanuatu. However, donors may not align their activities with the LSF, instead pursuing their own interests outside of its guidelines. This raises the risk that LSF activities may not be coordinated and that the limited resources available will be captured by sideline issues that may not contribute towards long-term improvement in the sector. The LSF recognises the need to harmonise donor inputs, as well as effectively managing stakeholder absorptive capacity. It also provides guidance on the entry points (see *Appendix 2*) and ensures that mechanisms are in place to liaise with Government, other stakeholders and other donors (see *Appendix 4*).
- **Private sector engagement:** The LSF advocates that the private sector should play a role in land service delivery. It will therefore be important to build the capacity of the private sector to ensure the availability and quality of services are not jeopardised. A regulatory framework and code of conduct for the private sector must also be established to ensure that acceptable technical and professional standards in land service delivery are achieved. It will also be essential to ensure that vulnerable groups are able to access and afford the services provided by the private sector.
- **Working with customary land:** Customary land issues are complex and can only be successfully addressed by ni-Vanuatu stakeholders themselves. The LSF recognises the sensitivity of customary land issues and acknowledges that without this mandate from customary landholders and the GoV, some of the activities would simply not be undertaken.
- **Delays in legislative approvals:** The track record for legislative change in Vanuatu shows that long time-frames for approval and gazettal of new legislation and amendments are common. Amendments to legislation that are fundamental to land reform may take considerable time, with the result that some LSF activities may not be as effective. Where possible, changes to facilitate reform should therefore be made through existing regulations. The land sector must be proactive and continue to lobby Parliament for their approval.
- **Inertia for change and political will:** There are some land sector issues in Vanuatu that are currently the topic of hot debate. It is often difficult to bring about substantive change in established norms and behaviours - particularly if they involve elements of power, authority, conflict of interest and exploitation. The situation is very challenging and political commitment will be required to effect change.

Notwithstanding the above challenges and risks, the land sector can capitalise on and explore a number of opportunities. These include:

- The CRP and PAA documents and the NLS resolutions have provided valuable guidance for LSF formulation and have ensured that it is aligned with GoV development goals.

- The LSF adopts a sector-wide approach and provides scope for developing multi-stakeholder partnerships. This will enable comprehensive data collection and close monitoring of performance to gauge if progress is being made towards achieving the LSF's objectives for the land sector.
- The proposed devolution of a land advisory and facilitation service to sub-national levels creates real opportunities to target the actual needs of local communities.
- Opportunities exist for increasing land sector revenue during the LSF timeframe, and studies will be undertaken to look at the potential for revenue generation. Improved revenue collection and benefit sharing mechanisms are also planned under the LSF.
- The LSF will foster both private sector and civil society participation in land sector activities. If capacity in the private sector can be developed and an adequate regulatory framework established, then the private sector can provide some of the LSF services and relieve the Government of some of its responsibilities. Civil society can also play a major role in awareness programs and greatly increase accountability and transparency in the land sector.

4. LSF IMPLEMENTATION

4.1 Brief Overview

It is emphasised that the LSF is not a blueprint for the land sector for the next ten years. Rather, it should be used as a roadmap for enhancing land sector development in a participatory manner using the collective strengths and capacities of all the stakeholders involved. Guiding the process is the vision, mission and five themes outlined in *Section 3*. These themes form the framework in which the LSF policy and activity agenda has been set (see *Appendix 1*).

The LSF is based upon a fundamental premise that land is not the sole responsibility of Government. It accepts that a change in thinking is required to shift the emphasis away from a Government responsibility to a sector-wide participatory approach involving multi-stakeholders. This will help to mitigate the burden of limited capacity in the land sector, facilitate an improved land service delivery to all communities and ensure that broad stakeholder engagement in the land sector is maintained. Preliminary stakeholder mapping has been undertaken for the LSF and is summarised in *Appendix 3*.

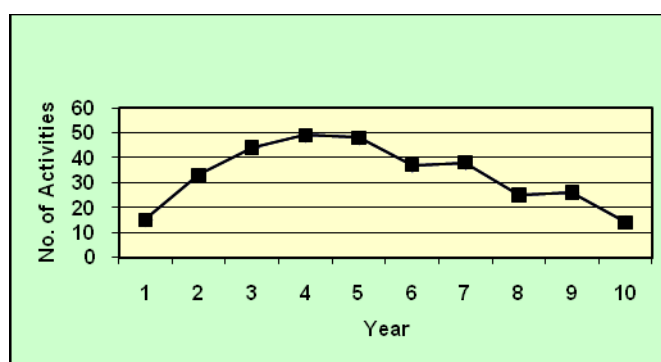
4.2 Implementation Approach

The LSF does not specify implementation phases at this stage, nor is it aligned with GoV budgetary cycles and planning horizons. Instead, it outlines a number of strategies which underpin the five themes. These strategies are supported by the LSF policy and activity agenda which will inform the corporate and annual plans for Government agencies and other stakeholder organisations over the ten year timeframe.

New land sector initiatives and approaches will be designed, piloted and evaluated. Outcomes from these applications will guide the direction and scope of subsequent activities and also inform the development of future land policy and its implementation. A schedule for LSF implementation has been prepared to provide a snapshot of the phasing of the activities (see *Appendix 2*).

The graph below is derived from the preliminary schedule outlined in *Appendix 2* and shows the total number of LSF activities that would be conducted in any given year as currently proposed. However, the rate of implementation will need to be assessed on a year-by-year basis and take into account the absorptive capacity in the land sector at the time.

Figure 1: Land Sector Activity Distribution



During the first five years (2009-2013), the activities will focus on areas which are considered by the majority of stakeholders to be a priority and essential to the future development of the land sector. For the second period (2014-2018), the activities are designed to build on the achievements from the first five years and broaden the scope of implementation so that longer-term challenges for the land sector (e.g. urban drift, informal settlements and hazard management) are addressed.

Key Activities for LSF Implementation		
Theme	2009-2013	2014-2018
1. Enhancing the governance of land	- Review and strengthen legislation and legal support systems - Review and formulate land and environmental policy - Commence institutional harmonisation process for land sector coordination - Establish land governance system, advisory structures, rules of engagement and performance frameworks	- Examine feasibility of drafting a national land law - Review and mainstream development of land use policy and plans - Formulate national urban planning policy and guidelines
2. Engaging customary groups	- Construct knowledge base and document custom rules and practices - Build capacity for decision-making and negotiation - Implement community awareness programs on land laws, rights and issues - Map community boundaries and cultural sites - Strengthen community structures and relationships with key stakeholders	- Continue community awareness programs in regional and local settings - Develop systems for recording and potentially registering customary land - Develop mechanisms for collective (or group) ownership of customary land - Establish regional and local land management and advisory structures - Facilitate community participation in land sector development in regional and local settings
3. Improving the delivery of land services	- Undertake continuous process and systems improvement - Embed operational governance principles into processes and procedures - Build private sector and civil society capacity to deliver land services - Introduce a customer-focused service culture - Establish service performance standards and formulate codes of conduct - Establish land information and records management system	- Expand land service delivery to regional and local settings - Strengthen private sector and civil society organisations to perform land services - Conduct regular customer satisfaction surveys - Develop geographic information system for development applications - Design and construct MoL facilities
4. Creating a productive and sustainable sector	- Improve legislation, enforcement, compliance and regulation measures for land dealings - Increase credit access to and revenue generation from land - Strengthen physical planning laws and development controls - Improve land planning, development and management of public and government lands - Introduce land and environment impact, stewardship, policy and quality assurance initiatives	- Continue to improve land development and management of public and government lands - Prepare statutory urban, rural and coastal zone management plans - Continue land and environment impact, stewardship, policy and quality assurance initiatives - Strengthen systems for monitoring land degradation, pollution and hazard management - Introduce measures to minimise marine and land degradation and pollution
5. Ensuring access and tenure security for all groups	- Introduce mechanisms to protect ownership of customary land and access to 'common' property resources - Strengthen mechanisms to resolve land disputes and reduce compensation claims - Strengthen justice system to facilitate speedy resolution of land compensation claims - Commence initiatives to protect the rights of vulnerable groups - Undertake studies on informal settlements and	- Introduce mechanisms to protect heritage and sacred cultural sites - Continue initiatives to protect the rights of vulnerable groups - Secure land rights of informal settlers through stabilisation and regulatory measures.

5. GOVERNANCE ARRANGEMENTS

5.1 Institutional Framework

A thorough analysis will be required before the framework for LSF implementation is finalised. In Vanuatu, there are effectively two administrative structures in place: that is, the *formal government structure* that operates at national, provincial and municipal levels and the *traditional customary structure* which operates at national, island, area and village level.

Given the advocacy of a sector-wide approach and the capacity limitations within all organisations and at all levels of operation, this strongly suggests that a 'hybrid' structure should be considered for LSF implementation. The LSF does not propose a solution at this stage but it does acknowledge that the issue of institutional harmonisation will need to be addressed during the early years of implementation.

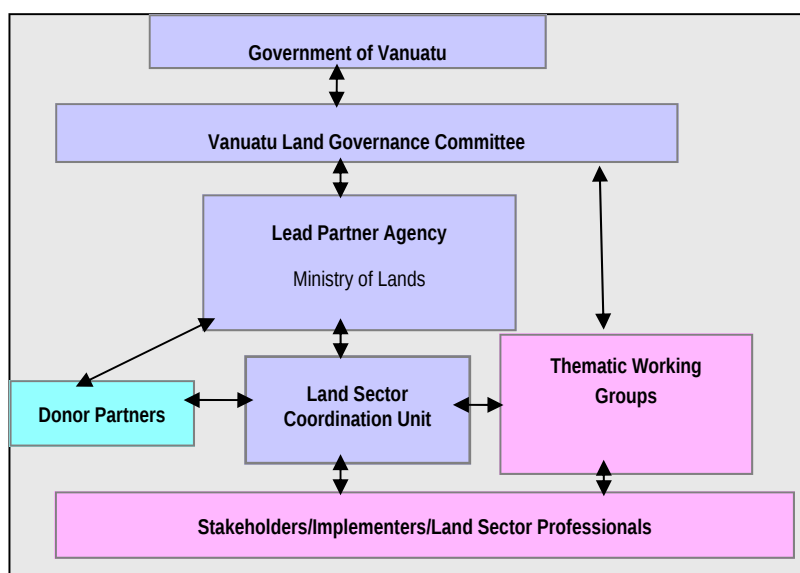
Given the governance and management structure proposed for the LSF, it will be important to clarify and define the key roles and responsibilities for undertaking the activities and the key linkages between the various organisations and stakeholder groups that will be involved at each level of operation.

5.2 Land Sector Oversight

The impetus for undertaking the challenging task of implementing the LSF requires vision, leadership and sustained commitment. The Ministry of Lands, Minerals, Energy, Environment and Rural Water Supply (MoL), through its Director General, has responded to the need for a land sector plan and has initiated the development of the LSF as the first stage in the process. As such, it is logical that MoL take carriage of LSF procurement, administration and implementation; including oversight for overall policy development, planning and resource allocation.

A multi-stakeholder **Vanuatu Land Governance Committee** (VLGC) will be established at national level to develop and maintain a strong strategic focus on, and oversight of, the LSF themes.⁵ The VLGC will supercede the present National Land Steering Committee (NLSC) and will have overall responsibility for planning and reviewing the LSF as land sector policy and implementation evolves. The governance arrangement for the LSF is presented in Figure 2 below.

Figure 2: Governance Arrangement for Land Sector Framework



⁵ The VLGC will also be the vehicle through which the land sector can liaise with other policy and information forums and periodically report to these forums on land sector policy and LSF implementation.

The VLGC will include representatives from key Government agencies, civil society groups, private sector and development partners. A proposed membership list is outlined as part of the governance arrangements (see *Appendix 4*). As the lead agency, MoL will chair quarterly management meetings of the VLGC. These meetings will monitor progress on activities (including reviews of implementing agencies and partner reports) and assess new activities to ensure they reflect evolving land sector policy.

The Director-General (DG) of Lands will be the **Focal Point** for the LSF and will be supported by a **Land Sector Coordination Unit** (LSCU). The initial entry point for activity proposals within the LSF will be through the Focal Point and LSCU. This will involve the preparation of proposals and their endorsement by the LSCU and Focal Point before submission to the VLGC. Following VLGC approval, the proposal will then be submitted through the Development Committee of Officials (DCO) and referred to the Department of Sector Policy, Planning and Aid Coordination (DSPPAC) for final GoV approval. Proposals which impact on the recurrent budget will require approval by the Ministerial Budget Committee (MBC).

Where external assistance is required, DSPPAC will submit the proposal to donors. Donors will therefore need to identify and organise a representative to liaise with the VLGC, the GoV and the LSCU on matters relating to the land sector as a whole. Bilateral activities relevant to land will continue to be directly negotiated; however, they must be endorsed by the VLGC.

In the future, LSF implementation at the sub-national levels will also need to be harmonised. The governance structure for these arrangements will be more challenging and must take into account the institutional representation and resource capacity limitations at these levels.

5.3 Coordination Mechanisms

In order to achieve the strategic objectives of the LSF it will be essential to develop and strengthen the capacity for coordination and communication within the land sector in Vanuatu. Mechanisms will be required to ensure that horizontal coordination occurs between land sector institutions and that communication flows freely between the vertical administrative levels of the formal government and traditional customary systems.

At the national level, the coordination point will be the LSCU (see *Appendix 4*) which will supersede the existing NLSC Secretariat. The LSCU will be responsible for the day-to-day administration and implementation of the LSF, including monitoring of activities for reporting to the VLGC.⁶ It is proposed that the LSCU be a formal unit within the MoL structure and report to the DG for Lands.

The LSCU, while located within the MoL, should also include a representative from the key stakeholder partners. As some land sector activities may operate outside of Government, a participatory approach will be required to ensure that good coordination, communication and knowledge of relevant land sector activities occurs. A multi-partner coordination unit will help to minimise the risk of a single entity influencing decisions.⁷ This type of arrangement will require an MoU or similar formal arrangement between the key partners based upon the agreed roles and responsibilities of the stakeholders.

LSF implementation at sub-national levels will also need coordination. The coordination focal points at these levels must be carefully considered and are likely to be a scaled down version of the national structure. Nevertheless, a phased approach in the regions will be necessary – taking into account institutional representation, resource capacity limitations and the extent of land sector activity. It will be important to ensure that collaboration and horizontal coordination of land sector planning and implementation is a top priority.

⁶ The LSCU may comprise, or have access to professionals with land sector experience and perform a range of advisory, administrative, communication/information, research and monitoring and evaluation functions to facilitate and promote LSF implementation.

⁷ Multi-stakeholder partners may nominate a representative to the LSCU for a set period and then have a renewal or replacement mechanism in place when the period expires. This representation may be aligned with the priorities of LSF implementation at the time.

5.4 Thematic Working Groups

Overall responsibility for LSF implementation will rest with the VLGC. As implementation progresses, there will be many occasions where specific land sector studies will be undertaken and new techniques and processes developed and tested. It is envisaged that these pilot studies and applications will be coordinated by the LSCU and supported by a number of **Thematic Working Groups** (TWGs).

The roles and responsibilities of the TWGs outlined in *Appendix 4* may align with the five themes for the LSF as described in *Section 3.2* (e.g. governance, customary groups, service delivery) or be formulated to address specific land sector studies (e.g. land policy development, legislative review, informal settlements, urbanisation). As such, the TWGs will be ad hoc and formed by the VLGC when specific needs arise, using relevant specialist expertise. It is a flexible arrangement designed to allow for immediate response to land sector issues and will enable access to a diverse pool of stakeholder expertise.

6. MONITORING AND EVALUATION

6.1 Principles

An underlying principle of LSF implementation is that it should be flexible and responsive to current needs in Vanuatu. It will be structured around a multi-stakeholder management process facilitated by the VLGC. This approach is likely to challenge conventional Monitoring and Evaluation (M&E) for land sector programs and it is envisaged that new and emerging methodologies will need to be integrated with more traditional approaches.

M&E will be an integral part of LSF implementation as it provides vital information on land sector performance and contributes to impact evaluations of LSF outcomes. Because the LSF will involve a range of stakeholders and is expected to have broad impact in relation to policy goals, monitoring will need to be multi-level and multi-disciplinary and all stakeholders will have roles to play.

Some of the principles that should be applied during the formulation and refinement of the M&E system are:

- Processes must not impose huge demands in terms of time and methodology on key stakeholders while, at the same time, they must reflect adequate engagement;
- Analysis and reporting must blend both qualitative and quantitative data collection methodologies within a structured framework;
- M&E for the LSF must support broader GoV data collection and management requirements and ensure the information is used systematically and consistently; and
- Data must be disaggregated by gender as well as by province / island.

Responsibility for overseeing the development and implementation of the M&E system will lie with the MoL and the administration and coordination of M&E activities will be undertaken by the LSCU. The LSCU will work closely with the MoL and other key stakeholders to ensure the timeliness, relevance and quality of the M&E information.

6.2 Performance Measures

A preliminary set of indicative performance measures, including both quantitative and qualitative data and information, have been identified for the LSF and are listed in *Appendix 1*. A systematic approach for integrating these data will be required, together with an M&E system that provides the tools and a structured process for analysing and interpreting the evidence and reaching conclusions about performance.

At this stage, indicative performance measures have only been developed for the LSF policy and activity agenda. Measures for the LSF vision, mission and themes which link performance to broader national outcomes, together with benchmarks and agreed targets will need to be developed. The M&E system must also be consistent with the GoV's PAA and incorporate processes to regularly review LSF outcome statements to ensure they are clear, measurable and achievable within the established timelines.

The approach to M&E must be participatory and should aim to achieve consensus amongst all stakeholders on progress towards achieving the LSF outcomes, with an emphasis on identifying the most significant changes which have occurred. The participatory methodology will incorporate an interview process that is tailored to different stakeholder audiences (e.g. customary leaders, land owners and users, and community members), captures the storytelling culture in Vanuatu (e.g. involves the concept of *storian*) and constitutes an integral part of the process for capacity building.

6.3 Reporting and Evaluation Process

It is envisaged that a combination of annual reviews and results-based monitoring will be used to obtain information on performance that will guide LSF decision-making. Reporting on LSF progress and achievements will be aligned with the GoV's planning timelines and budget cycles. Annual reviews will be carried out under the auspices of the VLGC and will involve a range of key stakeholders to assess the progress of LSF implementation against agreed, rather than pre-determined, benchmarks and targets.⁸

Extensive LSF evaluations will be conducted every five years with the possibility of additional evaluations during these periods, if deemed necessary. These evaluations will be more comprehensive than annual reviews and will provide more scope for revisions to the strategies and objectives of the LSF. The evaluation exercises will involve a range of key stakeholders, and the GoV may also engage external evaluators from a range of disciplines to assist in the assessment of LSF impact and the identification of future proposals.

The first evaluation should be undertaken in Year 4 or 5 of LSF implementation and will be critical to the assessment of new techniques and approaches that have been introduced to the Vanuatu land sector.⁹ The outcomes will inform the recommendations on appropriate strategic and financial revisions to the LSF so that the framework reflects the planned scale and shape of implementation for the second five year period.

6.4 Data and Information Collection

The collection tools for LSF monitoring and evaluation are likely to vary across activities and key stakeholder groups. Consequently it may not be appropriate to standardise the processes. Likewise, the types of data and information to be collected and the relevant sources will also vary according to the indicators for success, which still require further definition.

The performance measures listed in *Appendix 1* and the preliminary stakeholder mapping undertaken in *Appendix 3* provide the starting point for defining the data collection requirements and the key stakeholders involved. This mapping will also help to define the methods and processes (e.g. individual interviews, group discussions, surveys, census, questionnaires, audience research, manual collation, electronic collection, documentary evidence) to be adopted for data and information collection.

The methods for collecting the M&E information will essentially fall into three main categories: (1) routine data collection and reporting, (2) national data collection, and (3) gathering sector-specific data. Routine data collection and reporting will focus on providing M&E information which is activity-specific. It will require the development of work plans and agreed targets against which stakeholder reporting is undertaken in a format consistent with GoV reporting requirements. Any data and information that has to be gathered at sub-national level will also be aggregated into the national database.

National data collection exercises like census, household, crop and integrity surveys provide an avenue for assessing the contribution of land sector initiatives to national development goals. However, land sector programs in general have tended to develop M&E frameworks and systems which measure performance at activity level rather than the 'higher level' outcomes which are linked to these goals. For the LSF, it would be possible to design collection tools that will measure LSF performance at the vision, mission and theme levels.

Some elements of the LSF will require analysis on a regular basis using data which will not be available through either routine reporting or national data collection.

⁸ Annual reviews may include: (1) assessing progress against benchmarks and targets and performance against activities, themes and vision for the land sector, (2) identifying constraints to progress, (3) reviewing expenditure and budget outlines for the following year, identifying funding gaps if any, and propose measures to meet any anticipated shortfall, (4) sharing successful experiences, and (5) reaching agreement on work plans and outputs for the following year.

⁹ Evaluations may include: (1) assessing the technical, economic, social and environmental impacts of the LSF, (2) reviewing progress and identifying areas of success and non-success, (3) reviewing the efficiency, efficacy, effectiveness, relevancy and sustainability of LSF implementation, (4) prioritising strategies and activities for future implementation, (5) reviews of expenditures and costs, and (6) identifying constraints to the achievement of outcomes.

These may include: benchmark and periodic studies on pilot approaches, service delivery surveys, customer satisfaction surveys, stakeholder surveys, peace and conflict studies, systems and operational performance surveys, and impact studies on gender, youth and vulnerable groups. Provision has been made in the LSF to conduct such studies, and dedicated resources will be required.

7. FUNDING AND RESOURCES

7.1 Overview

Funding for a land sector-wide initiative should be underpinned by an expenditure program which is under GoV leadership. Moreover, the approach to LSF planning, budgeting and implementation presents both challenges and opportunities. These include the potential to introduce new approaches that will increase the impact of land sector initiatives on GoV development goals, such as economic growth and good governance.

The sector-wide approach intrinsically relies upon the development of land sector investment scenarios which are based on clear strategies and policy framework, uphold the principles of good governance, and are developed through extensive consultation and participation with the multi-stakeholder partners.

7.2 Potential Funding Sources

LSF funding support can be secured from a range of sources including donor agencies, national, provincial and municipal governments, the private sector, and - potentially - self-generating revenue. One scenario would be for individual donors to support discrete activities in the LSF. Another possible scenario in the longer term would be a 'pooled' donor funding mechanism that could allow more flexibility and responsiveness to local challenges and needs as they arise.

Several donor initiatives have already commenced in the Vanuatu land sector. For example, UNDP, AusAID, NZAID and World Bank are undertaking, or are soon to initiate, major activities in line with the LSF themes. The formulation of the LSF at this time has benefited greatly from the timely harmonisation of the design processes involved in these initiatives. The current donor engagement also provides an opportunity to build confidence in, and prove the strength of, a sector-wide approach to land before new approaches for funding and resource allocation are considered for the longer term. Donors will need to address ways in which their support to the land sector is organised and coordinated. This may necessitate the formulation of rules of engagement and memoranda of agreement for cooperation similar to that developed for other sectors in Vanuatu.

The suitability of alternative funding mechanisms and sources can only be explored and developed once the schedule for LSF implementation has been refined and specific priorities confirmed. As the LSF evolves, it is possible that more activities will be undertaken in other related Government agencies and organisations. Appropriate mechanisms for allocating funds to these different stakeholder organisations must also be developed. It is envisaged that donors will continue to provide significant support during the lifetime of the LSF, and funding levels may even reduce as activities become mainstreamed into GoV recurrent budgets.

7.3 Estimating Finances and Resources

In the short term, it will be relatively easy to integrate the financial and resource allocations for the donor programs into a consolidated resource envelope for LSF implementation. This will take into account the manpower resources available and should be aligned to and integrated with the GoV planning and budget cycle.

The longer term options for donor investment in land sector development are more difficult to predict and estimate. In this case, attention should not simply focus on the estimates but also on the future pattern of resource allocation across the strategic objectives (themes) and key activities of the LSF, as reflected by sector priorities. This will require the development of an investment strategy which outlines different scenarios for the rate at which activities in the land sector will either expand or contract.

8. POINTS FOR CONSIDERATION

This report has presented the rationale, justification and the proposed design of a Land Sector Framework for Vanuatu. It summarises the current status of progress on its development and provides a foundation for the next stage of planning prior to implementation. In its current form, the LSF outlines a vision and mission for the land sector and five enabling themes or strategic objectives to achieve the vision and mission. Each theme is underpinned by a set of strategies, a LSF policy and action agenda and indicative performance measures for monitoring and evaluation.

A preliminary implementation schedule has been prepared, initial stakeholder mapping has been undertaken, governance arrangements have been proposed and key activity areas for each theme have been identified. LSF development is now at a stage where a consultative process with key stakeholders is required to obtain initial feedback on its strategic direction and thematic content. Once feedback on the LSF has been received and incorporated, steps should be taken to formulate the next series of actions which would include seeking the endorsement and approval of the LSF by the GoV.

This report has identified a number of activities for LSF development in the immediate term that would facilitate ongoing progress and ensure that momentum is maintained. These activities include:

- Undertake sector-wide consultations with stakeholders on the current status of the LSF and obtain feedback on the strategic direction and thematic content (*Section 1*)
- Outline a process to facilitate LSF land policy dialogue and formulation (*Sections 1 and 4.2*)
- Outline a process for institutional harmonisation in the land sector that is relevant to the Vanuatu context (*Sections 1 and 5.1*)
- Review GoV sector-based policy statements to ensure ongoing development of the LSF is consistent and well informed by these documents (*Section 1.1*)
- Refine stakeholder mapping and analysis for the LSF to ensure that stakeholders are correctly aligned with the LSF agenda and that lead stakeholders are identified for specific activities (*Appendix 3*)
- Refine LSF activity implementation schedule and align with GoV budgetary cycle and planning horizons (*Section 4.2*)
- Progress the development of a land sector implementation plan and resource allocations and link the LSF policy and activity agenda with LSF objectives and outcomes and the GoV reporting requirements (*Sections 4.2 and 5.2*)
- Review the rate of implementation for LSF activities in light of donor activities and the absorptive capacity issues in the land sector (*Section 4.2*)
- Prepare an M&E system for the LSF (*Section 6.1*) and develop additional measures for the LSF vision, mission and themes which link performance to national development outcomes (*Section 6.2* (and the LSF indicators for success) *Section 6.4*)
- Formulate rules of engagement and memoranda of agreement for donor cooperation in the land sector, similar to those developed for other sectors (*Section 7.2*)

-
- Integrate the financial and resource allocations for current land sector donor programs and recurrent activities into a consolidated resource envelope for LSF implementation, taking into account the manpower resources available and alignment with the GoV planning and budget cycle (*Section 7.3*)
 - Develop investment strategies which outline different scenarios for the rate at which activities in the land sector will either expand or contract over the ten year timeframe (*Section 7.3*).

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APPENDIX 1: LAND SECTOR FRAMEWORK



VISION

THEMES

“A Prosperous, Equitable and Sustainable Land Sector for Vanuatu”

Enhancing the governance of land

1. Ensure accountable, transparent and fair dealings in land
 - Regularly review and improve land laws, regulations and enforcement criteria
 - Incorporate principles of good governance in land tenure and administration
 - Promote a mixture of formal and traditional systems for governance
 - Increase awareness and education about ethics, leadership values and codes of conduct
2. Encourage sector-wide oversight of land governance system
 - Promote a stakeholder - inclusive participatory approach to land governance
 - Ensure consistency between legislation and constitutional decrees on land status and the land tenure system
 - Align land sector initiatives with the government reform and priority action agenda

Engaging customary groups

1. Build civil society capacity to contribute to sector development
 - Strengthen civil society advocacy for the protection of customary land rights
 - Encourage civil society participation in planning and land policy development
2. Increase support for community awareness and engagement
 - Support customary principles and practices
 - Enhance community awareness of land rights
 - Improve community decision-making on land matters
 - Improve understanding and access to land information for custom landholders

Improving the delivery of land services

1. Strengthen agencies to use resources properly
 - Strengthen land administration system and procedures and improve core operational practices
 - Introduce appropriate application technologies to streamline service delivery
 - Assess institutional roles and linkages and reorganise agencies to meet service priorities
 - Monitor and report on performance at sector and agency levels
2. Improve coordination within land sector and delivery capacity
 - Foster cooperation within government, civil society and with communities
 - Adopt sector-wide approach to resource utilisation and mobilisation
 - Engage the private sector to deliver selected land services
 - Strengthen capacity at national, provincial and local municipal government levels

Creating a productive and sustainable sector

1. Strengthen land management
 - Strengthen land use planning systems and approaches
 - Adopt an integrated approach to physical planning
 - Strengthen management of public/ government lands
 - Introduce land acquisition schemes to minimise the pressures of urbanisation
2. Foster land market development
 - Strengthen mechanisms for revenue generation and equitable sharing from land transactions
 - Promote land market access, credit access and wealth creation measures to stimulate land development
3. Support sustainable development practices
 - Promote sustainable land management practices to facilitate growth in allied productive sectors
 - Support stewardship and protection of environment and natural resources

Ensuring access and tenure security for all groups

1. Facilitate better access to land
 - Enhance community and public awareness of access rights to land
 - Protect community access to common property resources
 - Support access to land for commercial ventures
2. Strengthen local-based dispute resolution
 - Support customary practices that preserve peace and social harmony in communities
 - Improve access to justice for people with land compensation claims
 - Increase capacity to resolve land disputes quickly and fairly
3. Strengthen land tenure security
 - Simplify tenure laws
 - Strengthen land tenure security for all owners, occupiers and users
 - Protect land rights for women and children
 - Protect land rights for vulnerable communities

Agency Corporate and Annual Plans Performance Measures

“A Prosperous, Equitable and Sustainable Land Sector for Vanuatu”

Enhancing the governance of land

Engaging customary groups

Improving the delivery of land services

Creating a productive and sustainable sector

Ensuring access and tenure security for all groups

STRATEGIES

- 1. Land law reform**
 - Resolve ambiguities in legislation and constitution and assess scope for change
 - Strengthen legislative support system to speed up reform processes
 - Revise laws to remove uncertainties in land rights, access and use
 - Implement proposed changes to improve foreshore, strata title, and subdivision legislation
 - Investigate scope and feasibility of drafting a national land law
- 2. Land and environment policy development**
 - Evaluate and improve national, provincial and area land use policies
 - Formulate new environmental policies and initiatives
 - Formulate national urbanisation policy and planning guidelines
 - Undertake broad sector-wide land policy studies to identify and fill policy gaps in critical areas
 - Investigate the scope and feasibility of drafting a national land policy

- 1. Community awareness and engagement**
 - Build knowledge base on the dynamics of decision making in customary communities
 - Build capacity within communities to negotiate and make decisions on customary land matters
 - Document custom land policies, rules and practices, including measures for sustaining land and the environment
 - Implement community awareness programs on land laws and rights
- 2. Community boundary mapping**
 - Evaluate past and existing pilot studies on mapping customary land
 - Provide support to facilitate decisions on community boundaries and mapping
 - Identify and map heritage, sacred cultural sites and “tabu” areas
 - Investigate feasibility and scope of establishing a system to record and, potentially, register customary land
 - Examine models and introduce legislation to recognise the collective ownership of customary land

- 1. Efficient and effective enabling services**
 - Undertake continuous process improvement to achieve efficient and effective land services
 - Instil transparency and accountability into all administration and management processes
 - Assess feasibility of expanding province-based land office network to provide decentralised land services to communities
 - Build capacity in surveying, mapping, planning and valuation
 - Strengthen private sector and civil society to perform some services
- 2. Service culture and performance**
 - Continue public service reform initiatives to improve performance and responsiveness of staff
 - Formulate codes of conduct for all land professionals and practitioners
 - Establish service standards
 - Introduce a customer- focus ethos for the delivery of land services
 - Undertake regular customer and community satisfaction surveys

- 1. Land market development**
 - Design a framework to enhance land sector productivity and increase economic returns
 - Conduct benchmark studies on the impact of land reform on economic growth and development
 - Improve legislation, enforcement, compliance and regulation measures for leasing arrangements
 - Strengthen entities and consider legislation that can facilitate greater access to credit loans for investments in land
 - Consider legislation to define land class as the basis for land valuation, rental and tax regimes
- 2. Physical planning and development**
 - Review and strengthen physical planning laws and development controls
 - Prepare statutory urban, rural and coastal zone management plans
 - Build capacity and improve planning and management of public and government lands

- 1. Clarify and strengthen land rights**
 - Establish framework to support and protect land rights
 - Revise tenure law to ensure access to and ownership of customary land is protected
 - Protect heritage and sacred cultural sites
 - Strengthen and enforce laws and regulations to protect public access to ‘common’ property resources (oceans, rivers and lakes)
 - Provide utilities and road access to leased areas
- 2. Land and resource dispute resolution**
 - Review customary land tribunals and assess feasibility of a provincial tribunal network
 - Explore traditional community - based mechanisms for dispute resolution
 - Strengthen the justice system to enable speedy resolution of land compensation claims

“A Prosperous, Equitable and Sustainable Land Sector for Vanuatu”

Enhancing the governance of land

Engaging customary groups

Improving the delivery of land services

Creating a productive and sustainable sector

Ensuring access and tenure security for all groups



STRATEGIES



3. Land governance system

- Adopt an institutional harmonisation process to implement the land sector framework
- Develop governance structures and rules of engagement for land sector
- Develop and implement framework of measures to improve the governance of land administration and tenure
- Strengthen composition and authority and powers of relevant land management and planning committees
- Design and implement a suite of pilot studies to test, evaluate and mainstream key land reform and governance initiatives

3. Strengthen community relations and structures

- Build and strengthen relationships between communities, civil society organisations and the Government
- Explore feasibility of establishing provincial and area council land sector management and advisory structures
- Adopt a participatory approach to facilitate and engage communities in land sector planning and development

3. Information technology and management

- Formulate policies and protocols for the distribution and management of land and spatial information
- Establish an accessible and reliable land information and records management system
- Build user-friendly spatial information system to support mapping and development applications

4. Infrastructure and civil works

- Audit existing Ministry of Lands space utilisation
- Upgrade/ expand Ministry of Lands building space to improve service delivery and performance
- Evaluate feasibility of constructing new facility for Ministry of Lands

3. Sustainable land and environmental management

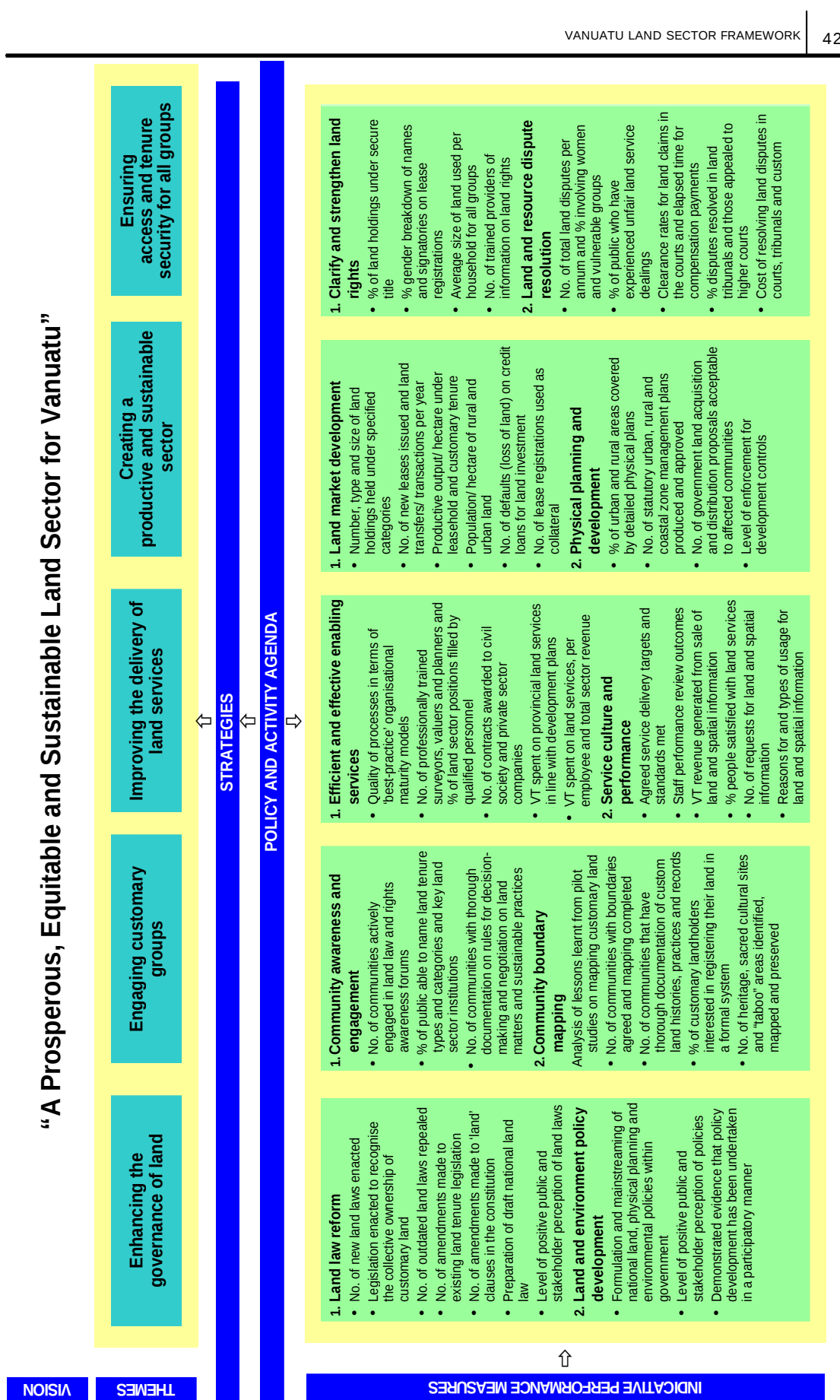
- Embed land and environmental management policies, principles and quality assurance practices into national, provincial and area council development plans
- Develop a framework outlining responsibilities for land stewardship
- Strengthen system to monitor and assess land quality, changing land use, high risk hazard zones and future trends
- Introduce measures to minimise land and marine degradation and pollution
- Regulate and undertake environmental and social impact assessments prior to decisions on land

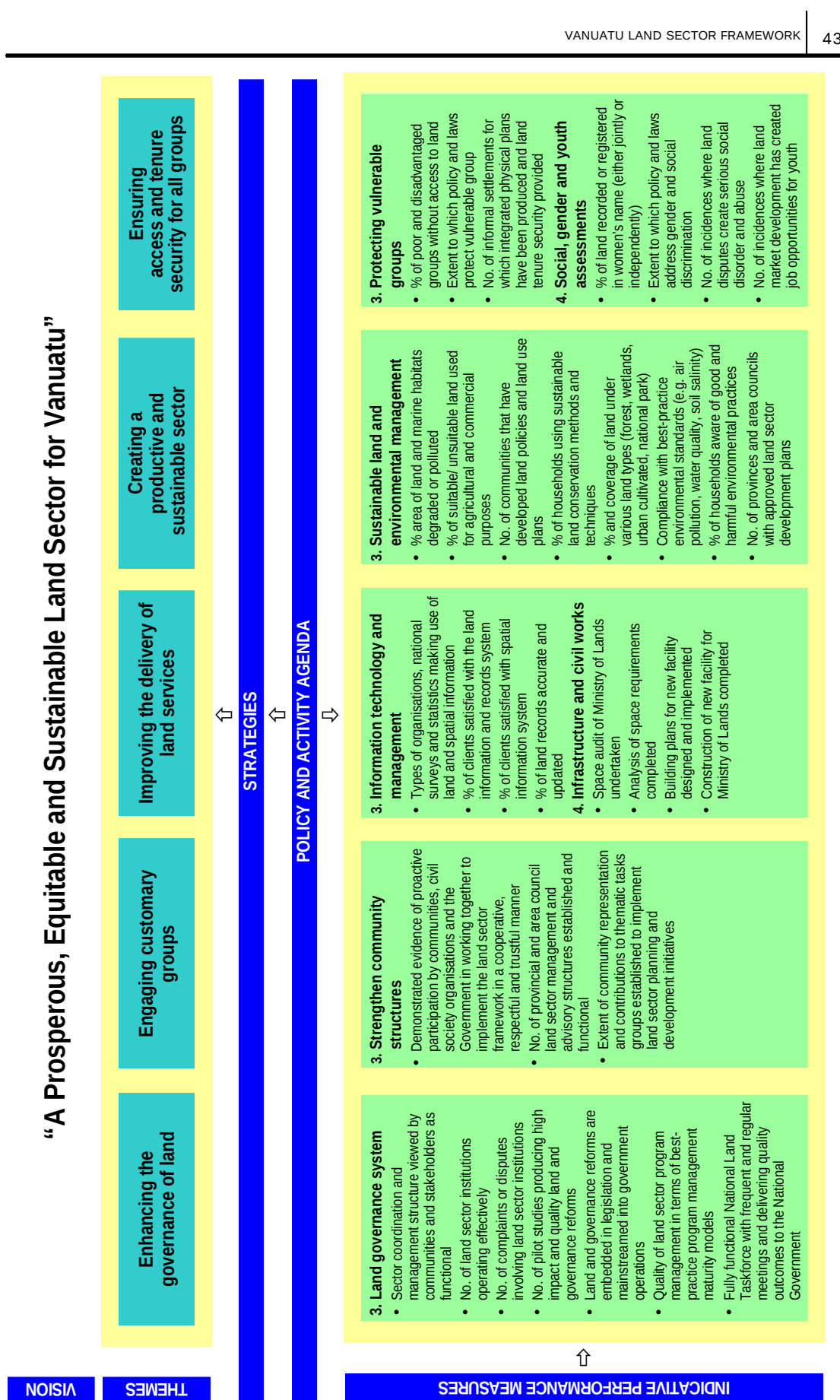
3. Protecting vulnerable groups

- Identify and protect the rights of poor and disadvantaged communities
- Undertake studies on informal settlements and the impact of urban drift
- Introduce measures to stabilise, regulate and secure land rights for informal settlers

4. Social, gender and youth assessments

- Conduct foundation and periodic studies on the impact of land reform in Vanuatu on:
 - Social harmony and development
 - Gender equity, equality and women's rights
 - Youth welfare and employment to inform future land law and land policy development





APPENDIX 2: IMPLEMENTATION SCHEDULE & SEQUENCING PLAN

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APPENDIX 3: PRELIMINARY STAKEHOLDER MAPPING



VISION

THEMES

“A Prosperous, Equitable and Sustainable Land Sector for Vanuatu”

Enhancing the governance of land

1. Ensure accountable, transparent and fair dealings in land
 - Ministry of Lands (MoL)
 - Malvatumauri National Council of Chiefs (MNCC)
 - Ombudsman's Office
 - Public Service Commission
2. Encourage sector-wide oversight of land governance system
 - MoL
 - MNCC
 - State Law Office (lesser role)
 - Dept of Economic and Sector Policy, Planning and Aid Coordination (DSPPAC)
 - Membership of National Land Governance Committee (to be formed)
 - National Council of Women (NCW)

Engaging customary groups

1. Build civil society capacity to contribute to sector development
 - Vanuatu Association of Non-Government Organisations (VANGO)
 - Vanuatu Kajoral Senta (VKS)
 - MNCC
 - MoL
2. Increase support for community awareness and engagement
 - MNCC
 - VKS (particularly awareness)

Improving the delivery of land services

1. Strengthen agencies to use resources properly
 - MoL
 - Ministry of Agriculture (MoA)
 - Ministry of Internal Affairs (MIA)
 - DSPPAC
2. Improve coordination within land sector and delivery capacity
 - MoL
 - MIA
 - MoA
 - Main civil society actors (MNCC and VKS)
 - DSPPAC
 - Private Sector
 - Local authorities (Provincial and Municipal Governments)
 - Office of the Valuer General (VG)
 - Professional Associations (e.g. Chamber of Commerce)

Creating a productive and sustainable sector

1. Strengthen land management
 - Department of Lands (DoL)
 - Physical Planning Unit, MIA
 - MoL
 - MoA
 - Provincial and Municipal Governments, MIA
2. Foster land market development
 - MoL
 - Private Sector (Banks)
3. Support sustainable development practices
 - MoA
 - MoL
 - MoL, Environment Unit
 - VKS

Ensuring access and tenure security for all groups

1. Facilitate better access to land
 - VKS
 - MNCC
 - MoL
 - Ministry of Trade and Ni-Vanuatu Business
 - Private Sector (Banks)
2. Strengthen local-based dispute resolution
 - MNCC
 - Customary Land Tribunal Unit
 - Judiciary
3. Strengthen land tenure security
 - MoL
 - MNCC
 - VKS
 - Ministry of Justice and Social Welfare (MJSW)
 - State Law Office
 - NCW
 - National Youth Council
 - Youth Inter-Agency Group
 - Academic/research institutions e.g. USP

INDICATIVE STAKEHOLDER GROUPINGS

- REPUBLIC OF VANUATU**
Priority Action Agenda 2006-2015
“An Educated, Healthy and Wealthy Vanuatu”
- Strategic Priorities**
- Private sector development and employment creation
 - Macroeconomic stability and equitable growth
 - Good governance and public sector reform
 - Primary sector development
 - Provision of better basic services, especially in rural areas
 - Education and human resources development
 - Economic infrastructure and support services
- Current Action Items**
- Growing the productive sector, especially agriculture and tourism
 - Maintaining macroeconomic balance
 - Raising public service performance
 - Cutting costs associated with transport and utilities
 - Improving access to basic services such as health and education

APPENDIX 4: GOVERNANCE ARRANGEMENTS

PROPOSED GOVERNANCE GUIDELINES

National Land Governance Committee

The Vanuatu Land Governance Committee (VLGC) will have general oversight of the Land Sector Framework (LSF). It will have overall responsibility for planning and reviewing the LSF as land sector policy and implementation evolves. As a national committee it must include government, non-state actors and the private sector. Possible membership may include (the key stakeholders for the land sector):

- Ministry of Lands
- Department of Strategic Policy, Planning and Aid Coordination (DSPPAC)
- Ministry of Trade
- Ministry of Agriculture, Forestry and Fisheries
- Ministry of Internal Affairs
- Ministry of Finance
- Ministry of Justice and Social Welfare
- National Disaster Management Office
- Malvatumauri National Council of Chiefs
- Vanuatu National Cultural Council/Vanuatu Cultural Centre
- Vanuatu National Council of Women
- National Youth Council/Youth Inter-Agency representative
- Vanuatu Association of Non-Government Organisations
- Private Sector representative
- Donor representative

Terms of Reference

- Direct, facilitate and oversee the LSF
- Initiate activities/studies in areas of critical interest to the government and the community
- Provide advice on and endorse proposed activities within LSF
- Appoint thematic groups as necessary to address specific issues
- Guide on publicity and sensitisation of the citizens on the LSF (public awareness)
- Ensure the LSF is linked to national and other sectoral policies
- Participate in all National Fora on the LSF

Focal Point

The Vanuatu Ministry of Lands, Minerals, Energy, Environment and Rural Water Supply (MoL) will be the main implementing agency and will have overall responsibility for procurement, administration and implementation of the LSF. The Director-General of Lands will be the Focal Point for the LSF and will need to be supported by a Land Sector Coordination Unit (LSCU).

Terms of Reference

Act as Focal Point for donors seeking to provide assistance to the land sector

Advise the LSCU on land policy priorities set by the LSF

Land Sector Coordination Unit

The LSCU will be responsible for the day-to-day administration and implementation of the LSF, including monitoring of activities for reporting to the VLGC. It will report to the DG for Lands, and should be a formal unit within the MoL structure.

The LSCU, while based within the Ministry of Lands, should include a representative of the key implementing partners as a partnership approach to land sector reform is fundamental to the successful implementation of the Land Sector Framework. As many land sector activities operate outside of government, a mechanism is required to ensure good coordination and knowledge of the relevant land sector activities. A multi-partner coordination unit will also minimise the risk of a single entity influencing decisions. This type of arrangement will require an MoU or similar formal arrangement between the key partners. The agreed roles and responsibilities of partners will guide this arrangement.

Terms of Reference

Provide the linkages between and amongst the VLGC and stakeholders/implementing partners

Ensure that there is a balanced multi-partner perspective in all decision-making

Provide technical and administrative leadership for the LSF, drawing also on relevant technical expertise from within the multi-partner LSCU

Liaise with donors, as directed by the Focal Point, and guide development assistance within the LSF

Responsible to the VLGC for effective coordination and monitoring and timely reporting of activities within the LSF

Source and acquire relevant data and material to facilitate the operations of the

Thematic Working Groups (TWGs)

Provide secretariat to the entire LSF

Ensure all records relating to the LSF are accurate and easily retrievable

Thematic Working Groups

Thematic Working Groups (TWGs) roles and responsibilities may align with the major themes within the LSF, but are not specifically established throughout. The VLGC can form TWGs as the need arises, using relevant specialist expertise. It is a flexible arrangement designed to allow for immediate response to issues relevant to the sector and will enable flexible access to a diverse pool of expertise within the land sector.

Terms of Reference

- Form to follow up specific topics. Membership may be from the VLGC, where necessary;
- Recommend to the LSCU the priority, scope and content of studies to be undertaken and propose terms of reference;
- Recommend to the LSCU consultants to carry out such studies, where necessary;
- Review and endorse consultants' reports to be accepted or resubmitted;
- Delegate members of the TWGs to attend meetings and workshops;
- Receive submissions from members of the public;
- Task the LSCU to distribute working papers and reports; and
- Execute what is necessary to attain their mandate, within the limits of the allocated resources.

The Chair of each Thematic Working Group shall specifically be expected to:

- Provide an administrative link between the LSCU and the respective thematic working group;
- Inform members of the time and location of general meetings and make the necessary administrative and logistic arrangements for their timely and smooth operation;
- Keep a record of attendance and decisions made at general meetings of the thematic working group and follow up on the agreed actions points; and
- Execute any task to assist the thematic working group to attain its mandate, within the limits of the allocated resources.

Donors

Donors will need to organise to identify a representative to liaise with the VLGC, the GoV and the LSCU on matters relating to the sector as a whole. Bilateral activities relevant to land will continue to be directly negotiated, however, must be endorsed by the VLGC.

Possible donors:

- AusAID
- NZAID
- UNDP
- World Bank
- Oxfam International
- The Christensen Fund, and
- People's Republic of China

LSF Oversight Meetings/Monitoring

The MoL, as the lead partner agency for the LSF, will chair quarterly LSF management meetings with the Vanuatu Land Governance Committee. These meetings will allow for monitoring of activities against the LSF (including review of implementing agencies and partners reports, as well as assessment of proposed activities in the sector) and will inform sectoral progress reporting. These meetings and progress reports will allow for review of the LSF to reflect evolving land sector policy.

Process for Obtaining LSF Activity Approval

The initial entry point for activity proposals within the LSF is through the Focal Point and LSCU. An activity proposal will be prepared and must be endorsed by the LSCU and Focal Point before submission to the VLGC. Upon the VLGC approval, a proposal is then submitted through the Development Committee of Officials (DCO) and referred to the Department of Sector Policy, Planning and Aid Coordination (DSPPAC) for final GoV approval. Where external assistance is required, DSPPAC will submit the proposal to donors. Where a proposal will impact upon the recurrent budget, it will require approval by the Ministerial Budget Committee (MBC).



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