

Report on Quality at Entry and Next Steps to Complete Design for Vanuatu Land Program

A: AidWorks details <i>completed by Activity Manager</i>			
Initiative Name:	Vanuatu Land Program		
AidWorks ID:	ING789	Total Amount:	\$13.9 million
Start Date:	1 July 2009	End Date:	30 June 2014

B: Appraisal Peer Review meeting details <i>completed by Activity Manager</i>	
Initial ratings prepared by:	Anna Naupa
Meeting date:	Monday 8 December 2008
Chair:	Jane Lake, ADG Pacific
Peer reviewers providing formal comment & ratings:	<ul style="list-style-type: none"> – Paul Nichols, Design Adviser, DPAG – Jim Fingleton, Independent Appraiser – Lawrence Kalinoe, Independent Appraiser – AusAID Port Vila Post
Independent Appraiser:	– Jim Fingleton and Dr Lawrence Kalinoe

B: Appraisal Peer Review meeting details <i>completed by Activity Manager</i>	
Other peer review participants:	<u>In Canberra</u> Jane Lake – ADG Pacific (Chair) Patrick Bordier- Vanuatu Focal Point Rodney Walker, Director, Pacific Land Program Steven Wawrzonek – Pacific Land Program Jim Catchlove – Design and Procurement Advisory Group Paul Nichols – Design Adviser, Design and Procurement Advisory Group Sophia Close – Peace and Conflict Unit David Swete-Kelly, Design Team Leader
	<u>Teleconferencing in</u> Leonard Chan and Tony Banks – NZAID (by teleconference - Wellington)
	<u>Port Vila</u> Nick Cumpston, Counsellor Vanuatu Linda Gellard, First Secretary Vanuatu Anna Naupa, Senior Program Officer Russell Nari, Director General, Ministry of Lands Jeffrey Wilfred, Director General, Ministry of Agriculture Reuben Bakeo, Director, Department of Women's Affairs Marcelin Abong, Director, Vanuatu Cultural Centre Michael Taurakoto, Wan Smolbag (Youth and NGO rep on National Land Steering Committee) William Ganileo, Secretariat to the National Land Steering Committee Chris Bleakley, Director, Governance for Growth Program Mark Harradine, Public Financial Management Coordinator, GfG Program
	Apologies Barbara O'Dwyer – Adviser, Gender Unit Bethuel Solomon – Land Sector Analyst, Department of Strategic Policy Coordination Selwyn Garu – Secretary General, Malvatumauri National Council of Chiefs Ralph Regenvanu – Director, National Cultural Council Leith Veremaito – Program Manager, Governance for Growth Program Charles Vatu – Program Officer, AusAID

C: Quality Rating Assessment against indicators*completed by Activity Manager / Peer Reviewers / Independent Appraiser*

Quality	Rating (1-6) *	Comments to support rating	Required Action (if needed)
1. Clear objectives	5	<p>i. Objectives are consistent with the country-driven approach of Australia's Pacific Land Program and respond to GoV's land agenda as established by the National Land Summit resolutions and mapped by a draft Land Sector Framework (LSF). Objectives also consistent with AusAID's Country Strategy. However, the Vanuatu Medium Term Strategic Framework is no longer the main strategy for GoV, rather the Priorities and Action Agenda is. Further clarity is required around how the objectives link to the Land Summit Resolutions and the LSF. The LSF agenda is a GoV policy statement and ensures that the program is genuinely country-driven.</p> <p>ii. Objectives are clearly supported by GoV, key stakeholders and donor partners. NZAID and AusAID have been working closely to the principles of the Paris Declaration and the Accra Agenda for Action and joint implementation of the designs may be an option. NZAID suggested that the design should refer more to the Paris Declaration. GoV to ensure that related land design is harmonised.</p> <p>iii. Subsequent discussion with the Malvatumauri suggested that the overall goal needs to be expanded to acknowledge the vulnerability of custom groups. Similarly, objective 1 in relation to informed decision-making by custom groups should also address improving understanding of custom.</p> <p>iv. There is an overly complex relationship between objectives, intermediate outcomes, outcomes and objectives (at sub-component level) which does not allow for effective aid implementation and useful M&E.</p>	<p>- Carefully consider rephrasing goal and objectives to align with GoV's LSF objectives (once approved) to enable common M&E framework for all donors and partners. Recognition of vulnerable groups and appreciation of custom must be explicit.</p> <p>- Include table which outlines how design objectives link to land summit resolutions and LSF.</p> <p>- Delete major reference to MTSF on pages 9 and 18 and refer to PAA instead.</p> <p>- Simplify language and delete repetition of ideas. For example, the heading sentences for objectives are perfectly clear without the need for the 'outcome oriented objective sentence' as well. Another example: 'Sound, transparent and efficient customary governance and leadership by the Malvatumauri' can become 'Establish a Malvatumauri Kastom Land Office'. Similarly, the 'intermediate outcome' ideas within each objective can be moved into the indicator sentences (as they are in the Logframe). Also the 'objective' sentence for each intermediate outcome is not necessary to be stated in results or outcome terms. This can be as simple program output.</p>

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2. Monitoring and Evaluation	5	<ul style="list-style-type: none"> i. The underlying approach and narrative in the text and Annex is appropriate. The M&E approach is trying to test the 'theory of change' and quality of process rather than technical direction, which suits the design's approach. ii. However, the approach is not entirely followed through in the matrix. A dual/multiple approach to M&E is included using many complex indicators AND research questions, which require multiple data sources and participatory methods. This needs some simplification. iii. At the finer levels of detail, exactly how reporting will be done needs to be developed, once implementation commences, but the narrative gives a high level of confidence and direction to the implementers on how to go about developing the tools and systems for the approach. iv. The mix of quantitative data from Government agencies combined with participative qualitative information is sound. Again this should align with the forthcoming Land Sector Framework when completed. v. Resourcing of M&E appears adequate although it is unclear what local capacity there is and how it will be strengthened. vi. While Peace and Conflict elements are integrated throughout the design, conflict-sensitive indicators need to be strengthened. 	<ul style="list-style-type: none"> - Simplify M&E matrix to conform more directly to the text as noted. This can be easily resolved by deleting the indicator column and using research questions and methodology (as included) as the approach to report against the objectives (though much simplified as noted above). The approach goes FROM measuring indicators TO using research questions to guide methodology for data collection and analysis to assess achievement against the objectives (NB some use of indicators may still be appropriate related to the data from Govt agencies on land services in particular – in this case, the research questions would not be required). - Attach the research questions to the elements in the theory of change diagram, and the analysis and reporting to the examination of the linkages across the model. M&E is then at the higher outcomes level, and basic reporting can be done at the level of outputs and activities. - Carefully consider linking M&E to the LSF's performance framework, once approved. - Pending the final form of the LSF, and working to the objective of Component 2, the M&E Framework must spell out that the first step in implementation will be to finalise the M&E Framework so that it aligns with the approved LSF. - Conflict-sensitive indicators need to be built within the M&E framework for the Program and into partnerships. Explicit conflict indicators, particularly around incidences of land-related conflict, and participation of vulnerable groups need to be integrated.
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3. Sustainability	4	<p>i. Small but strategic activities recognise the necessarily phased approach for land reform in Vanuatu (especially in relation to issues of absorptive capacity and political will for reform).</p> <p>ii. The program involves a large number of advisory inputs, many of which are long-term internationals. In an environment of weak absorptive capacity this may be beyond what can be effectively utilised. Good donor coordination will be imperative to avoid overwhelming the capacity to effectively utilise TA.</p> <p>iii. TA is well matched to available capacity, with an emphasis is on local capacity, and also a tiered preference for regional and then international capacity. Training will link into AusAID's regional Pacific Land Program and as such will contribute to both local and regional capacity-building.</p> <p>iv. The design establishes a number of new systems and processes (e.g. in relation to the LSF and a Kastom Land Unit at the Malvatumauri) that may be difficult to sustain.</p> <p>v. The capacity of GoV to sustain the positions of Kastom Focal Points will need to be closely monitored and the program flexible to respond to this. (NB Subsequent discussion with Vanuatu Cultural Centre representatives suggested that Kastom Focal Points may create a new and untested system that is likely to cause conflict within communities, particularly if they are salaried positions. Also, they suggested that one focal point per province is inadequate and the rationale for focal points should be explored at the island-level. Similarly, in discussions with the Malvatumauri they suggested the capacity of the Malvatumauri to support these personnel requires further analysis, and also that utilising existing volunteer networks could be effective in implementation.)</p>	<p>- AusAID to work closely with GoV, NZAID and other donors to ensure good donor coordination.</p> <p>- Carefully consider closer links to the LSF during implementation to ensure that the approach is well embedded in Vanuatu's land agenda.</p> <p>- Further analysis of Malvatumauri structures and capacity, as well as of possible models of sustainable voluntary networks such as the Fieldworker Networks and the Vanuatu Women's Centre networks should be a priority activity for component one before creating the KFP system.</p> <p>- Section 3.6 on sustainability needs further articulation.</p>
4. Implementation & Risk Management	4	<p>i. Implementation arrangements are generally sound and allow for a phased approach to respond to emerging risks. Outcomes to be clearly stated. The role of the Land Sector Coordination Unit and the National Land Governance Committee will be central to determining capacity needs as they emerge.</p> <p>ii. The light approach to legislative reform acknowledges limited capacity to enforce major reforms and is in line with GoV's priorities and workload capacity. However, strengthening of implementation capacity can parallel process reform. Clarity around this balance is required.</p> <p>iii. There is due recognition of the multi-stakeholder approach that is required, and implementation responsibilities of various parties are well supported by the Managing Contractor (MC) functions. Relationship management is the first key function of the MC. Incentives for the MC must be aligned with the program.</p> <p>iv. There is an opportunity to combine the implementation of the AusAID and NZAID designs through one MC. Harmonisation will need to be closely monitored to avoid risk of duplication and over-resourcing of low capacity areas.</p>	<p>- There needs to be a mechanism for managing contractors to ensure flexibility and responsiveness, particularly around the timing and nature of inputs.</p> <p>- Clarity needed on the balance between strengthening processes/ institutional capacity and technical reform issues and the planning and prioritisation of tasks.</p> <p>- AusAID to resolve uncertainty of funding in advance.</p> <p>- Clarify the balance between technical reform and the process of engagement and further consider strengthening implementation capacity.</p> <p>- AusAID and NZAID to explore opportunities for</p>

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		<p>v. Expectations of influence and engagement with the National Council of Chiefs, particularly in years 1-3, may be ambitious given limited opportunity for actual interaction.</p> <p>vi. The program focus is on softer aspects and cross-cutting systems and processes. The risk with strengthening systems and processes without some specific and tangible policy priorities in mind is that effort may be dispersed and dissipated, and tangible outcomes may be limited.</p> <p>vii. Risk assessment includes major risks of absorptive capacity, ability to sustain reforms and lack of regular multi-stakeholder policy dialogue. However, more assessment of corruption (in government, the private sector and amongst chiefs and landowners), political risks and motivation for change is required to enable a more robust risk management strategy. Abuse of ministerial discretionary powers is a key risk that needs to be emphasised.</p> <p>viii. The effort on efficient and effective enabling services is critical to address the risk of corruption within the Department of Lands. The program must be clear how to address corruption it uncovers. In the spirit of mutual accountability AusAID should discuss the implications for corruption on the program as a whole- particularly noting the design's a 'zero tolerance' approach on corruption (p45), and the draft Australia-Vanuatu Development Anti-Corruption Action Plan (endorsement pending). This program needs to be seen as part of a broader Australian program on anti-corruption. A pragmatic approach might be to ignore past corruption to focus instead on current and future practice. However, this could not be described as 'zero tolerance'.</p> <p>ix. There is a risk that provincial kastom land officers may be subject to manipulation by provincial governments. Operations at an island level are more appropriate. Salaried officers may give rise to misuse of authority and status and fracture communities (see point v in previous section).</p>	<p>further donor coordination around procurement and implementation. Regular donor dialogue is essential.</p> <ul style="list-style-type: none"> - Focus systems and processes activities around specific and tangible LSF policy priorities. - Political commitment to reform needs to be addressed through more emphasis on evidence-based decision-making. - Design must be clear how the program will address broad issues of corruption and to clarify the 'zero tolerance' approach. AusAID must also seek agreement from the Vanuatu government/key leaders prior to implementation on clear protocol/guidelines for persons working on the program with respect to corruption issues, and seek agreement on these guidelines prior to commencement of the project. A joint AusAID/NZAID/GoV MOU will be appropriate. - Design to add in another Risk under 3.8.4: Conflict caused by Program/partners to program. Need to build in risk management for potential escalation of land-related conflict within Vanuatu, or conflict between Vanuatu and Australia/outside interests over land. - Risk management is also for Australian Government/AusAID to monitor and react to, not just the managing contractor (P48). - Guidelines for Partnerships with each organisations should have built within it mandatory annual conflict mitigation reporting and an initial conflict analysis that is to be updated if any major conflict occurs that may affect overall Program.
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5. Analysis and lessons	5	<p>i. The design builds from past AusAID assistance to land-use planning and international experience of land reform. However additional analysis and lessons learned are provided by AusAID's former MFEM ISP and PSISP assistance and the 2007 AusAID-funded review of land administration, legislation and policy, which require mention. The <i>Making Land Work</i> case studies also provide further analysis, such as those about land trust models.</p> <p>ii. Further analysis of the direction of government land services would enable the design to clarify its approach to technical reform.</p> <p>iii. The design would benefit from lessons learned on incentives for reform.</p> <p>iv. Gender analysis was considered very strong and embedded throughout. The Gender Focal Point is crucial and there is a need to clearly outline the roles and responsibilities of that position. The gender strategy is unclear.</p> <p>v. A detailed conflict analysis has not been conducted, however elements of conflict sensitivity have been integrated throughout the document.</p> <p>vi. Design recognises that land reform in Vanuatu is a multi-stakeholder endeavour and as such a number of key partnerships from the national to the community level are critical to progress the land agenda. The proposed partners have been engaged throughout the development of the design.</p>	<p>- Strengthening of lessons required (see comments in column 3).</p> <p>- The design's gender strategy during implementation needs further elaboration.</p> <p>- Analysis of DoL direction (particularly in relation to current funding difficulties and increasing focus on revenue collection e.g. land rents, taxation) needs to be included. Information to be obtained by AusAID and MC from GoV before finalising the design.</p> <p>- There is a need for better appreciation of incentives for reform. For example: why will multiple stakeholders be involved and how might they participate? What is the political will for reform? While this may relate more to the LSF and not influence the design it is important to better understand the appetite for land reform in Vanuatu to better situate Australia's assistance within the broad context.</p> <p>- Reference needs to be made to the agreed change in scope of services for the design (from Concept Peer Review notes).</p>
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*** Definitions of the Rating Scale:**

Satisfactory (4, 5 and 6)		Less than satisfactory (1, 2 and 3)	
6	Very high quality; needs ongoing management & monitoring only	3	Less than adequate quality; needs to be improved in core areas
5	Good quality; needs minor work to improve in some areas	2	Poor quality; needs major work to improve
4	Adequate quality; needs some work to improve	1	Very poor quality; needs major overhaul

D: Next Steps <i>completed by Activity Manager</i>		
Provide information on all steps required to finalise the design based on <i>Required Actions</i> in "C" above, and additional actions identified in the peer review meeting	Who is responsible	Date to be done
<p>1. a) Align goals and objectives to the LSF and clarify relationship to the Land Summit Resolutions (include table which outlines how design objectives link to land summit resolutions and LSF). Recognition of vulnerable groups and appreciation of custom must be explicit;</p> <p>b) Link M&E to the LSF's performance framework and simplify M&E (refer to criterion 2 in section C);</p> <p>c) Emphasise balance between capacity to manage implementation needs alongside strengthening of process. Include mechanisms for the MC to be flexible and responsive, particularly around the timing and nature of inputs;</p> <p>d) Further explain the proposed 'relationship approach' as opposed to a 'legislative' or 'administrative approach' (refer also to Concept Peer Review Notes) and why the proposed balance between technical reform and the process of engagement is made;</p> <p>e) Articulate how some of the technical approaches to land reform (such as those mentioned in some of the Land Summit resolutions and the parts of the <i>Making Land Work</i> report) may be addressed in the future, including a description of the key parameters that would guide future AusAID support in this sector (i.e. under what conditions would AusAID increase its support for more 'technical' approaches in the future and what might this support look like);</p> <p>e) Clearly articulate what the "phased" approach is/ the rationale for a phased approach, including a brief description of future phase(s);</p> <p>f) Focus systems and processes activities around specific and tangible policy priorities based on the LSF;</p> <p>g) Lessons learned and analysis need to be strengthened (information can be found in the MFEM ISP Completion Report, <i>Making Land Work</i>, further discussion with DG Lands). Reference to challenges of political commitment for reform and lessons on incentives for reform need to be made. As a conflict analysis has not yet been conducted the design needs to include how this will be addressed during implementation;</p> <p>h) Address concerns around sustainability of newly created systems and further articulate sustainability strategy, including how to address absorptive capacity issues in all partners as they emerge and identifying further analyses of around models of sustainable community network (i.e. whether provincial Kastom Land Focal Points are appropriate);</p> <p>i) The approach to corruption must be clearly articulated in both the analysis and the implementation strategy;</p> <p>j) Further information about the gender strategy and the responsibilities of the Gender Focal Point is required;</p> <p>Describe how the program will assist in the establishment of safeguards for vulnerable groups such as women, uneducated members Kastom groups, youth, elderly and urban settlers;</p> <p>k) Roles and responsibilities of proposed TA and program personnel to be completed;</p> <p>l) General edit of document to simplify language and avoid repetition.</p>	Design Team	15 January 2009
<p>2. a) Provide Peer Review feedback to Design team and liaise with the team to finalise the design document;</p> <p>b) Resolve uncertainty of funding;</p> <p>c) Dialogue with NZAID regarding joint procurement and implementation;</p> <p>d) Dialogue with GoV , NZAID and relevant donors on protocol for addressing corruption and general donor harmonisation.</p>	AusAID	15 April 2009

E: Other comments or issues <i>completed by Activity Manager</i>
<ul style="list-style-type: none"> Due to language difficulties and timing conflicts, AusAID Post met individually with the Vanuatu Cultural Centre and the Malvatumauri to gather feedback on the design document. This feedback has been incorporated into these notes. Written submissions were also received by Professor Don Paterson of the University of the South Pacific, Sophia

E: Other comments or issues *completed by Activity Manager*

Close, Peace and Conflict AusAID, Barbara O'Dwyer, Gender Unit, Selwyn Garu, Malvatumauri National Council of Chiefs and AusAID's Governance for Growth Program.

- The centrality of the LSF to the design will require frequent dialogue between AusAID and GoV on the status of the framework.
- Jim Fingleton also raised an issue relating to how custom owners are legally recognised and its omission from the program. While a phased and 'gentle' approach is important to building trust with a donor working in the area of customary tenure, the growing backlog of problems require a legal framework in which to be addressed. The DG of Lands, Russell Nari, commented that the enforcement capacity of Lands officers would not be able to support major legislative reform.
- Pending harmonisation discussions between AusAID and NZAID, we expect the timeline for implementation will shift to September 2009.
- Russell Nari also pointed out that the creation of provincial Focal Points is a system that the Vanuatu Government has been keen to implement and is part of its long-term plan. In light of the feedback received separately from the Vanuatu Cultural Centre in relation to this, the design will need to ensure that the final agreed approach is matched to capacity and realistic/tangible outcomes.

F: Approval *completed by ADG or Minister-Counsellor who chaired the peer review meeting*

On the basis of the final agreed Quality Rating assessment (C) and Next Steps (D) above:

- ☐ **QAE REPORT IS APPROVED**, and authorization given to proceed to:
- ☐ **FINALISE** the design incorporating actions above, and proceed to implementation
- or: ☐ **REDESIGN** and resubmit for appraisal peer review

- ☐ **NOT APPROVED** for the following reason(s):
- _____
- _____
- _____

Jane Lake, ADG

signed:

When complete:

- Copy and paste the approved ratings, explanation and actions (table C) into AidWorks
- The original signed report must be placed on a registered file