



Technical Assistance Consultant's Report

Project Number: 37234
February 2009

Samoa: Promoting Economic Use of Customary Land Phase

Financed by the Japan Special Fund

Prepared by The Financial Consultants (FINCON)
Pakistan

For Ministry of Finance, Samoa

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Asian Development Bank

Asian Development Bank (ADB)

Final Report

For

TA No. 4712-SAM

**Promoting Economic Use of Customary Land
in Samoa**



The Financial Consultants (FINCON) Pakistan

In Collaboration with:



FINCON Services Inc., Canada

ABBREVIATIONS

ACEO	Assistant Chief Executive Officer
ADB	Asian Development Bank
AG	Attorney General
AusAID	Australia Agency for International Development
AWG	Ad hoc Working Group
CB	Capacity Building
CEO	Chief Executive Officer
CL	customary land
CLAC	Customary Lands Advisory Commission
CLSU	Customary Land Services Unit
CIM	Cadastral Index Map
CPS	Country Partnership Strategy
DBS	Development Bank of Samoa
DCDB	Digital Cadastral Data Base
FDI	Foreign Direct Investment
GIS	Geographic Information System
GPS	Global Positioning System
GoS	Government of Samoa
HRD	Human Resources Development
ICT	Information and Communication Technology
ISP	Institutional Strengthening Programme
IT	Information Technology
JICA	Japan International Cooperation Agency
LRS	Land Registration System
LTC	Lands and Titles Court
MFAT	NZ Ministry of Foreign Affairs and Trade
MJCA	Ministry of Justice and Courts Administration
MNREM	Ministry of Natural Resources, Environment and Meteorology
MOF	Ministry of Finance
MOJ	NZ Ministry of Justice
MS SQL	Microsoft Server
MWCSD	Ministry of Women, Community and Social Development
MWTI	Ministry of Works, Transport and Infrastructure
NGO	Non Governmental Organisation
NZAID	New Zealand Agency for International Development
NZHC	New Zealand High Commission
ODA	Official Development Assistance
PCC	Programme Coordinating Committee
PDD	Programme Design Document
PJDP	Pacific Judicial Development Programme
PI	performance indicator
PIP	Programme Implementation Plan

PMU	Project Monitoring Unit
PPE	Policy, Planning and Evaluation
PSC	Public Service Commission
PSIF	Public Sector Improvement Facility
PUMA	Planning and Urban Management Agency
QA	Quality Assurance
QTR	Quarter
SDS	Strategy for the Development of Samoa
SIAM2	Samoa Infrastructure Asset Management 2
SLC	Samoa Land Corporation
SPS	Samoa Police Service
STEC	Samoa Trust Estates Corporation
TA	Technical Assistance
TF	Task Force (The Prime Minister's Task Force on Customary Land)
TNA	Training Needs Analysis
TOR	Terms of Reference
UPRN	Unique Parcel Reference Number
WAN	Wide Area Network
WG	Working Group on Economic Use of Customary Land
WIBDI	Women in Business Development Incorporated

ACKNOWLEDGEMENTS

The TA Team appreciates the role that members of the Task Force for Customary Land Reform appointed by the Government of Samoa in providing the leadership in the implementation of this TA project. Their role in the facilitation and conduct of national public consultations and helpful guidance and advice to the team and willingness to provide frank comments on draft TA reports and discussion papers throughout the implementation period have been instrumental in shaping the final outcomes of the design phase of this TA project and the proposed Programme Implementation Plan (PIP) for the next phase.

The TA Team acknowledges support provided by the management and staff of the various ministries of the Government of Samoa who contributed to its work, in particular the Ministry of Natural Resources, Environment and Meteorology (MNREM), the Ministry of Justice and Courts Administration (MJCA), the Ministry of Women and Community Development, the Office of the Attorney General and the Ministry of Finance.

The TA Team also acknowledges the time, frankness and contribution made by a wide range of stakeholders including the private sector, civil society organisations and communities.

The TA Team would like to acknowledge the very helpful support provided by the Project Monitoring Unit of the Ministry of Finance throughout this TA project Phase.

Lastly TA team would like to thank ADB for its support throughout the TA.

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I. EXECUTIVE SUMMARY

1. The Government of Samoa sees the increased economic use of customary lands as important in achieving further economic development. The *Strategy for the Development of Samoa 2005–2007* (SDS) was the Government planning document during the time the TA was designed. This document focused on enhancing people's opportunities and choices with a vision of improved quality of life for all. Four of its six priority goals related to economic development: These were (i) increased investment to create employment opportunities, (ii) accelerated agricultural growth, (iii) increased tourism development within a balanced and sustainable framework, and (iv) increased economic and social opportunities for communities. "Land for development" was a specific SDS objective toward the goal of increased investment to create employment opportunities.

2. The need for a program of reform of arrangements for economic use of customary land has been and continues to be a high priority for the GoS. The SDS for 2008—2012 highlighted the main concerns of the GoS with the use of customary land. These included "the very limited economic use of customary land because proprietary rights cannot be mortgaged, the status of leases as collateral for securing loans is unclear, and security of tenure may not be guaranteed even when the leasehold title is obtained. Also the approval process for a lease is cumbersome and prolonged, up to 12 months". Under the SDS priority areas for monitoring and reporting related to the Business Legal and Regulatory Environment, these aims and the agencies responsible are listed:

- Increasing access to customary land in light of the deliberations of the Lease of Customary Land Task Force: MNREM, MJCA, MOF
- Enforcing the Land Titles Registration Bill: MJCA, MNREM
- Improving the management of land leases: SLC, STEC, and MNREM.¹

3. The technical assistance (TA) ADB TA 4712-SAM on Promoting Economic Use of Customary Land was agreed upon by the ADB and the Government of Samoa during the programming discussions of 2003 and was listed in the Samoa Country Strategy and Program Update 2004-2006. The Design/Monitoring Framework and the Terms of Reference of this TA are in Appendix A. The TA has been based largely on the exploratory work undertaken under the ADB Loan 1785-SAM and the related TA 3549-SAM: Capacity Building of Financial and Business Intermediaries which led to the production of the main report entitled "Economic Use of Customary Land".

4. This original design of the Project has five TA outputs:

- 1) Amendments to the Alienation of Customary Land Act 1965 to further promote appropriate economic use of customary land.
- 2) Streamlined administration processes for entering into leases on customary land.

¹ "Strategy for the Development of Samoa 2008-2012", op cite, p 49.

- 3) Development of a comprehensive communication strategy; Public information materials disseminated and public education processes initiated.
- 4) Improved registration, mapping and availability of information on customary land titles and boundaries.
- 5) Based on findings from above activities, implementation of institutional arrangements for appropriate government involvement in matters related to economic use of customary land.

5. These five outputs were to have been achieved at the end of the TA project according to the design/monitoring framework presented in Appendix A.

6. A Task Force was established by Cabinet to oversee and facilitate the implementation of the TA. The Task Force provided guidance to the TA team in relation to their work plan, act as the link between public and private sector and the community at large, led and supported national public consultations and facilitated access to key stakeholders and information.

7. A review of the project design in January 2007 identified important issues that would significantly impact on the TA being able to achieve its outputs within the time period of the TA. A critical concern was the limited project resources to support the TA activities in particular the process of public consultations that was necessary to enable the landowners and the general public to be informed of the proposed land reforms.

8. The decision was then made that the TA work be split into two phases namely i) Phase 1 Design and consultations, and ii) Phase 2 Implementation. It was therefore agreed that the TA would focus only on the design and public consultations to match the available resources and that the outcome of this phase will be an implementation strategy and plan for the next phase. The original TA outputs were revised to accommodate the decision on splitting the work into two phases and the activities and milestones indicated in the original TA were transferred to the implementation phase. The changes also resulted in a rearrangement in the sequencing and timing of consulting inputs to ensure the revised TA priorities and outputs for the design phase were achieved, and that a draft PIP would be prepared for the next phase.

9. The approved revised outputs for Phase 1 were:

Output 1: Preparatory phase for the leasing of customary land for economic uses and amendments to the Alienation of Customary Land Act 1965.

Output 2: Streamlined administration and technical processes supporting the leasing of customary lands National Coordination of the Leasing of Customary lands

Output 3: Development of a comprehensive communications strategy for public information and education.

Output 4: Implementation of institutional arrangements

Output 5: Preparation of a Programme Implementation Plan for Phase 2

10. This report presents the findings and recommendations of a team of consultants engaged under the ADB TA No. 4712- SAM, *Promoting Economic Use of Customary*

Land in Samoa. Under the guidance and direction of the Task Force the key tasks for the Team were to: (i) review existing systems; (ii) provide a preliminary assessment of the current state of land administration systems, procedures and legislation; (iii) Identify priority areas for early attention to improve the operation of the existing system; (iv) provide a preliminary review of plans in place to address priority issues and (v) list those issues that are a priority and are not planned to be addressed and indicate likely avenues for dealing with those priority areas.

11. Major Findings. The major findings of the TA Team from its review of existing systems and assessment of the current state of customary land management as well as the issues identified through the extensive consultations facilitated and led by the Task Force are summarised as follows. These findings and recommendations to address them have been incorporated into the proposed Programme Implementation Plan (PIP) for the next phase.

- The Government of Samoa is fully committed to its policy of achieving greater economic use of customary lands by providing the enabling environment to facilitate the leasing of such land should the landowners not wish to develop the land themselves but to lease to developers or investors.
- The Government has reinforced the importance of this policy through the approval of a number of related principles to guide the leasing of customary land and at the same time assure that customary ownership of land will not change.
- The Government directed the Task Force to put a high priority and emphasis on community consultations and public debate to explain the proposed reform program and to advocate support and engagement by the community and stakeholders. Government provided funding for these consultations.
- The community and stakeholders needed to be engaged in the reform process to ensure it reflects community views, needs and aspirations. Acceptance and ownership by the landowners and the community of the reforms are absolutely essential if Government is to achieve its goals and objectives of developing customary land.
- Extensive community consultations were conducted by the Task Force in both Savaii and Upolu islands to inform the public about the policy of leasing customary lands and to seek public views towards the policy. In total, some 20 consultation meetings were held throughout the islands of Savaii (7) and Upolu (13). Because of time and funding constraints, several villages and political districts were invited to combined meetings.
- Issues and concerns raised in these consultations related mainly to the alienation of customary ownership of lands, the rights of title holders and heirs, the mortgaging of leaseholds, rights of access to leaseholds, the role of Government in the negotiation of lease agreements between landowners and investors or developers, the establishment by titleholders and heirs to the titles

- and land of family trusts to either develop the lands themselves or to lease lands and share income from lease payments.
- Members of the Task Force also visited several Pacific island countries to learn of their experiences with customary land management and use. The recommendations made in the reports of these visits especially those related to the mortgaging of leaseholds, traditional mechanisms of resolving land disputes, the financing of developments on customary lands, and institutional arrangements for management of leasing customary lands have been incorporated into the development of the PIP and would be further examined by the proposed Customary Lands Advisory Commission (CLAC) and its working groups.
 - Civil society has demonstrated a great interest in the issue: (i) The landowners are cautious of their support for the Government's position, but are increasingly willing to learn and debate the issues once they have more information. (ii) NGOs want to learn more and influence policy in this area. (iii) Commercial interests want to see more leasing of customary lands, but in a planned and considered way and not at the expense of the Samoan culture.
 - All stakeholders would like to see a reduction in the time, effort and costs involved in disputes over leasing of customary lands.
 - The current system, while complex and in need of streamlining, does allow for the leasing of customary lands: the system does work.
 - Streamlining needs to be done without extensive changes to legislation, or impossible demands upon organizations' resources, especially with the passing of the amendments to the Alienation of Customary Land 1965 and to any other Legislation which may be required to support the new processes.
 - While the agencies involved in administration of customary land have been able to improve and streamline some processes with support from various donors, these improvements need to be further supported to ensure that the advances made are not compromised.
 - Institutional strengthening of MJCA with funding support from NZAID and any follow up assistance should be able to assist the Lands and Titles Courts staff to improve their operations for the benefit of those seeking to lease customary land.
 - Executive Development programmes and in-country training targeting the public sector should be able to help agencies such as the MNREM and MJCA to improve their planning and management.
 - While a range of recommended changes could be implemented within MNREM from within its existing resources, some key areas where resources would be needed beyond those available within the GoS budget are in the technical area,

- with improvements in the capture, storage and access to land and titles data being urgently required.
- New projects, possibly to be funded through ADB or other donors or via the PSIF are highly recommended and would be a big step in moving forward in streamlining the processes.
 - In general, the recommendations made in this report relate to streamlining customary land administration within MNREM as MJCA will benefit from NZAID support. The recommendations, which relate mainly to MNREM, are in two groups: (i) Technical systems that need to be reinforced and (ii) Administrative and management processes which might be refined.
 - The leasing of customary lands involves several Government agencies but there is no one agency tasked with providing the coordination and implementation of this important Government policy.
 - Necessary changes to existing legislation, in particular the Alienation of Customary Land Act 1965 and the Taking of Land Act 1964 have been identified to improve the participation of beneficial owners in determining the use of their customary land and to address some of the recommendations made by the Task Force in response to the feedback from community consultations.
 - As the work of the Task Force is to come to an end in early 2009 with the submission of its final report to Cabinet, the Government of Samoa and the ADB have sought options on how best to maintain the momentum generated by the work of the Task Force, achieve even greater use of customary land for economic activity and to identify how further support from the ADB and other development partners might provide in the next phase. The TA team has therefore prepared a proposed Programme Implementation Plan (PIP) for Phase 2.
 - The PIP provides the Task Force with a recommendation for leadership of the land reforms into the next phase and beyond and also provides a broad view of changes needed to make it easier for landowners to make more economic use of their customary lands if they so choose. The components and activities suggested in this PIP set out what might be done by the GoS and isolate those that might form the basis of a new project or projects to be supported by external donors such as the ADB.

II. OVERVIEW OF CUSTOMARY LAND ISSUES

A. Introduction to Customary Land Issues

12. Arrangements for better management of customary land have been considered by a wide variety of administrations since 1891 when the representatives of Germany, the USA and the UK met and concluded a treaty designed to ensure that the Native Samoans may keep their lands for cultivation by themselves and by their children after them. The treaty provided a complete prohibition on all sales, mortgages and other disposition of Samoan lands to the citizens or subjects of any foreign country.

13. As Samoa develops economically and socially, some changes have put an increasing pressure on the people: increases in the population, movements of those people towards urban areas and people now living increasing distances from their customary lands. Samoa has moved to a more commercial and cash-dependent society. With these changes has come a realization that pressure is mounting from some landowners and potential investors, to allow the lease of customary lands for economic purposes.

B. Economic Use of Customary Lands – A Priority Development Strategy

14. The need for a program of reform of arrangements for economic use of customary land has been and continues to be a high priority for the GoS as reflected in both the “Strategy for the Development of Samoa for 2005-2007 and for 2008-2012: The SDS 2008-2012 sets out the Government of Samoa’s National Vision “For every Samoan to achieve a better quality of life” to be achieved through three priority areas: Priority Area 1: Economic Policies; Priority Area 2: Social Policies; and Priority Area 3: Public Sector Management and Environmental Sustainability. Strategies under Priority Area 3 are aimed at achieving: (1) improved governance; and (2) environmental sustainability and disaster risk reduction.² Under the category of plans relating to the Business Legal and Regulatory Environment, the SDS sets out these aims;

- Increasing access to customary land in light of the deliberations of the Lease of Customary Land Task Force
- Enforcing the Land Titles Registration Bill
- Improving the management of land leases.³

15. The GoS plans to finalise and implement the *Samoa Law & Justice Sector Plan, 2008–2015: Justice for a Safe and Stable Samoa* which has as a goal (i) *customary and community-based justice, with a focus on harmonisation with the formal justice system and integration with the development of the economic use of customary land*; and (ii) *a focus on organisational efficiency, capacity building, case management and business*

² “Strategy for the Development of Samoa 2008-2012: Ensuring sustainable economic and social progress”, Government of Samoa, Ministry of Finance, 2008, p v.

³ “Strategy for the Development of Samoa 2008-2012”, op cite, p 49.

*process improvement, performance management, and ethics, governance and anti-corruption.*⁴

16. The SDS lists the problems with the economic use of customary land which should be addressed:

*There is very limited economic use of customary land because proprietary rights cannot be mortgaged, the status of leases as collateral for securing loans is unclear, and security of tenure may not be guaranteed even when leasehold title is obtained. Also, the approval process for a lease is cumbersome and prolonged, taking up to 12 months. Means of increasing access to customary land for development purposes will continue to be investigated in light of the deliberations of the Lease of Customary Land Task Force, which was formed in mid-2007; and registration of customary land for leasing will be encouraged.*⁵

17. The SDS therefore provides strong evidence of the important role that customary land reform and the reform of public administration generally plays in the future economic and social development of Samoa. This reinforces the importance and urgency of this PIP being implemented.

18. The nature of the issues surrounding the leasing of customary land for economic use is such that not only is the best way ahead never easily seen and agreed between the stakeholders, the risk of not getting the changes right, many fear, could threaten one of the key principles of the Samoan culture. It is not surprising then to realise that while many proposals have been made in recent years, the process through with these need to be considered and then if accepted, implemented, must be long, careful and widely discussed.

C. Guiding Principles For Leasing Customary Lands

19. The Government of Samoa established a set of guiding principles for dealing with the important but very sensitive subject of reforming customary land use for economic development purposes. The nine principles are:

- 1) Customary land will not be alienable / alienated and cannot be sold.
- 2) Primary decision-making on use of customary land stays with titleholder and family (not the government).
- 3) The lease application process should be as efficient and practicable as possible.
- 4) The process should produce robust and bankable leases
- 5) Government will play a facilitative and educational role in the lease process.
- 6) Government will improve the transparency of its processes and the capacity of its departments and institutions.
- 7) Government will promote and support/facilitate the efficient use of land for economic development of Samoa.

⁴ "Strategy for the Development of Samoa 2008-2012", op cite, p 39.

⁵ "Strategy for the Development of Samoa 2008-2012", op cite, p 23.

- 8) Samoa will be a safe place for local and foreign investment.
- 9) Disputes to be resolved in an efficient and timely and according to law.

D. “Pacific Principles” For Land Policy Reforms

20. The 2008 report *Making Land Work*⁶, provides an overview of the main issues that countries in the Pacific region are likely to face if they choose to reform their land policies and institutions to promote social and economic development. While the report offers some ‘Pacific principles’ for land policy reform, it does caution against adoption of those principles without careful consideration in this way:

*The land policy agenda must be driven and owned at the country level and, whilst lessons of good practice can be shared across countries, simple one-size-fits-all solutions are unlikely to help.*⁷

21. The ‘Pacific principles’ are listed below and have been considered in developing the program presented in this PIP:

- Make tenure security a priority;
- Intervene only if it is necessary;
- Be prepared for long timeframes to achieve lasting reform;
- Adopt simple and sustainable reforms;
- Provide safeguards for vulnerable groups.
- Work with and not against customary tenure;
- Ensure land policies reflect local needs and circumstances;
- Actively involve stakeholders rather than only informing them;
- Balance the interests of landowners and land users;
-

⁶ *Making Land Work*, produced as part of AusAID’s Pacific Land Program, Volume one, *Reconciling customary land and development in the Pacific*

⁷ Lorenzo Cotula, Camilla Toulmin & Julian Quan (2006, p. 2), as quoted in *Making Land Work*, Volume 1, p 105.

⁸ ADB TA 4712-SAM: Promoting Economic Use of Customary Lands

III. OVERVIEW OF ADB TA 4712-SAM: PROMOTING ECONOMIC USE OF CUSTOMARY LANDS

A. Introduction

22. The technical assistance (TA) ADB TA 4712-SAM was agreed upon by the ADB and the Government of Samoa during the programming discussions of 2003 and was listed in the Samoa Country Strategy and Program Update 2004-2006. The Design/Monitoring Framework and the Terms of Reference of this TA are in Appendix 3. The present TA has been based largely on the exploratory work undertaken under the ADB Loan 1785-SAM and the related TA 3549-SAM: Capacity Building of Financial and Business Intermediaries which led to the production of the main report entitled “Economic Use of Customary Land”.

23. The Task Force set up under the ADB TA 3549-SAM submitted a Cabinet paper through the Minister of Finance based on the findings and recommendations of the main report. The main report submitted was the “Economic Use of Customary Land” and a second, the “Report on the Study Visit of Task Force”, followed visits by the Task Force to Fiji and New Zealand to observe the framework, systems and processes in these countries which deal with the lease and/or use of customary lands.

B. Separation of TA Design and Implementation Phases

24. This split of the TA Project into separate design and implementation phases meant the original TA outputs had to be modified to reflect the separation of activities that were clearly design-related from implementation activities. The need for these changes emerged from initial meetings with various stakeholders which called for extensive consultations with landowners and the wider community to inform them of the Government policy. Customary land ownership and use remains a most sensitive issue with the people of Samoa. It was felt that it would be counterproductive and dangerous to commence implementation without the benefit of the views and feedback from landowners and the wider community on the various aspects of the proposed reforms. It was also recognized from the very early days of the TA implementation that the timeframe for its implementation and achievement of expected outputs was far too ambitious and did not adequately recognize or appreciate the sensitivity of all matters relating to customary land ownership and use, and the futility of implementing such an important and transformational change that requires the support and participation of the vast majority of the Samoan community without adequate prior consultation with them.

25. Following this change, the Task Force agreed that the TA Team would adopt the following generic approach in the implementation of the design and consultations phase.

- Review existing systems;
- Provide a preliminary assessment of the current state of land administration systems, procedures and legislation;

- Identify priority areas for early attention to improve the operation of the existing system;
- Provide a preliminary review of plans in place to address priority issues and
- List those issues that are a priority and are not planned to be addressed and indicate likely avenues for dealing with those priority areas.
- Carry out initial public consultations.

26. After reviewing the TA design and the resources available to achieve the five original TA outputs, the Task Force with the support of the Government and the ADB decided in January 2007 to change the original design and outputs of the TA to separate those TA activities that were clearly design related using the available resources and to defer those outputs and activities that were implementation related to the next phase. These changes also reflected the concern commonly expressed by community representatives and stakeholders consulted in the early stages of the TA that extensive consultations needed to be undertaken with landowners and the wider community to inform them of the Government policy to lease customary land to achieve greater economic use of this resource, and to seek their views about this policy.

27. Customary land ownership and use remains a most sensitive issue with the people of Samoa. It was felt that it would be counterproductive and dangerous to commence implementation without the benefit of the views and feedback from landowners and the wider community on the various aspects of the proposed reforms. It was also recognized from the very early days of the TA implementation that the timeframe for its implementation and achievement of expected outputs was far too ambitious and did not adequately recognize or appreciate the sensitivity of all matters relating to customary land ownership and use, and the futility of implementing such an important and transformational change that requires the support and participation of the vast majority of the Samoan community without adequate prior consultation with them.

C. Revised Outputs and Objectives

28. The Task Force approved the following revised outputs for phase 1

1) Output 1: Amendments to the Alienation of Customary Land Act 1965 to further Promote Economic Use of Customary Lands

29. The objective of this output is to review legislation relating to customary land and its use, focusing on the Alienation of Customary Land Act 1965 to facilitate the leasing of customary lands for economic use.

- a. **Sub-output # 1.1: To review legislation relating to customary land and its use, focusing on the Alienation of Customary Land Act 1965.**

The following examples of legislation and proposed legislation that could impact on the review are – the Constitution, Alienation of Customary Land Act 1965, Lands and Titles

Act 1981, Land Registration Bill 2008, Strata/Unit Title Bill 2008 and any other acts that relate to customary lands.

- b. **Sub-output # 1.2: Prepare and Draft Amendments Bill in consultation with Parliamentary Counsel of the Attorney General's Office for consideration by the Taskforce and Government.**
- c. **Sub-output # 1.3: Participate in the public consultation for the Amendment Bill and review/amend draft based on outcomes of the consultations.**
- d. **Sub-output # 1.4: Produce final documents for review by Parliamentary Counsel of the Attorney General's Office and the Taskforce.**

For example – Draft Amendment Bill, Explanatory Memorandum and the Report on the Draft Amendment Bill.

2) Output 2: Streamlined Administration Processes Supporting the Leasing of Customary Land

The objective of this component is to:

Support the streamlining of all processes needed to encourage the economic use of customary land within Samoa.

- a. **Sub-output # 3.1: Technical Changes to Streamline the System**
 - Improved registration.
 - Mapping.
 - Availability of information on customary land titles and boundaries.
- b. **Sub-output # 3.2: Administrative and Management Initiatives to Provide Better Government services**
 - Better utilization of existing staff and other resources.
 - Improved delivery of services to the public wanting to lease customary land.
- c. **Sub-output # 3.3: Support for the LTC (MJCA):**
 - Build the capacity of Court Officers and staff to manage customary land cases efficiently and effectively.
 - Develop meaningful performance indicators for handling cases and applying those to assess performance.
 - Address any shortfall in performance via training or other capacity building / institutional strengthening interventions.

d. Sub-output # 3.4: Support for the MWCSA:

- Increase the level of understanding of customary land leasing issues amongst Pulenu'u so that the Pulenu'u will be willing, competent and confident to promote and support landowners who wish to lease their customary land.

e. All Sub-outputs:

- Based on findings from the activities under each output, identify and implement improved institutional arrangements for improving arrangements for leasing of customary land for economic uses.

3) Output 3: Development of a comprehensive communication strategy; Public information materials disseminated and public education processes initiated.

The objective of this component is to:

Develop and support implement a public information and education campaign to encourage landowners to lease customary land for economic uses.

Activities proposed would be to:

- Develop a public information and education campaign strategy to encourage landowners to lease customary land for economic uses.
- Support implement that strategy by developing materials (e.g. develop and produce Information Kits on customary land leasing including details of the benefits, processes and forms that need to be completed). This particular activity has since been deferred to the second phase to ensure the details of the public education processes and public information materials to be produced are developed in close consultation with the relevant working group to be appointed by the CLAC for this very purpose.
- Funding support for Phase 1 of community consultations across the Upolu and Savaii working in with the local Pulenu'u.
- Based on findings from the above activities, identify and implement improved institutional arrangements for improving arrangements for leasing of customary land for economic uses.

4) Output 4: Implementation of the Institutional Arrangements for the Leasing of Customary Land for Economic Uses

The objective of this component is to:

Support the development and implementation of a nationally coordinated policy and strategy to encourage the economic use of customary land within Samoa.

Activities proposed would be to:

- Assist national coordination, management and leadership of the efforts to increase leases on customary lands, including coordinating the GoS agency stakeholders involved (e.g. MJCA, MOF, AG's Office and MWCSO) to work together and make it work.
- To bring together the key stakeholders and to develop and implement a strategy to achieve the GoS objective.
- Support the development and passage of amendments to the Alienation of Customary Land Act 1965 to further promote appropriate economic use of customary land.
- Ensure that for success with the policy, all stages of the leasing process need to be improved.
- Based on findings from the above activities, identify and implement improved institutional arrangements for improving arrangements for leasing of customary land for economic uses.

5) Output 5: Preparation of a Programme Implementation Plan (PIP) for Phase 2

The PIP will provide recommendations for leadership of the land reforms and a broad view of changes needed to make it easier for landowners to make more economic use of their lands if they choose to.

- Sets out a program detailing the agreed changes needed as key components and activities with schedules and timelines for implementing those components;
- Addresses the external resources needed to implement the PIP and how best to ensure they are available;
- Strengthens whole of government coordination and implementation of policy dealing with the use of customary land;
- Provides strategies to reinforce and strengthen the capacity of the government agencies to implement Government's customary leasing policy to increase the economic use of customary land;
- Looks to investigate how the one stop shop concept could be applied;
- Identifies specific advisory services required to implement the PIP and provides draft terms of reference for them as well as an indicative draft budget.

IV. ACHIEVEMENT OF REVISED TA OBJECTIVES, OUTPUTS AND OUTCOMES

A. Output 1 Legislative Review

30. The Taskforce undertook extensive consultations and identified a number of guiding principles established by Cabinet and resulting from the public consultations it had undertaken.

31. These principles can be categorised as:

Strategic Statements of Intent and Aspiration in the goals which the Taskforce seeks to pursue, achieve and maintain, i.e.:

- The inalienability of customary land through disposition
- The efficient use of customary land
- The potential for investment

Functional Specific areas where existing processes can be improved within the existing framework to improve access, utility and efficiency; i.e.:

- Improvements to the lease process
- Commitment from Government to act efficiently, fairly and productively in the lease process.

32. In respect of the Strategic principles, there is a clear distinction between the inalienability of customary land and better utilising the opportunities offered by the exception to that general constitutional prohibition.

33. These principles have also been considered by the Taskforce in recommending a number of changes to legislation.

34. Those recommendations include amendments that:

- allow beneficial owners of customary land the option of negotiating their leases themselves without the Ministry's involvement;
- extend the maximum period for the grant of lease from 30 years to 30 years plus the option of two further renewals of 30 years i.e. 30 + 30 + 30;
- remove the 5% levy on leases from the provisions to regulation for only those leases negotiated by the Minister otherwise to limit any levy or change to a service fee where the lease is negotiated by *matai* or on behalf the family themselves;
- clarify the ability to mortgage or obtain security over a leasehold subject to the outcome of the court's decision on a case seeking a declaratory judgment on the validity of mortgages taken over customary land leases;

- to introduce the concept of family trusts to receive payments for leases for the benefit of family members rather than just one *matai*, with the payments ceasing upon their death;
- To remove the limitation on non-*matai* to lease customary land for agricultural purposes.

35. Other recommendations of the Taskforce relate to the improvement of the process of obtaining a lease over customary land as well as the content of standard leases which can be achieved administratively by MNREM once they have been approved by Cabinet.

1) Review of the Alienation of Customary Land Act 1965

36. The Act prescribes the process of transferring the right to occupy and use customary land to third parties which is undertaken by the Minister on behalf of beneficial owners of customary land.

37. The Act also, restricts the persons who may be granted leases for agricultural or pastoral purposes to only those who are *matai*. Also the grant of leases must be for authorised purposes which also dictate the maximum term of a lease.

38. Otherwise the Minister acting as ‘trustee’ for the beneficial owners may impose such rent and :
‘..such other covenants conditions and stipulations as may be approved by the Minister’ and a process for application and the requirements in order for a lease or license to be considered are prescribed under the Act.

39. In general, the Act reflects the era when it was passed and is strongly protective of the sanctity of customary land being fundamentally for the use of *matai* (for the benefit of their families) reflected in strong bids to restricting the grant of leases and licences and ensuring that the Minister is the statutory ‘gate keeper’ to protect customary land owners from exploitation by third parties (and perhaps even from themselves) by:

- imposing particular restrictions on what land can be leased based upon the proposed utilisation of land for leasing;
- excluding the right of beneficial owners to grant or negotiate their own leases;
- imposing restrictions on the maximum term of leases depending upon the proposed use and imposing conditions which are a matter for the discretion of the Minister;
- requiring the payment of rent to the Ministry exclusively which is entitled to deduct 5% commission on an annual basis

40. The general tenor and approach of the Alienation of Customary Land Act was not to facilitate development and efficient utilisation of land but quite definitely to protect the inalienability of interests in customary land and thus the provisions contained in such Act reflect that objective and are cast in such a way as to achieve that purpose.

41. The Samoan Constitution mandates the inalienability of customary land which are subject only to three exceptions:

- compulsory acquisition (taking of land)
- the grant of use and occupation for limited purposes and time (lease/licence)
- the recognition of a right to occupy and use (*pulefaamau*)

42. Of these only the Taking of Land Act can fully and finally transfer the ownership of customary land for which the threshold is the identification of a specified public purposes and only after the payment of adequate compensation.

43. The other two exceptions allow the conferral of certain aspects of the estate in customary land and the rights of beneficial ownership over customary land which are the immediate right to occupy, control and utilise customary land for a certain use, for a certain period through a lease or licence or as a result of an individual's particular action i.e. the clearing and planting of hitherto uncultivated bush land in the case of the registration of a '*pulefaamau*'.

44. The Alienation of Customary Land Act was a product of its time and as such treats customary land protectively, its owners paternally and subjects the limited rights of use and occupation under lease or licence to an administrative process dictated by the Minister and conducted by his Ministry. This approach is clearly not so relevant forty years later if there is acceptance that no customary land can be sold:

- that approach in fact has inhibited the full use of the interest in customary land that can be alienated;
- being the use of leases and licences;

45. It is considered that the tenor of the Act has effectively precluded the full use of the opportunities available to beneficial owners of customary land to lease their land which has been compounded by the inefficiencies of the process under the Act.

46. Ideally the lease of customary land should be part of a broader 'development and productive utilisation of resource legislation' which has particular objectives which include:

- full recognition of the authority of customary land owners to determine their own fate in terms of the choices they make concerning the use and benefits available from the exploitation of their land;
- the identification of land which has the potential for economic and commercial development by virtue of its location, natural features, undeveloped status and/or strategic importance;
- the environmental protection of such identified land and surrounding areas to ensure that the proposed use does not destroy or imperil the natural features of such land;
- the long term social and community benefit of any proposed utilisation or development of such land;

- The preservation of the cultural and historic link to the land by the beneficial owners and their heirs.

47. In such a context the proposed utilisation of the land is part of a broader social context and issues such as:

- self determination by customary land holders
- available commercial benefits to the broader community
- environmental protection of land resources
- sustainability of developments and land utilisation

can be considered holistically by both potential lessees and the beneficial owners to the mutual benefit of both.

48. The need to change the character of the current debate on the utilisation of customary land from 'something will be taken away from us and our rights will be prejudiced' by any changes in land policy to 'we can all derive benefit from better use of our land', is critical in order to facilitate the changes necessary to allow greater use of currently unproductive yet highly valuable land resources in the country.

49. Accordingly whilst draft bills have been prepared in the course of satisfying the outcome of the Taskforce's deliberations these changes can only be considered a temporary 'band aid' pending a more comprehensive assessment of changes in land policy which should be conducted by the Customary Lands Advisory Commission during the implementation phase.

It is recommended that:

- In the long term, consideration is given to developing a broad approach to the development of resources which include the use of customary land for development and community benefit in order to ensure the achievement of a range of benefits which accrue not only to the beneficial owner but also to the wider community.
- In the short term, certain changes be made to the Alienation of Lands Act 1965 to improve the participation of the beneficial owners in determining the use of their customary land and to address the recommendations made by the Technical Committee including :
 - The removal of the prohibition in section 3 against the lease of land for agricultural or pastoral purposes to non-matais;
 - to extend the maximum period for the grant of leases from 30 + 30 to 30 + 30 + 30 in section 4;
 - to allow in section 4 the option for beneficial owners to negotiate their own leases rather than the Minister;
 - to remove the commission for receiving rentals from the First Schedule of the Act;
 - To allow beneficial owners to receive rental payments directly on behalf of and in trust for their families.

- In terms of the use of family trusts to identify heirs and ensure the fair distribution of proceeds from leases, it is recommended that further consideration is required to create a special form of trust (perhaps by specific Act) which is a hybrid of the traditional trust entity and specifically allows the recognition of consanguinity in the eligibility of individuals to be part of a defined and definable family group. Clearly the use of trusts will very much depend upon the eligibility of members to be beneficiaries which is a matter laden with complexity when applied to extended family groups.

2) Taking of Land Act 1964

a. Recent Disputes

50. There have been a number of recent and well publicised instances where the compulsory acquisition of customary land by the state has resulted in disputes between state and customary land owners in the adequacy of compensation, the adequacy of information, consultation identification of the beneficial owner and the proof of entitlement to compensation requests for the return of long acquired land in state hands by the original village and disputes over the original acquisition of land in the 19th century from disgruntled villages. These disputes have largely been sought to be resolved by high level talks between politicians and village leaders, however in recent times villages have sought the intervention of the Supreme Court to establish and resolve their claims.

51. These examples are illustrative of the inadequacy of the current processes surrounding the compulsory acquisition of land by the state and perhaps the need for a process which is far more conciliatory than the mechanical approach prescribed under the Taking of Land Act.

52. The finality of compulsory acquisition under the Act particularly in regard to customary land is of particular concern to customary land owners.

53. Whilst in practice the MNREM and MWTI undertake consultations with the land owners, the process prescribed under the Act is largely mechanical and does not reflect recent approaches to resolving disputes and securing agreement between two opposing parties as is utilised in 'Alternative Dispute Resolution' approach.

b. Compulsory Acquisition

54. The availability of powers of compulsory acquisition by the state, are an inevitable part of communal living and growth, and there are at least two approaches to minimising the negative impacts of compulsory acquisition.

c. Minimising the Negative Impact

55. The first is a critical assessment of target land as to whether something less than total acquisition is possible – for example section 8(b) the power conferred under the Act to take land also includes the power:

..., 'to take separately any particular estate or interest in land, whether for the time being subsisting separately or not'

56. This provision still allows land to be acquired but there is the option of taking something less than outright ownership, including a lease or licence of the sort prescribed under the Alienation of Customary Land Act 1965.

57. This available option both addresses the need to secure rights over the land by the state as well as the reluctance of the land owner to lose their land outright. In addition cash strapped state may also find that the payment of rent over an extended period may well be more financially viable than the upfront payment of fair compensation for outright sale.

58. It is considered that taking less than the total estate and interest in target land is probably not as fully explored as it deserves to be and not as well utilised.

59. The second approach to ease the burden of compulsory taking of land by the state is the process adopted in the course of doing so.

60. Whilst a very clear process is prescribed under the Act, the actual practice is somewhat more conciliatory and efforts are made by the Ministry(s) involved to inform/engage and reconcile the land owners to what is to occur given that it is against their will.

61. In order to ensure that land owners are fully apprised of both the process which they are about to go through as well as the obligations of the Ministry concerned, it is strongly recommended that a policy of consultation and the full disclosure of the timing of various activities by the Ministry in relation to the land accompanies all potential taking of lands, but in particular customary land as a means of minimising the negative impact of such a significant and intrusive state action.

62. The taking of land legislation, whilst wholly consistent with international practice, needs to be tempered in respect of its application to this environment and the significance of customary land and given the importance afforded to traditional lands by its heirs and successors.

d. Recommendations

63. Accordingly, it is recommended that:

- A consultation and disclosure policy be adopted in respect of all prospective land which is identified as being the subject of compulsory acquisition;
- That in considering the compulsory acquisition of customary land in particular, that serious consideration be given to taking an interest or estate, which is less than the outright taking of the ownership of the subject land particularly where the public purpose may be of a limited or short term benefit
- That the consultation and disclosure policy extend to the determination of 'fair' compensation and if at all possible a negotiated amount rather than the disgruntled acceptance of an amount perceived by the landowner to be inadequate.
- To eventually consider a complete review of the Taking of Land Act 1964 to infuse its provisions with the far more conciliatory and reciprocal approach to dispute resolution than currently is reflected in that Act.

e. Summary

64. The Constitution of the country has dictated the manner in which customary land has been characterised since independence which has been in the context of '*measina*' that warrants complete protection. Unfortunately this approach to customary land has permeated through to the parts of customary land which can in fact be alienated through lease and licence. In terms of *pulefa'amau* as it is the only other avenue available to obtain a 'right' to use and occupy, there have been several instances of abuse of this concept which is being used as a 'defacto' lease process without needing to comply with the formalities required under the Alienation of Customary Land Act.

65. The tensions which are currently felt by customary land owners and those seeking access to develop customary land reflect the inadequacy of legislation which is simply not intended to and does not include development and the sustainable exploitation of customary land as its objectives. This is further compounded by a lease process which is slow, cumbersome and subject to delays particularly in the Lands and Titles Court system where '*pule*' over said land is in dispute or is challenged.

66. The recommendations of the Task Force to seek to address some of these tensions should be considered only as temporary 'fixes' to what are broader and more fundamental issues concerning the role of customary land in economic and social development. Unless and until customary land is considered more broadly and as a positive factor in development, the debate about law reform will continue to focus upon protectionism and exclude it from the ongoing debate about Samoa's economic self sufficiency and future development.

67. Accordingly, the Guiding Principles established by Cabinet as well as the recommendations and findings of the Task Force all reflect the need for an immediate

review and reconsideration of Samoa's current land policies which a body such as the Customary Land Advisory Commission will facilitate once established.

68. The demands of a growing and increasingly sophisticated population, a significant diaspora resident in developed countries and the need to seek ways of ensuring Samoa's future economic survival, catapults the issue of the proper utilisation of customary land 'front and centre' into the national interest. Provided the debate which occurs acknowledges that customary land is a resource which should be available for use, then there may well be changes to how it is treated in policy and in law.

69. The TA Team has prepared a draft of the Alienation of Customary Land Amendment Bill 2008 to account for the recommendations of the Task Force (Appendix B). An Explanatory Memorandum to accompany the Bill to Parliament has also been drafted. These have been reviewed by the Office of the Attorney General. The TA Team is making revisions on the basis of comments received from the AG's Office and will be consulting also with the Ministries of Finance and MNRE given the financial implications of the proposed amendments to current procedures.

B. Output 2: Streamlined Administration and Technical Processes for Entering into Leases on Customary Land.

70. The streamlining of the current system for leasing customary land has been a main focus of the TA Team and presented a range of areas where additional work was identified.

71. The key Findings and Recommendations under this Output are summarised below:

3) Management and Administration

72. There is a need for greater coordination of the Government agencies that are, will or could be involved in extending the use of leases on customary lands for economic uses. Specific changes were needed to encourage landowners to lease their customary lands, coordinate a strategy for dealing specifically with customary land administration and set out a strategy to implement this policy, study the previous recommended actions for improvement to see what warrants implementation.

73. Need to build the capacity of MNREM, MJCA other agencies of Government and landowners to support the policy of leasing customary lands.

74. Need for improved management practices in relevant ministries. Typical of practices that might be reviewed and improved are: succession planning, explaining changes in organisational structures, connecting plans to implementation, linking plans to broad goals, capacity building plans and making training plans more effective.

75. Need to intensify performance management by making performance measures more meaningful and set incentives to see the expansion of the use of customary lands for economic benefits. Improved performance measures along with getting reliable performance feedback from clients should also help the focus on what is needed.

4) Technical

76. In general the processes and systems involving customary land related matters are complicated and somewhat disjointed but they appear to work, hence, no major changes are recommended. Minor problems, which could be resolved easily, slow the processes. There is room for improvement especially by computerisation.

- Records Management – Archiving, storage and access to records needs to be urgently attended to.
- Recent Improvements - Some of the issues and processes regarding customary land have already been addressed, started or completed under recent project inputs these should be continued or built upon where possible.
- Digital Data Management – There is a requirement for digital data management to be utilised, user friendly applications developed and databases compiled from existing computer based registers will help streamline and support the processes studied.
- IT Management – IT support within the Ministries will become more important as systems are computerized currently this support is minimal and requires improving. This issue needs to be addressed across the entire Government and standardized where possible.
- Public Awareness – More material and workshops need to be provided to increase public awareness with respect to customary land leasing issues and processes.

5) Findings Specific to the Ministry of Natural Resources, Environment and Meteorology

a. The Current Customary Land Lease Registration Process

77. The current customary land lease process has many steps and is quite complicated. However, the system appears to work with the end result being a Registered Deed of lease. For ease of explanation the process has been divided into 9 steps which group the sub steps into related administrative functions, the steps are;

- Prepare a preliminary lease application
- Survey the land
- Examination of survey plans
- Prepare public notice
- Publication of notice
- Land and Titles Court petitions
- Prepare final lease application and Deed of Lease
- Registration of Deed of Lease

- Lease payments

78. Under the SIAM 2 project significant advancements have been made to the process mostly in the Land Registration and mapping area. The key changes recently introduced that potentially affect the customary land lease process are;

- A computerized (Torrens capable) Registration system including hardware, software, training, developed applications and a database.
- Legislative amendments to facilitate the integration and deployment of this system
- Digitisation of Survey plans
- A framework on which to build and utilise a DCDB
- Linkages to tie all of these processes and data together as a comprehensive land registration and administration system

79. Four of the nine steps outlined above involve the Land Administration section of MNREM. By promoting the changes in the Registry system and by supporting this Unit with training, equipment and software (including database systems) it should be possible to centralize the majority of the process into a single unit. Also by increasing the linkage between the unit and the LTC by promoting better access to data and files it should result in the mobilization of the process.

b. Data Management

80. Registry records (Land Register, plans, deeds etc.) are stored in a secure, air-conditioned vault only accessible by MNREM staff. The public have access to the records for searching purposes with this function being serviced and supervised by MNREM counter staff. Plans are photocopied for customers and Register Books are only handled by staff. The early books are relatively fragile and paper and book bindings are damaged. There is a risk of losing pages in the Register. The Land Register book is not photocopied because of this damage. All other records may be photocopied for a fee.

81. Data from registered deeds is collected in computerised databases. The databases are for conveyances, caveats, leases, mortgages, transmission applications, powers of attorney and proclamations. This information includes historical data going back to 1920. However, it is not checked and not all fields are completed. The registration system is supported by plans and maps which are in the custody of the Land Registration Section.

82. Plans were lodged in paper form and colouring was used to indicate relevant detail such as easements and new roads until the mid 1990's. Plans are now drawn in black ink onto transparencies. The public have access to the early plan originals but no access is given to the transparencies. These are photocopied for searching purposes.

c. Survey plans

83. There are two main types of survey plans held by the Registry in MNREM they are;

- Record Maps
- Survey plans

84. Record maps are used as the key to locating related survey plans and can be of varying scales but are usually 1:1,000.

85. Survey plans are usually drawn to a scale of 1:500. Each time there is a new survey creating a new parcel(s) a new survey plan is also produced.

86. Survey plans display all the data related to the survey such as, bearings and distances, boundary mark types, datum and traverse information, related plans used etc. It also shows the Flur and parent record map number.

d. Deeds

87. Deeds are held in the Registry and are a paper based legal document currently these documents are scanned and saved to the MNREM server for linkage to the LRS.

e. Priorities for MNREM

88. The following are the key issues relating to the customary land leasing processes raised by the findings which should be undertaken as a priority within MNREM;

- Finalise archiving of records
- Complete population of registry database (LRS) and use the new system
- Create a Customary Land Administration Unit including: technical assistance, equipment, software and training
- Put forward a plan for promoting the surveying of customary land as a MNREM service and explore ways to fund
- Formalise the IT infrastructure and management with the Ministry

i. Archiving Records

89. There are approximate 20% of the plans remaining to be scanned, there is also a need to digitize these into the DCDB. Staff cannot be expected to input vast amounts of data in addition to their daily tasks. It would be beneficial to complete the data input by hiring GIS undergraduates to undertake and finalise the work in the following order of priority;

- Scan remaining survey plans that have not yet been archived beginning with customary land lease related plans
- Scan remaining Record Maps

- Scan Customary land lease files
- Scan Customary land Deeds of Lease
- Setup quality control assessment for scanning checks

ii. The Land Registry System (LRS)

90. The Land Registry System (LRS) is a Visual Basic Application linked to a Microsoft SQL Database which is located on the MNREM Technical Division server. It was created under the SIAM project which was responsible for some extremely useful work, namely the LRS and the DCDB, which provide a very good backbone to the core procedures and services provided by the MNREM. This work has stalled somewhat due to staffing shortages, workload, insufficient IT support, and lack of budget and hardware problems and would benefit by continued foreign technical assistance. Failing some technical input soon it could be quite possible that some or all of the work done under the SIAM project could be (at worst) lost or (at best) stalled indefinitely.

91. Some of the major benefits of having a fully computerized database which can access digitally archived records are;

- Speed and ease with which data can be accessed
- Powerful searching capabilities
- It can bring varying sources of data together to support systems such as A One Stop Shop
- It reduces the need to access original documents thus preventing loss, deterioration etc.
- It can greatly streamline standard processes
- It is possible to disseminate the data more efficiently, such as by making it available on the web

92. For such a system as the LRS to function correctly and to be an effective tool it requires that the data records it incorporates be complete and accurate. As the LRS has not been fully populated to date there is an added effort required to input this data and check it.

iii. Creation of a Customary Land Administration Unit

93. The processes and systems for creating customary land leases currently in place are somewhat complicated and mostly analogue (i.e. not computerised), however, the systems appear to work but can sometimes be slow to proceed with minor problems slowing the process. There are no major changes recommended in the actual process but there is significant room for improvement by computerising certain stages and steps. Also standard tasks can be greatly simplified by using database tools to search, report and input data.

94. Another way of streamlining the customary land lease process would be to create a special unit which would deal with all aspects of the process. It should be possible to bring most of the customary land lease functions into one area. The idea would be to form a cohesive unit that can deal specifically with customary land lease

matters in one place, thus providing a service to the public and private enterprise facilitating the lease process.

iv. IT Management

95. Currently the IT support within the ministry is inadequate for the task. There is only one staff member who provides support for the entire Ministry with another staff member possibly returning from overseas shortly. At a minimum staffing in this area should consist of an IT Manager and at least 2 IT technical staff.

v. Additional IT and Technical Assistance

96. In highly technical areas such as those that provide the core services in MNREM, it is always beneficial to have guiding technical assistance on hand to support the evolving computerized processes. This assistance proves to be most useful when it is continuous, it can be provided from a number of potential donors

97. Four areas would benefit from this type of assistance namely the Registry, Examination Section, IT and the Land Administration Section. Other funding sources include the PSIF and this possibility of funding, namely for records management, is being investigated.

98. It is clear that the processes relating to customary land leasing tie in closely with other aspects of MNREM services such as registration, valuation, legislation, plan examination and surveying.

6) Findings Specific to the Ministry of Justice and Courts Administration

99. NZAID has provided assistance during the period 1999 to 2004 to strengthen the then Justice Department and to establish a Law Commission. Included in this work was also some work done at the LTC including the introduction of a computer based records system (MS Excel), basic management training, computer training and the compilation of instruction manuals.

100. NZAID provided support towards an Institutional Strengthening Programme of MJCA which began in 2006. Priority areas identified under this ISP include court administration, probation, parole and censorship.

101. There were four proposed components of the ISP of which the following two are seen as being directly related to this project:

- Component 1: Ministry-wide Institutional Strengthening – with the objective to strengthen MJCA's capacity in selected core areas: policy, planning and evaluation; quality assurance; human resource development and training; and technology

- Component 2: Courts Administration - with the objective to improve the efficiency and effectiveness of the administration of the Courts in Apia, Mulinu'u and Tuasivi

102. Under the ISP emphasis was to be given to improving MJCA management of court records and general files in all courts by building on earlier work to establish an integrated Records Management Section. It was intended that this would include assistance to develop records management policies and a Ministry-wide classification system, as well as the establishment of a central file storage facility for the Apia Courts. These measures would address concerns about the security of court records and files being lost as well as access issues.

a. Records Management in the MJCA LTC

103. Files for LTC are kept in a fireproof strong room (6x12m) at the back of the LTC offices at Mulinu'u. Files are held in 3 rows of shelving 7 shelves high, creating approximately 2000 pigeon holes for anywhere between 1 and 20 files. Index or dispute record cards are kept in a filing cabinet in the Records strong room.

104. The main records for the LTC consist of files containing Lands and Titles Court decisions, these files are ongoing (i.e. added to when new correspondence or decisions come in relating to that land or title). These can be divided into two types;

- Files relating to actual land areas and decisions relating to the Beneficial Owner(s)
- Files relating to Matai (chiefly) Titles

105. Both groups of files are kept together using the same filing system with the main differentiating feature being the name of the land or title shown on the cover of the file. The sizes of the files vary greatly with anything from 1 to 1000 pages pinned together by 1 corner. Previously these files were indexed on cards, known as Dispute record Cards which were held for each district and Village.

106. There are approximately 24 districts on Upolu and 19 districts on Savaii (43 total), with varying numbers of villages per district. The total number of villages in Samoa is approximately 331, with 228 on Upolu and 103 on Savaii. The number of files per village varies greatly. The index cards which number approximately 500 are kept in a filing cabinet in alphabetical order by village name.

107. To locate a particular file the person requesting information on a court decision would supply the village name, all the files for that village would then be presented to the person searching. Access to the files has now been restricted by the President of LTC as decisions and important documents were going missing from the files, this was a major concern and now special permission has to be obtained to look at the original files.

108. There is currently a new digital filing system being implemented which relies on an Excel spreadsheet and records information relating to each file in tabular format

109. This electronic registration system makes it much easier to search for files than using the old dispute record cards which were, in some cases, missing, hard to read or not filled out properly. As it takes some time and effort to register a new file into the system and file it, it could take some time at the current rate to input all of the files to make the system fully functional.

110. There is currently microfilm (microfiche) stored in the Records room which was an archive of the files completed in the 70s, it is not clear as to the contents, extent or quality of the archive as it was completed so long ago that none of the current staff have any recollection of the work. The microfilm should be checked, catalogued and sent to a third party for scanning into digital format.

111. The microfilm archive presents a good starting point for archiving the documents held by the LTC. Once this has been done staff will be in a better position to assess what is left to be archived. Even if this source reduces the effort to digitize the files by 30% this will be a significant advantage as the process will be very difficult due to the number and variety of the files. If all of the files prior to 1975 have been microfilmed then this will make the job much easier as these are the most delicate and present the most varying page styles of all the documents. Recent documents tend to be more standardized, legible and robust making them more suitable for scanning or photographing.

b. Priorities for MJCA

112. The following are the key issues raised by the findings specific to the MJCA relating to the customary land leasing process.

- There is an urgent need to secure funding and undertake the task of archiving and safeguarding the LTC records.
- There is a requirement to design a suitable database system and implement to improve records management within the LTC.
- The IT infrastructure and management with the Ministry should be strengthened and formalised.
- Look at strengthening the dispute resolution process, increasing the number of Judges in the LTC and providing training.
- Coordinate closely with existing projects with the extended support from this project.

i. Archiving Records

113. Urgent work is required in the MJCA to ensure historical records are not lost and that computerising of filing and index systems is completed so that data can be made more easily and freely available both to the staff in their daily duties and also to the public. Improved access to data will have a flow on effect and help facilitate the court decision making processes and in so doing help reduce the court hearing backlog.

114. The scale of the archiving task is daunting especially considering the resources and computer skills currently available to the LTC, Table 1 gives an estimate of the size

of the task. It is also estimated that probably 20-30% of the pages in the files are very old, in poor condition or very delicate which adds another limiting factor to the problem. The size of the sheets varies which makes automatic document feeding very difficult. Considering all of the factors involved it will be a difficult and time consuming, hence, expensive task.

<i>Court</i>	<i>No. Files</i>	<i>Pages per file (average)</i>	<i>No. Pages</i>
Mulinuu Upolu	20-30,000	300	6-9,000,000
Tuasivi Savaii	10-20,000	300	3-6,000,000

Table 1. Rough Estimates of Number of Documents in LTC Records Section

115. In order to undertake this work in a logical fashion some guidelines have been proposed below, these stages are critical and should be considered a “must do as soon as possible”;

- Secure funding under this project
- Outsource the archive of existing microfilm reels in digital format
- Catalogue digital output from microfilm
- Determine the gaps between existing hardcopy file records and those on microfilm
- Decide on method to archive remaining file content and other documents
- Perform archiving process

ii. Digital Records Management

116. The Land and Titles Court Records Section incorporates a Microsoft Excel Register which currently contains references for approximately 30 to 50% of the files held at the Mulinu’u Office records room. The work that has been completed on this task to date is very useful but would be more useful if it was upgraded into a full database including data entry and searching functions. Once the files themselves have been archived they can then be linked to the records in the database and the system can be used as a searching and display tool by staff in their everyday activities and also on the front counter for public access.

117. Currently there is no direct linkage or commonly used field between the MNREM LRS and the LTC Records register. In the short term (and in reality) there will probably be no real-time linkage between the LTC records and the MNREM database unless they share the same centralized network. More than likely the common record tables between the two systems will be updated on a regular basis by email or manual methods.

118. The LTC now has a policy restricting direct public access to records due to loss and damage from handling. The proposed database with linked digital copies of the files could solve this problem with two major benefits; it could protect the original records and give the public unrestricted access to the documents. Before the general public and staff can be allowed access to such a system it should be capable of displaying up-to-date

and reliable data. In order to do this the system should be implemented on a trial basis with staff testing the system first, then when it has been brought fully up to date and operational it could be made accessible to the public. If the data is not accurate or complete, users may lose faith in the system and possibly not utilise it as intended.

iii. IT Management

119. It is clear that an improved IT structure within the LTC and MJCA can help support the core functions of the LTC with respect to customary land dealings. It could achieve this by protecting and simplifying the dissemination of historic records and by increasing the capacity of the courts to process petitions efficiently and in a timely manner. In order to move closer to this goal the following steps are recommended;

- Promote the creation of an IT Division/section within MJCA
- Provide basic IT training emphasizing the importance of archiving and backing up data
- Provide any necessary additional hardware needed to support IT
- Ensure adequate support for database systems
- Ensure functionality of formal data links/exchange with other divisions and Ministries
- Ensure the provision of on-going technical overseas assistance for integrated systems support

iv. Surveying of Customary Land

120. Ninety eight percent (98%) of customary land in Samoa has not been formally surveyed and many of the boundaries are perceived i.e. they may not physically exist but over time have become established by tradition or use. Boundaries can also be defined physically by occupation, i.e. fences, gardens, trees, buildings or by natural boundaries such as water courses, ridge lines, rocks etc. However when it comes to actually defining these “fuzzy” boundaries by survey it may be that the perceived boundaries between two neighbouring parties do not agree, hence, disputes arise.

121. These disputes usually arise from encroachment or extended use of the land coupled with a loss of land use “memory” whereby the agreed boundaries have become “more fuzzy” over time. This could be due to the original landlord or lessor being overseas for an extended period or having died without passing on the actual details of the land use deal. This problem is exacerbated over time due to population pressure coupled with an increasing number of absentee landlords.

122. Aggressive lessees are likely to take advantage of the situation and bend these factors in their favour creating more problems.

123. One way to obviate this is to define the boundaries in legal terms by surveying them. If all customary land boundaries were surveyed then this would remove the uncertainty from one aspect of the process and would reduce land disputes in the long term. The other aspect of uncertainty is the owner/custodianship which will still require

mediation or due legal process to sort out. The consensus from the public consultations supported this view and suggested that surveying of all customary land boundaries was a good idea and should be provided as a free service by the Government. It is generally felt by stakeholders that widespread surveying of customary land would improve the effectiveness of land management in the following ways;

- Reduce the number of disputes over land significantly
- Provide certainty when dealing with customary land issues
- Safeguard landowners rights
- It is unlikely that the current Ministry (MNREM) has the capacity or the resources to provide this service if requests numbered more than 2 or 3 per month, given the current staffing and equipment available. A possible solution is for a donor to fund a long term 2-3 year customary land survey project, possibly under a larger project (i.e. an ISP for the MNREM). This project would include training, equipment and technical assistance supplied with the aim to assist in and carry out customary land surveys.

C. Output 3 Development of a Comprehensive Communication Strategy; Public Information Materials Dissemination and Public Education Processes Initiation.

124. Implementation of GoS's program to reform the administration of customary land in Samoa has already entailed the Customary Land Project Task Force holding consultations with community groups to in the first place:

- " Seek an indication of public attitudes towards the leasing of customary land for economic uses and to explain the program" and to:
- "Provide the TAs with information on how leasing could be made easier or attractive to both land owners and investors"

125. Information from these community and stakeholder meetings has already contributed to the design and content of the PIP. The community consultations and the public debate that flowed from it highlighted the need for an effective public information and education campaign to explain the proposed reform program and to advocate support and engagement by the community and stakeholders if the reform program is to achieve its goals and objectives of developing customary land.

126. Customary land occupies a central place in Samoan life and culture. As such, any initiative on the subject will always invite strong responses and resistance even, if it is perceived as seeking to change the status quo especially with regard to ownership and non-alienation of customary land. Public response to the reform program to date suggests that is already the case with a large part of public opinion and perceptions, hence the necessity for an effective information and advocacy program to support the second phase of the Customary Land for Economic Use project.

127. The key messages are derived in the first instance from the Guiding Principles that underpinned the work of the Customary Land Task Force Other messages for the

plan will emerge from the outcomes of the implementation of the PIP, as new customary land administration processes and systems take form and need to be communicated to the community and stakeholders.

128. The key messages are summarized as follows:

- That customary land administration reform is part of government's strategic plans for the development of Samoa as set out in the Strategy for the Development of Samoa [SDS] and the national Vision of "improved quality of life for all"
- That customary land is part of the Samoan heritage, but it is also an economic asset that needs to be productively used to meet economic and social needs and aspirations.
- That reform of customary land administration is underpinned by the principle of non-alienation of customary land as given in Constitution.
- That government's role with customary land use is to facilitate and establish conditions for stakeholders such as land owners and potential developers to invest in the development of customary land.
- That the decision as to the use of customary land resides always with the land owners as at present.
- That the reform program will enhance prospects for landowners to develop land themselves or to lease land to interested land developers and users.

129. As the PIP unfolds, details of the new and reformed systems and customary land development opportunities will become available and fed into the public information campaign. When that happens, the key messages will then shift towards providing information about the new customary land administration system and the opportunities it presents for land owners and potential land developers and users to engage in developing customary land.

1) Target Audiences:

130. The main target audiences will be:

- The people of Samoa.
- Stakeholders such as customary land owners, potential land users, and the private sector
- Special interest groups such as the NGO community, churches, government ministries, members of parliament, the mass media.
- Village and community leaders.

131. Almost all Samoans have a stake and an abiding interest in customary land either as land owners or as potential users of land and need to be informed and to be engaged in the programme as appropriate. The NGO community has always shown a strong interest in the reform program and needs to be constructively engaged. The same applies to influential community groups such as village leaders, churches, members of parliament, government ministries and the media.

132. Where necessary, there will be segmentation in approach according to message content and target group. In the case of village leaders for example, use will be made of the offices of Pulenu'u and Sui ole Malo to ensure that Village Fono and village

communities fully understand and appreciate the reform programme and are able to play their part in it. Members of Village Fono have a major stake in customary land both as land owners themselves and as traditional guardians and managers of village land. Development of customary land cannot happen without their engagement and cooperation.

2) Means of Communication:

a. High Level Policy Statement:

133. Reform of Samoa's customary land administration system as set out in the PIP represents a major policy decision by GoS. As such, it will require a major policy statement at Head of Government [Prime Minister] level at the start to set the strategic context for the policy and for government's customary land reform agenda. That statement will also convey the key messages of the information strategy and the Guiding Principles of the reform programme.

b. Use of Parliament and Government Official Networks:

134. Full use will be made of government's own existing official information networks to convey the policy statement to both government workers and to the rest of the country. In practical terms, this will mean the use of Parliament as the delivery forum with full coverage by the mass media. Central Government Ministries and village government representatives such as *Pulenu'u* and *Sui ole Malo* are the other components of the government information network. The latter two offices will have a particular role with regard to informing and engaging village leaders and communities on the subject.

c. Mass Media:

135. Television and radio and the print media will be the main means of communicating the policy statement and the key messages of the strategy to the public of Samoa. Key messages from the policy statement will form the content of selected spots and programmes for use on television especially and radio. Press releases and statements will be used extensively as required and according to need.

d. Printed Material/IT:

136. Later in the program when the new customary land administration systems and services are in place and available for public use, other information tools such as guide manuals, fact sheets, brochures, posters, IT [ministry websites] and information leaflets will be used as appropriate. Many of these information tools will become part of the customary land administration system itself.

D. Output 5 Based on findings from above activities, implementation of institutional arrangements for appropriate government involvement in matters related to economic use of customary land.

1) National Coordination

137. The GoS policy on leasing customary lands will have a stronger chance of success if one agency is tasked with providing the coordination and implementation of the policy.

138. Assuming that MNREM accepts the role of leader in the overall effort to increase the leasing of customary lands, from initial contact with landowners, setting clear goals and plans, and implementing them, should lead to improved focus for achieving the customary land policy objectives and improved efforts within the agencies and ultimately within the community.

139. MNREM as the agency best placed to be proactive, could take the lead on coordinating implementation of the broader policy to:

- Encourage landowners to lease their customary lands.
- Coordinate a strategy for dealing specifically with customary land administration and set out a strategy to implement this policy.
- Study the previous recommended actions for improvement to see what warrants implementation, rejection or further investigation and to follow this with a strategy to implement those approved changes to ensure that changes do occur and occur quickly.

2) Capacity of Other Stakeholders to Support the Customary Land Leasing Effort

a. National Coordination of a Stakeholder Management Plan

140. The key drivers for change in the external environment are the politicians, owners of customary lands, investors seeking land for commercial developments and coordinating agencies such as the MWSD, MOF and PSC. There has not been a coordinated team formed to work on streamlining the process for leasing of customary lands for economic uses to meet the expectation of those stakeholders.

141. A coordinated effort to increase the leasing of customary lands for economic uses should lead to a more consistent message to the public and increased confidence by the public that the system is working and secure. The key external stakeholders are central to the efforts to develop and promote the customary land leasing message and need to be brought in and achieve *buy in* to the policy which each can promote collectively or through their own constituents.

142. The Customary Land Advisory Commission (CLAC) recommended in the PIP might assist MNRE develop and implement a stakeholder management plan to secure their buy in for the efforts to streamline the processes involved in leasing customary lands.

V. PROPOSED PROGRAMME IMPLEMENTATION PLAN (PIP) FOR PHASE 2

A. Approach, Methodology and Priorities of the Team

143. In preparing this Program Implementation Plan (PIP), the TA Team:

- Determined the current situation in relation to the administration and use of customary land in consultation with the Task Force, relevant ministries and other stakeholders, including assessing progress with other donor projects in the sector, and collated those changes that were endorsed by the key stakeholders.
- At the final Task Force meeting with the Team, the Project Monitoring Unit of the Small Business Development Project tabled the Task Force Study Tour Report on the Economic Use of Customary Land⁸. This document is for consideration by the Task Force and presents a wide range of reform issues. Within the time available, the Team has identified a number of the issues that can be accommodated within the framework of this PIP.⁹ These are incorporated into the plans for specific Working Groups to pursue.
- Prepared a proposed PIP for the Task Force which:
 - Sets out a program detailing the agreed changes needed as key components and activities with schedules and timelines for implementing those components;
 - Addresses the external resources needed to implement the PIP and how best to ensure they are available;
 - Strengthens whole of government coordination and implementation of policy dealing with the use of customary land;
 - Provides strategies to reinforce and strengthen the capacity of the government agencies to implement Government's customary leasing policy to increase the economic use of customary land;
 - Looks to investigate how the one stop shop concept could be applied;
 - Identifies specific advisory services required to implement the PIP and provides draft terms of reference for them as well as an indicative draft budget.

⁸ Report on the *Economic Use of Customary Land Study Visit by Task Force Members*, September 2008.

⁹ References to incorporating recommendations from the Study Tour are: in the proposed Component 2 on Financing Development on Customary Land and the Working Group on Financing Development on Customary Land (WG 1), Legislative Reform Component 3 and the Legislative Reform Working Group (WG 2) and in Component 4 on Capacity Building and the Capacity Building Working Group (WG 5).

B. Priorities for the PIP

144. The Team agreed that the following issues were significant and needed to become priorities in determining the approach to be taken in the design of the PIP:

- The Task Force has undertaken significant consultations with the broader community as well as with specific interest groups. It appeared to the Team that more is needed and the more open the process of bringing about changes in customary land matters the better. Community confidence in the reform process and the need for it has suffered significantly during a period of active public debate and media coverage of the Land Registration Bill in the latter part of 2008. For these reasons, the Team has sought to find a way ahead that will address this negative perception and aim to provide more information to the community and more opportunities for the debates that need to be had. A better informed community should provide better feedback to the GoS and lead to more mutually acceptable strategies for change.
- The TA Team has been advised that any perceived threat to the security of a landholder's tenure of customary land in Samoa from any source, be it Government, neighbor, investor or whoever, is the issue that is most likely to get a severe or even violent reaction from a landholder. The 95% rate of appeals of decisions of the LTC gives some support for this view. The Team therefore is concerned that the public debate that has been marked by a lack of awareness of some of the facts underlying the reform efforts needs to be reactivated to help the public understand and make more informed decisions. This needs to become a priority in future efforts to increase the economic use of customary lands.
- As indicated above, engaging the public in a positive and constructive debate is one strategy. The other key strategy is to build confidence in the existing LTC decisions on tenure of customary lands. The Team is concerned that the public see those records being restricted and while they are by law designated as public records. Providing easy access to those records should be a priority. Part of the reason for limited access is the fragile nature of those records in hard copy. The best option is to digitize the LTC records and make these openly available. Until such a system is in place, the security of those LTC records is vital to the stability of the country. The loss of those hard copy records, through accident or natural disaster for example, could not only be a major blow to individual customary landholders tenure but could also put pressure on the Government of the day as social unrest could threaten stability in the Samoan society. The future actions towards reform should urgently address these issues.
- The Team understood that the emphasis should be on the economic development of customary land. This is to cover both the leasing of customary land, the focus of earlier efforts in the reform process, and the options for development of customary lands by the landholders themselves. This broader perspective is reflected in the design of the PIP.

C. Assumptions Made by the Team

145. While the Task Force has a limited life and is expected to complete its task by the end of February 2009, the Programme Implementation Plan provides the Task Force with a broad view of changes needed to make it easier for landowners to make more economic use of their customary lands if they so choose.

146. The momentum for reforms will need leadership beyond February 2009 and the PIP focuses on what changes are needed and how best to achieve them.

147. The components and activities suggested in the PIP set out what might be done by the GoS and isolate those that might form the basis of a new project or projects to be supported by the ADB who has actively supported the GoS land reform programme in recent years and other external donors.

148. While the PIP is a design for increasing the economic use of customary land, the Team recognises that in some cases (i) the challenges that are being faced have impact beyond the land administration sector and require broader attention (e.g. lack of skilled IT professionals) and (ii) the activities planned for changing procedures for using customary land should have a positive impact beyond the narrow use of customary land (e.g. changes could be useful for improving the administration of other land tenure).

D. Related Projects or Developments

149. Projects or other developments which have or are likely to have an impact on the general area of promoting the economic use of customary land have been reviewed and taken into account in planning the PIP. The recommendations from the Mid-Term Report were reviewed and progress with these is shown on Appendix C. This also indicates the progress with related projects and the PIP presents a strategy for follow up monitoring of these projects:

- 1) Law and Justice Sector Plan
- 2) SIAM-2
- 3) Ministry of Justice and Courts Administration Institutional Strengthening Project (MJCA ISP)
- 4) The Pacific Judicial Development Programme
- 5) The Samoa Public Sector Improvement Facility (PSIF)
- 6) Samoa In-Country Training
- 7) Samoa Short Term Training Awards.

150. Links with these and future related activities need to be monitored by the proposed Customary Land Advisory Commission (CLAC) to ensure there is no overlap or duplication of effort.

E. Reform Components

151. The proposed components of the PIP for implementing the reforms are:

- National Coordination of Customary Land Stakeholders
- Financing Development on Customary Land
- Legislative Reforms
- Capacity Building to Support Customary Land Administration Reforms
- Effective Community Advocacy
- Monitoring and Evaluation

F. Component Objectives, Deliverables and Indicators

152. The components of the reform program and the objectives and deliverables of each are shown below together with initial indicators of what would constitute successful delivery of the project outcomes within the proposed three (3) years covered by the PIP:

1) Component 1. National Coordination of Customary Land Stakeholders

153. **Objective:** Develop and implement a nationally coordinated policy and strategy to encourage the economic use of customary land within Samoa which models whole of government coordination for the customary land administration sector.

154. **Deliverable:** An effective and efficient national government structure will be operating that provides the infrastructure to encourage and support landholders and investors to make more economic use of customary land.

155. **Indicators:**

- A high-level advisory agency (along the lines proposed in the PIP) has been appointed by the GoS and successfully fulfils their mandate as judged by the Cabinet and community.
- Cabinet support the work of the body by providing GoS resources (in addition to those provided by donors) and regularly reviews progress with the work of the agency.
- The agency undertakes an active work program with the major stakeholders (e.g. the GoS, the community, investors - local and foreign) and ensures national coordination through the work of a Secretariat that delivers the changes approved by the agency.
- A Whole-of-Government approach to the work of the agency will be reflected by the key public service agencies (e.g. Ministry of Commerce, Industry and Labour, Ministry of Justice and Courts Administration, Ministry of Natural Resources, Environment and Meteorology, Ministry of Finance, Ministry of Women, Community and Social Development, the Public Service Commission and the Prime Ministers Department) indicating they value and support the agency's work and agree that the whole-of-government approach ensured they were involved and contributed to the agency's work.
- Data shows that over the three years:

- The economic use of customary land had increased with more customary land utilized and customary land currently used producing increased economic returns;
- Landholders show an increasing willingness to lease their customary lands for economic development by local and foreign investors;
- Increasing numbers of investors, local and foreign, are leasing customary land for economic purposes;
- A database is available of customary lands available for leasing;
- The process for leasing customary land is simplified for landholders and investors with a One Stop shop operating and recognized by investors and the community as a valuable source of information on how to make the most economic use of customary lands;
- Significant increases in investment in economic use of customary lands are recorded in the agriculture and tourism sectors as a result of the agency's efforts.

2) Component 2 Financing Development on Customary Land

156. **Objective:** Establish options for financing development on customary lands and how to encourage landholders to take up one or more of those options.

157. **Deliverable:** A policy will be developed that facilitates the financing of economic development on customary land and will be supported by systems and procedures to ease access by landholders and investors to that system.

158. **Indicators:**

- Options for financing developments on customary lands recommended to Cabinet.
- Cabinet approval of specific funding modalities for investments/development on customary land.
- Financial institutions accept mortgaging of customary land leaseholds.
- An increasing number of local and foreign investors to make economic use of customary lands.

3) Component 3 Legislative Reforms

159. **Objective:** To expand the economic use of customary land, the legislative reform process needs to (i) assist the CLAC and the Government of Samoa in developing a broad approach to the development of resources which include the use of customary land for development and community benefit in order to ensure the achievement of a range of benefits which accrue not only to the beneficial owner but also to the wider community. (ii) Identify and implement policy decisions relating to the reform of existing processes and structures. (iii) Confirm the actual machinery and structural requirements of the proposed reforms and ensure that they achieve the

reforms and (iv) Prepare the requisite legislation for consideration and approval by Cabinet.

160. **Deliverable:** Legislative changes will be made as necessary to encourage and facilitate the use of customary lands for economic activities.

161. **Indicators:**

- Complete legislative changes to support use of family trusts, where appropriate, in the management of customary land and to ensure the fair distribution of proceeds from leases.
- Complete legislative changes to reform existing institutional processes and structures for leasing of customary
- Complete review of current legislation and policies relating to customary land management with recommendations on changes needed to make the use of customary land a part of a broader development and productive utilisation of resource legislation and national policy.

4) Component 4 Capacity Building to Support Customary Land Administration Reforms

162. **Objective:** Support the streamlining of all processes needed to encourage the economic use of customary land within Samoa, preparing the GoS staff involved to be competent, confident and motivated to contribute to making the changes effective and efficient, and to support monitoring of the overall change process to assess the impact the changes are having on all key stakeholder groups.

163. **Deliverable:** Key stakeholders involved in developing economic uses of customary lands will demonstrate the confidence, competence and motivation necessary to efficiently and effectively support landholders and investors considering or undertaking economic development of customary lands.

164. **Indicators:**

- A One-Stop-Shop for Customary Land Development, proposed as a Customary Land Services Unit (CLSU), would be developed and operate as the major source of information and advice for the private and public sectors on how best to develop customary land.
- The existing Customary Land Recording System will be improved, with better protection of records; remote access to the files and information more available to GoS agencies, the public and the private sector.
- An increase in the area of customary land being developed.
- A document scanning capability will be developed within each of the LTC offices and all files in the offices of the MJCA would be scanned.
- A Customary Land Lease Register and a Register of Available Customary Land will be available through the One-Stop-Shop.
- An Information and Communication Technology (ICT) Plan for the LTC and One-Stop-Shop will be implemented.

- Applications for leases of customary land will be processed in a more efficient and expeditious manner.
- Training needs of staff involved in Customary Land Administration will be analysed and necessary staff training conducted and evaluated to show successful application of new skills and knowledge.
- The Secretariat of the national coordinating agency will monitor and assess the success of the concept for change and improvement in the PIP against agreed performance indicators and monitor progress in related projects in other GOS agencies.
- Training needs of staff involved in Customary Land Administration will be analysed and necessary staff training conducted and evaluated.
- The Secretariat of the national coordinating agency will monitor and assess the success of the concept for change and improvement in the PIP against agreed performance indicators and monitor progress in related projects in other GoS agencies.

5) Component 5 Effective Community Advocacy

165. Objective: Develop and support the implementation of a public information and education campaign to: (i) explain to the community the need for land administration reform and to obtain support for it and (ii) facilitate community [in particular stakeholder] participation in implementing the PIP

166. Encourage landowners to use the reformed system to develop their customary land themselves or lease it to others to develop.

167. **Deliverable:** The community will: (i) have had an opportunity to express their views on their preferred policies and practices surrounding the economic use of customary lands, (ii) will understand the reasons for the changes that the GoS plans to introduce to encourage more economic use of customary land and (iii) will increase the economic use of their customary lands.

168. **Indicators:**

- Specific strategies developed and implemented in consultation with CLAC and working groups to promote participation by community in implementation phase.
- Information needs of the PIP and of target groups assessed
- Information and advocacy material developed and disseminated through panel discussions on television and radio and through the print media
- Direct engagement with the community through the CLAC land forums and working group
- Relationships with landowner groups, NGOs and Pulenu'u established

6) Component 6 Monitoring and Evaluation

169. **Objective:** Devise an approach to economic and financial analysis that will monitor and evaluate the impact of the changes on the economy, particularly the

benefits derived from leasing customary land and to also devise a framework for monitoring and evaluating the attention paid to mainstreaming gender in program activities.

170. **Deliverable:** Models will be developed that will: (i) assist the GoS to determine the financial and economic impact of increased economic use of customary lands and use this to encourage more economic developments on those lands and (ii) a model that charts gender issues in relation to facilitating increased economic use of customary lands and ensures that the increase in economic use of customary land is in the interests of all in the society and that all have the opportunity to participate as they choose.

171. **Indicators:**

- An Economic and Finance Analysis will report the economic benefits and cost of implementing the land reforms proposed under the project and the impact the reforms could have on the economy and be the basis for any changes deemed needed to overcome unintended negative consequences of the reforms that might be predicted.
- A Gender Analysis and Framework will be developed and implemented as a basis for ensuring that the land reforms are gender sensitive and gender issues are addressed fully in implementing the PIP.

G. Activities Under Each Component

1) Component 1. National Coordination of Customary Land Stakeholders

172. The following approach for a body that sits across agencies rather than is subservient to any one ministry is recommended because: (i) of the importance of the CL reforms being effectively implemented across a range of GoS agencies; (ii) the success of the CL Task Force being attributed to the high-profile leaders involved and the strong support and leadership from political and Government agencies.

a. Task: Establish a Customary Land Advisory Commission (CLAC)

173. For the Commission to be effective, it needs to have:

- High-level political support in the form of Cabinet approving the arrangements for the CLAC. Of particular importance is the appointment by Cabinet of CLAC members with strong high level representation across the key interest groups from the private and public sectors.
- Cabinet also needs to choose a Chair of the CLAC. Ideally, the candidate would be a prominent and knowledgeable person who is respected in the community for her / his integrity and their broad understanding of the issues. The Chair must have demonstrated the capacity for leading a team to investigate and solve problems in such highly sensitive issues as surround changes in customary land.

- She or he should be readily acceptable to the community at large and the key stakeholders in particular.
- Members of the Cabinet seeking regular updates on progress with the work of the Commission.
 - An active work program with the resources provided to ensure that the work will be completed as approved.
 - Appendix D provides more information on the CLAC, Forums and the Working Groups.

174. **Mission of the CLAC:** (i) To provide advice to Government on policy regarding customary land reforms, (ii) Lead the implementation of the reforms underway to increase the economic use of customary land and (iii) coordinate all the key stakeholders involved in reforming customary land use.

175. **Organisational Location:** The CLAC would be an independent body formed by Cabinet to implement the reforms.

176. **Members of the CLAC:** Members would be appointed by Cabinet as were members of the Task Force and represent the key stakeholders in improving customary land utilisation.

177. **Work of the CLAC:** The work of the CLAC would be managed through two processes: regular (possibly fortnightly in the first 3 months and monthly thereafter) meetings for any stakeholders to attend (known as a Customary Land Forum) where the agenda is developed from issues raised by stakeholders and / or by Working Groups wishing to consult with the broader group of involved stakeholders. Typical steps in the process of considering issues within the Commission might be:

- 1) Establishment of a Working Group (WG) (around a specific problem, issue or policy) with detailed Terms of Reference (ToRs), with members drawn from the private and public sector agencies most likely to be able to contribute to the work of the WG and a detailed work plan indicating what is to be achieved, how it will be managed, when, by whom, how and where.
- 2) The Working Group presenting to a Customary Land Forum the Working Group's recommendations for interested attendees to critique the proposals and allowing the WG to refine their presentation as necessary for the Commission.
- 3) The revised recommendations being presented by the WG as an Action Plan to the Commission for approval.
- 4) The Secretariat implements or oversees the implementation of the approved Action Plan.
- 5) Presents a report on the outcomes of the changes undertaken to a Customary Land Forum and finally to the CLAC along with any recommendations for further action required.

178. Note that depending on the scope of the issue, the duration of the WG could vary from short-term focused activity to longer term even ongoing in nature.

b. Funding and Implementation of Approved Action Plans

179. The Action Plans submitted by WGs are to set out what action is needed, by whom, how, when, where, why and what resources are needed, including budget, to implement the actions and the availability of those resources.

180. The Secretariat is responsible for implementing the Action Plan as approved by the Commission. The actual implementation would most likely be done by the relevant: GoS agency, NGO and or private sector group. The costs of implementing changes would normally be met by the budget of the GoS agency implementing the changes. Where the planned changes involve organisations outside the GoS, the WG needs to have costed these additional demands and proposed a funding model for such work.

181. Where these additional demands require the purchase of new equipment, systems, furniture or fittings, the Action Plan should include a bid for those to be funded from the Commission's implementation budget.

182. The Secretariat would be responsible for managing the budget allocated for CLAC and related activities. This includes the contingency budget allocated to support changes where local budget is not available or is insufficient. Rules on what can be supported by this fund would be developed by the Secretariat and approved by the CLAC.

183. The Secretariat would also manage the CLAC pool of consultant months.

c. Operation of the Working Groups (WG)

184. Appendix D summarises the approach to managing the CLAC process. It is the WGs that would identify ways to improve customary land matters on behalf of the CLAC.

185. The figure below indicates the relationship between the Working Groups, the CLAC, NGOs, GoS agencies, community groups, the private sector, professional associations, landholders and investors.

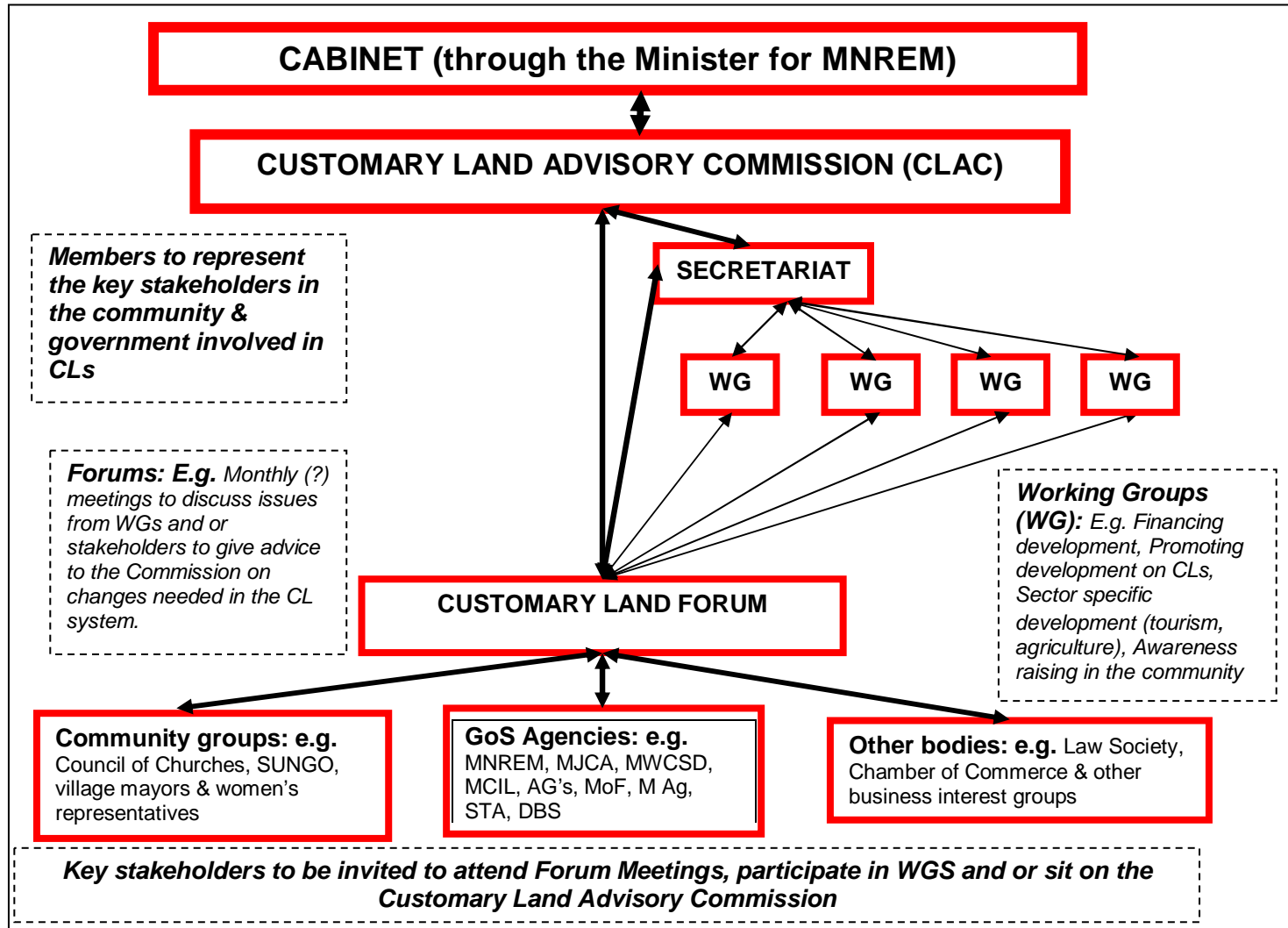


Figure 1. Relationship between WGs, CLAC and Key Stakeholders

186. Table 2 provides a summary of the WGs scheduled to work under the various Components of the PIP. Two forms of WGs are suggested: Standing Working Groups (WGs) and Ad Hoc Working Groups (AWGs). The WGs would take up the implementation of changes in each of the component areas in the PIP while the AWGs will be commissioned by the CLAC to work on specific matters as the need arises. Following is a list of proposed working groups the details of which are covered under each Component below:

Component No & Topic		Working Groups	
1 National Coordination of Customary Land Stakeholders	AWG #1	Agriculture & Forestry (A&F)	for CL
	AWG #2	Small-scale Tourism (SST)	for CLs
	AWG n:	Other topics to be determined	
2 Financing Development on Customary Land	WG #1	Financing Development on CLs	
3 Legislative Reforms	WG #2	CL Legislative Reforms	
4 Capacity Building to Support Customary Land Administration Reforms			
4.1 Reform of Technical Systems, Procedures and Processes	WG #3	CL Information Management	
	WG #4	A One-stop-shop for CL Development	
4.2 Upgrading Management Practices	WG #5	CL Capacity Building	
4.3 Building Skills and Knowledge to Underpin the Reforms			
5 Effective Community Advocacy	WG #6	CL Community Advocacy	
6 Monitoring and Evaluation			
6.1 Economic and Financial Analysis	WG #7	CL Economic & Finance Analysis	
6.2 Gender Analysis and Framework	WG #8	CL Gender Analysis & Framework	

Table 2. Standing Working Groups and Ad Hoc Working Groups

187. Already the Task Force has nominated two topics which are proposed to be handled as Ad-hoc Working Groups as shown below:

i. AWG # 1: Agriculture & Forestry for CL

188. Identify the policies and infrastructure ministries need to provide to promote agricultural and forestry development of land, taking into account the role and responsibility of the Planning and Urban Management Agency (PUMA).

189. Develop a participatory approach at the village level to agricultural and forestry development as proposed in Secretariat of the Pacific Policy Brief 4/2008.

190. Develop a range of options for people to develop their land, considering possibilities for contract farming and farmer groups.

191. Identify organizations and NGOs such as WIBDI (Women in Business Development Inc.) that can provide leadership to land owners in developing their land.

192. Establish working relationships between land holders and private and public sector agencies to facilitate land development.

ii. AWG # 2: Small-Scale Tourism for CL

193. Identify the policies and infrastructure ministries need to provide to promote tourism development of land, taking into account the role and responsibility of the Planning and Urban Management Agency (PUMA).

194. Develop a range of options for people to develop their land, considering possibilities for eco tourism, retirement villages, etc.

195. Identify organizations and NGOs such as WIBDI that can provide leadership to land owners in developing their land.

196. Establish working relationships between land holders and private and public sector agencies to facilitate land development.

d. The Operation of the CLAC Customary Land Forums

197. The CLAC Customary Land Forums proposed are a vehicle for consulting with the key stakeholders. The Forum offers a regular format for exchanging information and views generally and on specific issues. Changes that are being considered by Working Groups could be subjected to scrutiny by others via a Forum. Members of the Forum could initiate topics for discussion at a Forum to bring forward their concerns and get a response from those responsible for managing that issue. Once implementation of the work of the CLAC is underway, WGs and or the CLAC itself should report back to the Forum on progress on the changes. Forum members will be able to confirm or challenge assessments of the impact of those changes as appropriate.

198. **Participant in the Forums:** While it might appear an opportunity to open Forums sessions to the general public, it is not recommended because the focus should remain on getting the key stakeholders engaged so the numbers should be controlled to keep to a number that will allow intense discussion within a focused framework. The ideal audience size would be between 10 and 20.

199. **Program Coordinator.** The Task Force has had the benefit of a Project Coordinator to assist them by coordinating the external assistance provided to date mainly in the form of domestic and international consultants. It is proposed that a

consultant be engaged to act as Program Coordinator for the next phase of the reform work and that his or her role will focus on coordinating external resources, again particularly domestic and international consultants, to support the work of the CLAC.

200. More details on these arrangements are provided in Appendix B and C.

201. **Role of the CLAC Secretariat.** To ensure that the Commission, the Forums and the WGs are successful, support and secretariat services will be provided by the CLAC Secretariat. A full-time dedicated Secretariat would be formed to support the CLAC and project manages the implementation of the CL reforms outlined in the PIP. The Secretariat will support the work of the WGs, implement approved Action Plans from WGs and undertake the monitoring and evaluation of the WGs' work and report to the CLAC and CL Forums as required.

202. Typical of the support that might be provided by the Secretariat for CLAC activities (including Forum meetings and all WGs) are:

- Logistics support: meeting arrangements (room bookings, refreshments and meals), travel for participants and members.
- Reports on meetings.
- Preparation and distribution of agenda papers.
- Support for other CLAC activities (e.g. arranging community consultations, media contact and printing)

203. The Secretariat is the primary vehicle for implementing the activities recommended by the WGs and approved by the CLAC. To support this, they will have funds allocated for both ongoing CLAC meetings, Forums and WGs, but also for the use of domestic and international consultants and implementing the work approved by the Commission. This could include awarding and managing contracts with local organisations and / or firms to deliver specific goods or services.

204. The Secretariat's monitoring and evaluation role is vital. They will be expected to provide the independent assessment of progress towards achieving the goals of the CLAC itself and through the Forum meetings and the WGs.

2) Component 2 - Financing Development on Customary Land

205. A major impediment to customary land owners who want to develop their land is the lack of access to finance for the developments. These development activities may involve leasing of customary land to developers or landholders developing their own land. In both cases there may be a need to borrow money to finance the developments and this component is aimed at finding options for providing this finance. A suggested approach is for this component to follow the process outlined in Component 1. This would involve the CLAC through the CLAC Secretariat facilitating the following:

- Establishment of a Financing Development on Customary Land Working Group with detailed Terms of Reference, a list of members drawn from the agencies and other concerned stakeholders most likely to be able to contribute to finding ways

- of financing development on customary lands and a detailed work plan indicating what is to be achieved, how it will be managed, when, by whom, how and where.
- The Working Group presenting to a Customary Land Forum the Working Group's recommendations for interested attendees to critique the proposals and refine for the WG to present to the Commission.
 - The revised recommendations being presented to the Commission by the WG for action.

206. **WG # 1 Financing Development on CLs.** The WG would address these issues:

- Options currently existing for landholders who want to develop customary land.
- Difficulties encountered in seeking finance for developments and how these can be overcome.
- Increasing the range of options for financing developments.
- Investigating the extent to which the government should intervene in leasing of customary land.
- Getting the message about these options to landholders and developers.
- Measures to indicate if the new funding strategies are working.
- Stakeholder Consultations to address the issues.

207. Landholders and developers who seek finance for developments need to provide security for the money borrowed and this can be difficult if customary land is to be used as security for the loan. An option that may be available is to offer freehold land or other assets as security. But, where customary land is to be offered as security, the lending institution will be more likely to provide the finance if:

- There is confidence in the market value that has been determined for the property and there is a reasonable confidence that a new lessee could be found if required. The Study Tour Report stated "The basis of valuation of these lands is generally based on the location, condition and special features of the land at the time of negotiation. However, there is a marked difference in the determination of the market value between customary and freehold land due to their legal status. Whilst Samoa has addressed this by disregarding status it is not legally enforceable and the valuation therefore is subject to negotiation and agreement by the parties involved."
- The amount being loaned is considerably less than the market value of the asset. The percentage loaned will depend upon the risk the lending institution is willing to take and this will be based upon a number of factors including the prevailing economic situation.
- The lending institution is confident the value of the lease tenure will not fall below the amount outstanding on the loan at any stage. The lease term needs to be substantially greater than the term for the repayment for the loan. As the lease progresses, the value of the leasehold tenure decreases and it becomes increasingly difficult to lease the land to a new tenant if the lessee defaults on the loan. The Report of the Study Tour indicates that lease terms in other South Pacific countries varied from 25 to 50 years with rights for renewal or rights to

negotiate for renewal. It also found that a “springing lease concept” was being investigated in Pohnpei and makes a recommendation “To explore the concept of springing lease arrangement where providing that a lease can be mortgaged, leases foreclosed by Banks can have their terms and conditions re-negotiated with the approval of the landowner. This will make it attractive for Banks to locate a new lessee and as well make the lease a bankable proposition in the first place.”

- The lending institution has confidence its rights as mortgagee will be supported by the customary land system and it can take possession of the property if the lessee defaults on loan repayments.
- The lending institution is dealing with a legal entity rather than an individual. At the least, the lease must be binding on the heirs of the individual. It may be more acceptable and safer to deal with a legally created family trust or a company rather than with an individual. The Study Tour Report lists as one of the rationale for leasing to “Explore approving leasing of land to foreigners only for commercial purposes in the form of a corporation and not individual. The corporation must have a local shareholding with a minimum stake of 20%.”

208. On the topic of leasing customary land, the Study Tour Report stated “*Although the leasing of land for commercial purposes leading to economic development should be encouraged, financially and entrepreneurially capable land owners should be encouraged to invest in their own land.*” and the Working Group will need to explore ways of financing these landholders. In this regard the Study Tour Report makes a recommendation to “*Explore another lease option of leasing land to Government (such as SLC) for on-leasing especially for families with limited capacity and resources.*”

3) Component 3 - Legislative Reforms

209. The legislative reform process requires the need to: (i) Identify and implement policy decisions relating to the reform of existing processes and structures contained (or not) in current legislation relating to the use of customary land in the country. (ii) Confirm the actual machinery and structural requirements of the proposed reforms and ensure that the available legislative options will achieve the reforms. (iii) Prepare the requisite legislative amendments to reflect the proposed reforms. (iv) Use successive legislative drafts to further address and fine tune the operational capacity of the proposed reforms. (v) To progress existing drafts to a state which is suitable for the consideration of Cabinet?

210. **WG # 2 CL Legislative Reforms.** This WG would address these issues:

- Legislative options available in light of policy decisions i.e. amend existing acts; preparation of new bills; possible consolidation of changes into one act i.e. Customary Land Development Act.
- Implications of any recommended administrative changes in existing procedures i.e. leasing applications and standard forms.

- Interrelationship with other legislation and broader legislative impact of proposed changes i.e. LSE Act; Alienation of Customary Land Act; Foreign Investment Act;
- Stakeholder Consultations to address the issues requiring their views i.e. changes in processes/ view forms.

211. The WG needs to also consider the following recommendation from the Report on the Economic Use of Customary Land Study Visit by Task Force Members in September 2008 which in Section 6.310 states:

Lease Arrangements

- Explore another lease option of leasing land to Government (such as SLC) for on-leasing especially to cater for families with limited capacity and resources;
- Explore changes in the law of giving say a 3 year grace period for any lease after being signed to actually operate otherwise the current agreement will be forfeited with options of re-negotiated or the land be given back to the landowner. This minimises the concern on speculation and possible damages to the land such as the case of Taumeasina.
- To explore the concept of springing lease arrangement where providing that a lease can be mortgaged, leases foreclosed by Banks can have their terms and conditions re-negotiated with the approval of the landowner. This will make it attractive for Banks to locate a new lessee and as well make the lease a bankable proposition in the first place.

Rationale for Leasing

- *Explore approving leasing of land to foreigners only for commercial purposes and to incorporated business entities rather than to individuals. Such business or corporation must have a minimum local shareholding of 20%.*

4) Component 4 - Capacity Building to Support Customary Land Administration Reforms

a. Reform of Technical Systems, Procedures and Processes

212. A wide range of changes are needed to the technical systems, procedures and processes. Typical of those changes are: (i) Improvements needed in computerization generally; (ii) Archiving, storage and access to records to be improved; (iii) Digital data management to be utilized. (iv) User friendly applications to be developed; (v) Investigate the **one-stop-shop concept** for providing an improved service to the community on matters concerning customary land use and to create a unit that will become the prominent source of information on options for land holders and investors on

¹⁰ Report on the Economic Use of Customary Land Study Visit by Task Force Members, September 2008, Section 6 Recommendations pages 11 & 12.

economic development of customary land and the vehicle for the Commission's national leadership in promoting the economic use of customary land.

b. WG # 3 CL Information Management

213. This working group would be focused on establishing a register of customary land. Details of customary land, particularly regarding the persons who have authority over land parcels is difficult to obtain. There is no centralized register and no written records at the village level however there are numerous files in the Land and Titles Court (LTC) relating to decisions on customary land and the MNREM maintains details of applications for leases over customary land and registers leases of customary land on the Land Register.

214. It is a government objective to promote economic use of customary land and this lack of information is a serious impediment to the development of customary land. Developers need information regarding who has authority over customary land and this information needs to be easily accessible.

c. Options for making customary land information more available are to:

i. Option 1: Record Customary Land Details on the Land Register

215. Using the files of the LTC as a basis to record details of customary land in the Land Register of the MNREM.

216. The Lands Titles Registration Act 2008 allows for details of customary land to be included in the Land Register maintained by MNREM. In particular:

- Section 5 (1) (l) Powers of the Registrar, permits the Registrar to maintain a record of customary land showing the location, description and details of persons having administrative or trustee responsibilities in respect of the land.
- Section 9 Inclusion of land (2) states "The Registrar may also include in the Register customary land in respect of which judgment has been made by the Land and Titles Court under the provisions of the Land and Titles Act 1981."
- Section 9(3) permits the Registrar to create an ordinary folio of the Register for customary land.

217. Legislation also exists requiring the LTC to transmit court decisions to MNREM.

218. Assembling information to add to the Land Register would involve a project to examine existing LTC files relating to land (rather than to Title), extracting the required information and relating the information to particular land parcels. In addition, new decisions would need to be forwarded on an on-going basis from the LTC to MNREM so that they could be added to the land register.

219. In contemplating such a project, it would need to be recognized that it would involve a difficult, time consuming and error prone process and a pilot study would need to be undertaken to assess the viability of the project.

220. It also needs to be recognized that usefulness of a register created by this means would be limited by several factors, namely:

- 95% of LTC decisions are appealed and there is a 10 to 15 year backlog for the hearing of these appeals, so most of the recent information would be subject to further court action.
- Over time, decisions relating to title to land may be replaced by subsequent decisions.
- The register would not be comprehensive since only about 50% of customary land has been the subject of LTC decisions.
- Most customary land has not been surveyed and consequently does not have a plan and parcel identifier.
- Only a small percentage of the land referred to in decisions is described with sufficient detail (metes and bounds) to adequately identify the location or extent of the land. In most cases the land is referred to as the land belonging to a certain family or by a (non-unique) name for the land parcel assigned by the family.
- Subsequent to a LTC decision, there may have been changes to the authority of the land that were not disputed and thus were not the subject of LTC decisions.
- It is common for land belonging to a family to be utilized by another family with the consent of the Matai and these interests would not be reflected in the court records.

ii. Option 2: Systematic Land Adjudication and Demarcation

221. Undertaking a systematic land adjudication and demarcation project to gather customary land details for the Land Register.

222. A systematic process to determine the authority over customary land parcels and the extent of the parcels could be undertaken. The adjudication process would involve the examination of LTC decisions, reference to family records and interviews with land holders and village chiefs. The demarcation process would need to include a methodology to record the extent of the land parcels and provide them with a unique identifier.

223. The major issues envisaged in undertaking this type of project would be:

- The cost of the project would be very high and the benefits in determining the customary land information would need to be shown to justify the expenditure.
- There may be objections by land holders to the determination of authority and demarcation of the land.
- It could be expected there would be a very high level of disputes and appeals which could freeze the process and a less judicial approach may need to be adopted than that currently provided by the Land and Titles Court.
- A system would need to be put in place to ensure that the information once gathered could be kept up to date as changes occurred.

iii. Option 3: Improve the Existing Customary Land Recording System

224. The files of the Land and Titles Court are public records but access to them is restricted. The restrictions are imposed primarily to limit damage to and loss of the records and to a lesser extent for privacy concerns. If the records were scanned, and a records management system developed, the images and indexes could be made available over a GOS wide area network or the internet. The following benefits could be expected:

- The invaluable records would be protected from loss and damage from handling, fire or other disaster.
- Remote access could be provided to the files improving the efficiency of the LTC operations, reducing the need for the MNREM to record details of customary land and making the information more available to GOS agencies (including the proposed Customary Land Services Unit), the public and the private sector.
- Improved control could be imposed on the movement of files between offices.

225. The Land Management Section of MNREM currently processes leases of customary land and advises land holders and developers on customary land issues. The four officers involved with customary land are hampered by a lack of information and facilities to assist developers and landholders. Enhancing the capabilities of this group in terms of status, staffing, digital systems, skills and equipment will allow them to provide a more comprehensive service in relation to customary land leasing and development.

226. In particular, developing a database of lease applications, a register of land available for leasing and forging links with key GOS agencies and NGOs with interests in developing customary land will increase the likelihood of land being developed.

227. **Option 3 is considered the most cost effective in providing transparency in customary land information and in doing so, creating an enabling environment for better economic use of customary land.**

228. Specific tasks that would need to be undertaken by the working group are:

- Undertake stakeholder consultations to determine their requirements for information systems to support customary land development activities.

- Oversee an activity to develop a Records Management System for the LTC.
- Oversee the establishment of a document scanning capability in each of the LTC offices taking into account equipment, training, storage and display requirements.
- Oversee an activity to scan all of the files in the offices of the MJCA.
- Determine policies and procedures for providing local and remote access to scanned images of LTC files.
- Oversee an activity to re-develop the Customary Land Lease Register for the CLSU.
- Oversee an activity to develop a Register of Available Customary Land for the CLSU.
- Assess the level of Information and Communication Technology (ICT) support required for the LTC and Customary Land Services Unit and prepare a plan for providing the required level of ICT services.

229. Details of these tasks are provided below.

230. **WG # 3 CL Information Management** will need to oversee the development of several IT systems in the MJCA and the MNREM to support the Customary Land Services Unit (CLSU) and the Land and Titles Court (LTC). The activities identified at this stage are:

- Scan the Repository of LTC files
- Develop a Records Management System for the LTC
- Establish a Document Scanning capacity in the LTC
- Develop a Customary Land Lease Register for the CLSU
- Develop a Register of Available CL for the CLSU

231. Details of these proposed developments are shown below.

iv. Task 1: Scan the Repository of LTC Files

232. The Ministry of Justice and Courts Administration (MJCA) maintains a paper based system for storage of its files. The files record decisions of the Land and Titles Court (LTC) and relate to the trusteeship and occupancy of customary land. As such, they are vital Government records not only to support the Nation's land administration functions but more so to record core social and cultural information.

233. The files are managed through a manual register (book) and supported by a card index based on village names. These details are currently being input into MS Excel spreadsheets in the Apia and Mulinu'u offices.

234. There are approximately 80,000 files dating back to the early 1990s, located in 3 offices in Samoa. The number of files by location is; Mulinu'u 30,000, Savaii 20,000 and Apia 30,000 files. The files in the Mulinu'u and Apia Offices will be moved to a new building in September 2009.

235. Each file consists of multiple pages within a manila folder cover with a fastener to retain the pages. The Savaii files consist of approximately 20 pages each and the other files have been estimated to contain about 150 pages on average but there is a wide variance in the number of pages in each file. A file may contain up to 1000 pages. In total, it is estimated the files contain approximately 8 million pages.

236. About 80% of the pages are A4 size and most of the others are foolscap size. There are a small number of plans of A3 size in the files. Almost all pages have details on only one side but there are some with details on the back of the page.

237. The condition of the files is reasonable considering their age (dating back to 1903) but a process is now underway to clean the files, repair damaged pages and cull duplicate documents from the files. The existing fasteners are being replaced with "Codafire" 3 pin plastic fasteners.

238. It is required to scan all documents in the files, index images to the file number and store the images on a database.

239. The following points should be noted:

- The files will need to be scanned in the building they are housed. MJCA staff will remove the files from the secure storage area and deliver them for processing and after completion; they will return the files to the storage area.
- All equipment and software for scanning, editing, indexing and storage will need to be supplied.
- Files will need to be scanned in Samoa and the MJCA will provide the necessary office space for the conduct of the scanning operation.
- It can be assumed the files will be in a clean and undamaged condition prior to the scanning exercise.
- Each page in the folders will need to be removed for scanning and replaced in the same sequence after the task is completed.
- Color is not a consideration.
- About 80% of the pages are A4 size and most of the others are foolscap size. There are a small number of plans of A3 size in the files.
- Most pages will only need to be scanned on one side but there is a small percentage that will need to be scanned on both sides.

240. The work to be undertaken includes:

- Develop a plan for conduct of the project including data capture sequence, resource requirements, schedules, timelines, etc.
- Establish the working environment (hardware, software, communications, etc.)
- Develop procedures for adding pages to files during the data capture stage
- Document the scanning procedures
- Scan files, check images, index images to files and store and back-up images
- Train staff in the Mulinu'u and Savaii Offices to scan, check, index and retrieve images

241. Currently there is no company in Samoa with the capability to do the work and it will be necessary to engage an off-shore company to undertake the scanning. It is anticipated that the work will take two years to complete and will cost up to SAT \$2,000,000. This estimated cost includes all equipment, software, human resources and training.

v. Task 2: Develop a Records Management System for The LTC

242. The Ministry of Justice and Courts Administration (MJCA) maintains a paper based filing system for its records in each of its three offices in Mulinu'u, Apia and Savaii. Details of these files are recorded in manual registers. Card indexes based on villages are maintained to allow inquirers to locate the files they require. Details in the registers and card indexes are currently being input into MS Excel spreadsheet in the Apia and Mulinu'u offices. The details recorded are:

- File Number
- Title Name
- Owner's name
- Petitioner's Name
- Respondent's Name
- Land name
- Village
- District
- Year File Created
- Land Court Number
- Records Officer Issued
- User Name
- Date File Returned

243. Volumes of files in the three offices are: Apia 30,000; Mulinu'u 30,000 and Savaii 20,000.

244. To enhance the management of court records and provide remote access to details of files, a computerized records management system is to be developed.

245. Points to note are:

- A well established product such as MS SQL is to be used for the database.
- A multi-user system is required to allow both data entry and enquiry from multiple networked computers
- To provide the required level of access to the images of the files, consideration will need to be given deploying the system on a Government WAN or on the internet.
- The finished product must have a simple user interface, security features to control access to the data and protect the integrity of the data and to determine reporting requirements.

- Some analysis will need to be carried out to determine if any changes are required to the data to be recorded on the database.
- A data entry capability supported by drop down lists is required for recording details of new files with create, delete and edit functions (including the drop down lists).
- Reporting and inquiry functions are required for tracking and monitoring the location of files.
- Functionality is required for the retrieval, display and printing of records based upon file number, village name, person's names, title name and the names of land holdings.
- It is planned to scan the files of the LTC and store the images on a database. The system will need the ability to retrieve and display these images.
- The database will need to be populated by migrating the records from the existing MS Excel spreadsheet in the Apia and Mulinu'u Offices and from the manual register in the Savaii Office.
- The new system will need to be adequately documented and MJCA staff trained in use of the system.

246. The development of the system would best be undertaken as part of the contract for the scanning of the LTC files but if this project does not proceed, the Records Management system will need to be undertaken as a standalone development. In this case, it could be developed by a local IT company and would be expected to cost about SAT \$30,000.

vi. Task 3: Establish a Document Scanning Capacity in the LTC

247. Two to three hundred pages are added to the files of the Land Titles Courts every day. The courts need the capability to scan these documents as they are received. This capability needs to be built regardless of any initiative to scan the existing files.

248. The equipment, development of procedures and training could be provided by the company engaged to scan the repository of files or by a local company. In either case, the following equipment will be required.

Mulinu'u – New Building

No	DESCRIPTION	UNIT COST SAT \$
1	Heavy duty desktop photocopier	12,000
2	A4 heavy duty document scanners	2,000
2	B&W laser printers	2,000
1	Entry level PC + software + virus protection	5,000
1	UPS	500

Table 3. Equipment Requirement for Mulinu'u

Savaii

No	DESCRIPTION	UNIT COST SAT \$
1	Heavy duty desktop photocopier	12,000
2	A4 heavy duty document scanners	2,000
2	B&W laser printers	2,000
1	Entry level PC + software + virus protection	5,000
1	UPS	500

Table 4. Equipment Required for Savaii

249. Note that if the hardware to scan the repository of LTC files does not proceed, additional hardware will need to be purchased to store and back-up the images and software will be required to index, manage and retrieve images.

vii. Task 4: Develop a Customary Land Lease Register for the CLCU

250. A Customary Land Lease Register is being maintained by the Land Administration Division of the Ministry of Natural Resources, Environment and Meteorology (MNREM). The purpose of the Register is to record details of applications for leasing customary land, record the details of the lease and trace the progress of the application. Recently, a MS Excel spreadsheet was designed to record the information and currently both the paper register and the spreadsheet are being maintained. There are 2269 leases recorded in the systems.

251. The Customary Land Lease Register contains the following information:

- Date Application Received
- Lease Application Number (Sequential Number)
- Lessor Name
- Lessee Name
- Village Name
- District Name
- Name of Land
- Proposed use of land

- Date of Publication in Savali
- Commencement Date of Lease
- Term (in years)
- Annual Rental (amount)
- Arrears
- Land Area
- Remarks

252. A database system is to be developed to replace the existing manual and spreadsheet systems.

253. Points to note are:

- A well established product such as MS Access is to be used for the development.
- The finished product must have a simple user interface, security features to control access to the data and protect the integrity of the data.
- Some analysis will need to be carried out to determine if any changes are required to the data to be recorded on the database and to determine the reporting requirements.
- In terms of functionality, the new system will need to provide data entry and edit functions, the ability to maintain drop down lists, retrieval of records by key fields (such as parties' names, location, name of land, etc.) and produce reports on the progress of applications, expiration of leases, etc.
- The database will need to be populated by migrating the records from the MS Excel spreadsheet.
- The new system will need to be adequately documented and MNREM staff trained in use of the system.
- The required software could be developed by a local company and is expected to cost approximately SAT \$20,000.

viii. Task 5: Develop a Register of Available CL for the CLSU

254. WG # 4 One-stop-shop Support for CL Development.

- Undertake stakeholder consultations to gauge the requirements for a CLSU.
- Define the requirements for the creation of a CLSU in terms of organizational structure, role, staffing, skills, location and services provided.
- Determine accommodation (Upolu and Savaii), equipment, promotional material, technical charts and information required to support CLSU operations.
- Determine and establish links to relevant ministries, NGOs and businesses.
- Oversee the implementation of recommendations in the Mid Term Report to improve procedures for leasing customary land.
- Determine key performance indicators and a methodology for measuring the success of the CLSU on an on-going basis.
- Ensure that the CLSU becomes the prominent source of information on options for land holders and investors on economic development of customary land.
- Devise a strategy that ensures the CLSU supports the Commission's national leadership in promoting the economic use of customary land and that it has the

support of all GoS and other agencies involved in CL management and administration.

255. Details on the operation of the proposed WG #4 One Stop Shop for Customary Land Development are given below:

256. The primary task of the One Stop Shop Customary Land Development WG is to establish a Customary Land Services Unit (CLSU). A goal of the Government as stated in the Strategy for the Development of Samoa is to promote the economic use of customary land. In pursuit of this goal, land holders need be encouraged to make use of idle land by entering into lease agreements with developers or by developing land themselves. Currently, the process of leasing customary land is complex and time consuming and often results in a breakdown in negotiations due to ownership disputes. Additionally, development of land by land holders is frustrated by difficulties in access to finance and a lack of information on development options. The CLSU is seen as a means of addressing these problems.

257. The administration of customary land is the responsibility of the MNREM and among its other tasks, the Ministry receives and processes applications from beneficial owners for the leasing of customary lands and administers these leases. The work is undertaken by four officers in the Land Administration Section. The section maintains a register (book) of leases of customary land and files are created for each lease application. To date, 2269 leases have been recorded in the Register. A MS Excel spreadsheet has recently been developed to mirror the information in the register book. The section is also responsible for advising developers and land holders on customary land issues.

258. Currently there is:

- A lack of information available to land holders regarding options for developing their own land
- A lack of understanding by the parties of procedures for leasing customary land
- Difficulties encountered in negotiating and processing leases of customary land
- No effective forum for land owners and property developers to interact

259. A more cohesive, proactive approach is now required if the Government is to achieve its goal in making better economic use of customary land. The difficulties and delays encountered in leasing customary land are to some extent unavoidable due to the very nature of the customary land system, however activities being undertaken under the SIAM-2 project will in the medium term decrease the delays now being encountered in survey plan examination; the recently introduced mediation services in MJCA will reduce the delays in the LTC and the initiatives proposed in the Law and Justice Sector Plan will improve the operations of the LTC. However, additional initiatives are required to address the other problems mentioned above.

260. It is anticipated the CLSU will offer a comprehensive service for dealings in customary land including:

- Providing advice to land owners on dealing with customary land to ensure their rights are protected and they get a fair return for their land. This can be done through one on one contact, seminars and published material including the development of a web page.
- Maintaining a register of customary land available for leasing to assist developers seeking land for development projects.
- Advising developers on leasing requirements to ensure they fully understand the implications of leasing and the potential problems.
- Providing LTC information on customary land to assist developers and the Government.
- Ensuring applications for leases of customary land are processed in an efficient and expeditious manner.

261. In summary, The CLSU will provide an environment where developers who need land can be matched with land holders who have land available for development and land holders who wish to develop their land can be advised on the options available and the sources of funding for that development.

262. The WG will need to make decisions on:

- The range of services to be provided by the CLSU
- Institutional arrangements for the CLSU
- Operating facilities for the CLSU in Upolu and Savaii
- Arranging for suitably qualified and trained personnel to staff the CLSU
- A public information dissemination strategy
- Addressing the problem of backlogs in settling ownership disputes in the LTC
- Addressing the problem of backlogs of work in examining survey plans
- Developing digital systems to facilitate the operations of the CLSU
- Establishing a mechanism for displaying LTC decisions on customary land.

263. The following equipment will be required to support the operations of the CLSU.

Apia

No	DESCRIPTION	UNIT COST SAT \$
1	Heavy duty desktop photocopier	12,000
1	Entry level PC + software + virus protection	5,000
1	UPS	500
1	250gb external drive	500
1	B&W laser printers	2,000
1	Inkjet printer	1,000

Table 5. CLSU Apia Equipment

Savaii – Temporary/Part-time Office

No	DESCRIPTION	UNIT COST SAT \$
1	Laptop Computer + software + virus protection	6,000
2	Inkjet printer	1,000

Table 6. CLSU Savaii Equipment

d. Upgrading Management Practices

264. Typical of the management practices to be upgraded are: (i) Improved performance measures, along with getting reliable performance feedback from clients, should also help the focus on what is needed. (ii) Develop meaningful performance indicators for handling customary land cases and applying those to assess performance. (iii) Address any shortfall in performance via training or other capacity building / institutional strengthening interventions. (iv) Better utilization of existing staff and other resources.

e. Building Skills and Knowledge to Underpin the Reforms

265. Training and development plans are needed for officers and staff of all agencies involved in implementing the reforms to ensure that they have the skills, confidence and motivation they need to make the reforms successful.

266. **WG # 5 CL Capacity Building.** This WG would address these issues:

- Undertake a training needs analysis in view of the changes to policies and processes to determine additional staff training.
- Oversee the training to ensure it is delivered as necessary.
- With the Secretariat, monitor and assess the success of the CLAC concept against agreed performance indicators.
- Stakeholder Consultations to address the issues.

267. Details of the operation of the Capacity Building WG (WG 5) and the wide range of matters it might consider are shown below:

i. Task 1: Undertake a training needs analysis in view of the changes to policies and processes to determine additional staff training.

268. To complete this task successfully, the WG would need to:

- Identify all staff involved in administration and management of CLs. This is likely to include: MNREM staff (within the proposed CLSU), MJCA (LTC) officers and staff, MWCSD (working at the village level), NGOs, Ministry of Agriculture,

- Samoa Tourism Office, Office of the AG, Development Bank etc. The staff of these agencies is the Target Group for training and development by this WG.
- Working closely with each of the other CLAC WGs, identify the changes they plan to introduce and together with the WGs, list (i) who will need new skills and knowledge to be able to successfully support the changes, (ii) when those skills and knowledge are needed, (iii) how and when they will be delivered to those who need them.
 - Confirm the list of skills and knowledge needed through a training needs assessment of the current level of skills and knowledge of CL policies and procedures of individual officers and staff to produce detailed Personal Development Plans for each staff member. These plans are to be in line with PSC and Ministerial plans. Early indications are that such plans, while produced to meet requirements of regulators such as the PSC, are not being used to ensure the best use of the human resources. The WG should be able to influence this to make these plans more effective for staff in the Target Group.
 - Earlier studies suggest that some agencies might not be effective in communicating changes in the operations of the agency (changes in policies, procedures, structure, staffing being some examples). The WG should as it monitors how other WGs are bringing about change, and check how those changes will be explained to staff and assist the design and conduct of sessions for staff to be kept fully informed of such changes.
 - In determining the most appropriate way to deliver the training needed, the WG will need to keep in contact with donor projects which are or will conduct training that might meet some of the needs identified. It is important that there not be duplication and the WG should take responsibility for ensuring that staff working on CL matters will get the best training and development opportunities available. Examples of the project that need to be monitored are:
 - Law and Justice Sector Plan
 - SIAM2
 - Ministry of Justice and Courts Administration Institutional Strengthening Project (MJCA ISP)
 - The Pacific Judicial Development Programme
 - The Samoa Public Sector Improvement Facility (PSIF)
 - Samoa In-Country Training
 - Samoa Short Term Training Awards.
 - In liaising with these projects, the WG representatives should look for opportunities to have CL issues injected into the more generic training the projects might be planning. An example would be in selecting case studies for a course, the trainers could be encouraged to select those that relate to CL issues to further highlight CL matters in the community generally.

ii. Task 2: Oversee the training to ensure it is delivered as necessary.

269. To complete this task successfully, the WG would need to take account of the following points:

- Many of the areas where training is likely to be needed should involve staff from more than one ministry. This is an important feature of the training as all staff will need to have an understanding of the policies and practices that impact upon customary land and not only be concerned with their narrow area of work but the broader issues involved in the changes underway with the administration of customary land.
- The WG should ensure that staff in the Target Group does attend training to meet their individual and collective needs. Such training will be external (via other projects, PSC or other course providers) or might need to attend courses designed specifically for the Target Group. The WG would need to ensure that staff gets the opportunity to develop the skills and knowledge they need to best support the development of customary land.
- If the WG needs to conduct specific training for the Target Group, they will need to identify how this would be done, by whom, when and at what cost. These recommendations would be submitted to the CLAC for approval.
- All training undertaken by staff in the Target Group should be evaluated to assess the effectiveness of the training and the support needed by the participants back in the work place to use the new skills and knowledge they have gained.

270. The training should aim to meet or exceed the Performance Indicators (PIs) that govern the operation of the agencies involved with CL matters. An example of this approach is shown below for the staff of the proposed CL Services Unit (CLSU) within MNREM. As a result of the work of the CB WG, the team in the new Unit should:

- Each has a clear understanding of their individual roles and the functions of their Unit and the Performance Indicators that relate to their work.
- Each would have a Development Plan that would set out the areas of skills and knowledge they need to acquire and how and when this will be achieved.
- They will know what training they might attend outside of MNREM conducted by other projects (e.g. the Manager might need to attend the policy development training offered through the PSIF (PSC), the Assistant Manager might need to attend the project management training offered by the PSIF. All staff of the Unit might attend, with officers and staff of the LTC, a briefing session on the policy changes proposed: what they are, why have them and how this will impact on customary landholders and the staff of the GoS agencies.

iii. Task 3: With the Secretariat, monitor and assess the success of the CLAC concept against agreed performance indicators.

271. To complete this task successfully, the WG would need to address the following:

- The Capacity Building WG should be able to assist agencies to set realistic performance indicators (PIs) for the functions they perform in relation to CL matters. While the ministerial PIs are currently being revised, it is still appropriate and necessary for the WG to assist agencies to have suitable PIs for their work in the CL sector.
- As agencies are encouraged to set PIs, so must the CLAC also set PIs for their operations. While the Commission is responsible for this, their Secretariat would most likely be delegated the task of monitoring and reporting on those PIs. In this regard, the CB WG is the WG which could provide technical and professional support to the Commission and Secretariat.

272. Note: The WG needs to also consider the following recommendation from the Report on the Economic Use of Customary Land Study Visit by Task Force Members in September 2008 which in Section 4.2.411 states:

Strengthening the capacity of all those involved in the land development process is a priority. These include the regulatory and administrative institutions, the landowners and benefactors, the village council and to some extent the investors on cultural / social issues.

Main areas for capacity development are:

- Land management
- Negotiations
- Dispute resolutions
- Understanding basic concepts of family trusts and corporations
- Counselling
- Communication

iv. Task 4: Stakeholder Consultations to Address the Issues.

273. To complete this task successfully, the WG would need to:

- Develop a plan of action for achieving each of the above tasks and presenting this draft plan to a Forum for consideration. The Forum would most likely be attended by key stakeholders being HR staff from MNREM, MJCA, MWCSO,

¹¹ Report on the Economic Use of Customary Land Study Visit by Task Force Members, September 2008, Section 4.2 Lessons from the Study Visit pages 8 & 9.

Ministry of Agriculture, Samoa Tourism Office, Office of the AG and Development Bank. Staff of some NGOs might also attend.

- Working with the Secretariat, the CB WG might prepare a second paper for a Forum on how to measure and assess the effectiveness of the CLAC and the PIs needed in such a review. This would attract a different audience with a broader interest than the HR focused forum proposed above.

5) Component 5 - Effective Community Advocacy

274. The Project has supported a public education and awareness campaign which has facilitated much discussion and debate on the issue of increasing the economic use of customary land. It is important to at least maintain if not extend the scope of these important community information events. Below is an outline of the proposed strategy for this work in the next phase of the Project:

a. Phase 1 – Communicating the “Why” of the Reforms to the Public

275. The communication and public education strategy will need to take into account fully the present climate of heightened sensitivity and potential public mistrust of any activity relating to changes in the administration of customary land. The reforms and the PIP will need to be presented therefore as part of government’s wider development agenda to meet the Vision of SDS “to improve quality of life for all”.

276. This agenda includes promoting better use of customary land than at present, either by landowners developing the land themselves or by leasing it where there is demand. Government already has development strategies for the agricultural sector, for tourism, for investment promotion and natural resource development which all have customary land as a major component. The proposed reforms are necessary in order for customary land to be developed for these purposes by landowners themselves or by others under lease arrangement. This community advocacy will also reassure people that the proposed reforms operate fully within Samoa’s constitutional provision about non-alienation of customary land.

277. This phase of the Communications Strategy will require participation and leadership at political level, backed up by government ministries and government representatives at local government level [*Pulenu’u*] doing their part in promoting the SDS and government’s development strategy.

b. Phase 2 – Communicating the “What” and “How” of the Reforms

278. Once the reform program is understood and accepted the second phase of the Communications Strategy will provide specific information for landowners about how to develop or lease out land, and for potential developers about how to obtain a lease. The target groups will be landowners with land to lease, potential land lessees and Government Ministries that administer land.

279. In line with the framework proposed in Component 1, a Working Group might be formed to bring together key stakeholders to devise a strategy for *Raising Awareness of these Customary Land Issues*. This WG could follow a process similar to that proposed for developing strategies for financing development on landowners land set out in Component 2. This would involve these steps:

- Establishment of a part-time Awareness Raising Working Group with detailed Terms of Reference, a list of members drawn from the agencies most likely to be able to contribute to the task and a detailed work plan indicating what is to be achieved, how it will be managed, when, by whom, how and where.
- The Working Group presenting to a Customary Land Forum the Working Group's recommendations for interested attendees to critique the proposals and refine for the WG to present to the Commission.
- The revised recommendations being presented to the Commission as an Action Plan by the WG for approval.

280. **WG # 6 CL Community Advocacy.** This WG would continue the work done to date by the Task Force with the assistance of the TA Team and address these issues:

- Develop the messages that need to be communicated for the future.
- Select the best options available for delivering the messages, when they should be delivered, and implement them.
- Build on the success to date and reinforce and extend the community's involvement with the policy debate and discussion on the changes that need to be introduced.
- Decide how success can be assessed.
- Stakeholder Consultations to address the issues.

281. Issues for WG # 6 to address: The CL Community Advocacy's focus is to ensure the community understands the reasons for reform of customary land administration, and in the case of land owners and potential land users are encouraged to make use of the economic opportunities created and offered by the new system of land administration. This is achieved by:

- Ensuring the community information and consultation strategy is approved and implemented.
- Ensuring there is effective community participation and input into the reform program.
- Putting in place means of evaluating its effectiveness and to gauge public opinion on land reform on a regular basis.
- Ensuring that there are timely and appropriate responses to events and developments in the public domain that may reflect unfavorably on the land reform process.
- Taking on more of an advocacy role for both the reforms and for use of the new system as the reform implementation plan progresses.
- Liaising with other working groups where there is need for support for their activities from the community information and consultation strategy.

6) Component 6 - Monitoring and Evaluation

a. Economic and Financial Analysis

282. There is a need to consider assessing the impact of the project by: (i) Determining the economic benefits and cost of implementing the land reforms. (ii) Developing the financial model and financial estimates for the implementation of the customary land reforms in Samoa and (iii) Designing the financial model for determining the fiscal capacity of the Ministry of Finance, Ministry of Natural Resources, Environment and Meteorology, and Land & Titles Court's and other agencies as required.

283. Work must be coordinated with the **Program Coordinator** and Ministry of Finance management in developing a detailed work plan for Ministry of Finance financial and donor assistance and lead its implementation

284. **WG # 7 CL Economic & Finance Analysis** This WG would address these issues:

- Determine the economic benefits and cost of implementing the land reforms proposed under the project including impact analyses and cost-benefit analyses.
- Provide inputs to develop the financial model and financial estimates for the implementation of the customary land reforms in Samoa
- Formulate and design the financial model for determining Ministry of Finance, Ministry of Natural Resources, Environment and Meteorology, and Land & Titles Court's fiscal capacity, and other agencies as required
- Work with the Program Coordinator and Ministry of Finance management in developing a detailed work plan for Ministry of Finance financial and donor assistance and lead its implementation

b. Gender Analysis and Framework

285. There is a need to monitor the new land reforms are gender sensitive and gender issues are addressed fully in the new implementation plan while ensuring that the new land reforms are gender sensitive and gender issues are addressed fully in the new implementation plan.

286. Also important are the exploration of gender mainstreaming and the involvement of women's enterprises as another variable to increase the economic use of customary land.

287. **WG # 8 CL Gender Analysis & Framework** This WG would address these issues:

- Ensuring that the new land reforms are gender sensitive and gender issues are addressed fully in the new implementation plan,
- Exploration of gender mainstreaming and the involvement of women's enterprises as another variable to increase the economic use of customary land

- Address other issues raised in the fact-finding report for JICA, Samoa: Country Gender Profile, November 2005
- A local consultant to undertake a gender analysis and develop an appropriate framework by consideration of international best practices and local gender issues.

7) Deliverables

288. Summarised in the table below are the outputs expected from the next Phase of the program:

Activity	Output
National Coordination of Customary Land Stakeholders	
Commission operations	The CLAC is formed, operates and provides national leadership and coordination of customary land management.
Forum Meetings	Forum meetings are held regularly and provide a productive and constructive vehicle for discussion on specific issues concerning increasing the use CLs for economic activities.
Working Group AWG # 1 Agriculture & Forestry for CL	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities in agriculture and forestry on CLs.
Working Group AWG # 2 Small Scale Tourism for CLs.	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities in agriculture and forestry on CLs.
Other Ad-Hoc Working Groups (Allowing for 4 more WGs)	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs in with the specific area of interest they have been allocated.
Secretariat	The Secretariat is formed and operates in a way that successfully supports the work of the CLAC and the WGs and facilitates the implementation of the WGs' plans as approved by the CLAC.
Financing Development on Customary Land	
Working Group #1 - Financing Development on CLs	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by improving the access to finance for development by landholders and investors.
Legislative Reforms	
Working Group # 2 - Legislative Reform	The WG is formed, operates efficiently and effectively and provides recommendations on legislative changes needed to increase economic activities on CLs.
Capacity Building to Support CL Administration Reforms	

Activity	Output
Reform of technical systems, procedures and processes	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities in agriculture and forestry on CLs.
Working Group # 3 - CL Information Management	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by improving the management of and access to the information needed by landholders and investors.
Working Group # 4 - Customary Land One-stop-shop	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by creating and operating a Customary Land One-stop-shop to support landholders and investors.
Upgrading management practices	
Building skills and knowledge to underpin the reforms	
Working Group # 5 - CL Capacity Building	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by improving the competence, confidence and motivation of those supporting landholders and investors.
Effective Community Advocacy	
Working Group # 6 - CL Community Advocacy	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs through a program of public education, information and awareness raising on how landholders and investors can develop CLs.
Monitoring and Evaluation	
Economic and Financial Analysis	
Working Group # 7 - CL Economic & Finance Analysis	The WG is formed, operates efficiently and effectively and recommend a model to be used to assess the economic and financial impact of increased economic activities on CLs and how this might encourage greater economic use of those CLs.
Gender Analysis and framework	
Working Group # 8 - CL Gender Analysis & Framework	The WG is formed, operates efficiently and effectively and recommends a model on the gender issues involved in increasing economic activities on CLs and how to ensure fairness for all in the process.

Table 7. Phase 2 Outputs

8) Resources Required to Support the Proposed Programme Implementation Plan (PIP).

289. This PIP has been produced for the Task Force and aims to provide an overview of the key reforms needed to realise the GoS's goal to increase the economic use of customary land. While decisions on how best to proceed with each of the areas covered in the PIP are in the hands of the Task Force and the Cabinet, the Team have, as required by the ADB's Terms of Reference, provided recommendations on those

areas of reform that most likely need external advisory services or other external assistance. The day-to-day management of the reform process is seen as being the responsibility of the CLAC through the full-time dedicated Secretariat who would project manages the change including any foreign assistance that might be arranged.

290. A summary of the external technical assistance needed is summarised in Appendix E, the costs by Component, Activity and Working Groups are given in Appendix F while the link between outputs and costs are shown in Appendix G.

291. This budget allows for the major costs involved in establishing and operating the various teams needed to support the CLAC and to implement or oversee the implementation of the changes that the CLAC approve.

292. **Typical of the budget items allocated to the GOS budget are:**

The Commission costs:

- Sitting Fees
 - Chair of the Commission (Per meeting)
 - Members of the Commission (Per meeting)
 - Chair of the Commission (Annual Allowance)
 - Members of the Commission (Annual allowance)
- Meeting room costs (including M&A Tea, Lunch)
- Communications costs (including reports)

Secretariat

- Salaries
 - Manager CLCC Secretariat
 - Assistant Manager CLCC Secretariat
 - CLCC Working Group Support Officers
- Office operations
 - Stationery & supplies
 - Local Travel
 - Communications costs (including reports)

Forum Meetings

- Meeting room costs (including Morning Tea)
- Communications costs
- Other costs (excluding consultant costs)

Typical Working Group Costs:

- Meeting room costs
- Communications costs (including reports)

293. **Specific Additional GOS Costs for a Working Group:**

Working Group # 4 - Customary Land One-stop-shop

- Meeting room costs
- Communications costs (including reports)
- Salaries

- Manager CLSU (ACEO level)
- Assistant Manager CLSU (senior level)
- Assistant CLSU Officer

294. **External funding is recommended for these costs:**

The external budget proposed would support the following activities for the durations as shown:

Activity	Extent of Support
National Coordination of Customary Land Stakeholders	
Commission operations:	
International travel for Commission Members	Year 1
Consultants	
Remuneration and Per Diem	
i. International Consultants	Year 1 only for 2 months
ii. Domestic Consultants (Program Coordinator)	Half-time for 3 years
International and Local Travel	Year 1 only.
Reports and Communications	Year 1 only.
Secretariat	
Equipment	One off
Contingency for Implementation	Year 1 & 2 only
Forum Meetings	
Sitting fee for non GoS participants	Year 1 only
Typical Working Group	
Meeting room costs	Year 1 only
Communications costs (incl reports)	Year 1 only
Sitting fee for non GOS participants	Year 1 only
Contingency for Implementation	Year 1 & 2 only
Consultants	
Remuneration and Per Diem	
i. International Consultants	Year 1 only, for 2 months
ii. Domestic Consultants	Year 1 only, for 4 months
International and Local Travel	Year 1 only
Reports and Communications	Year 1 only
Other Ad-Hoc Working Groups (Allowing for 4 more WGs)	
Sitting fee for non GOS participants	Year 1 only
Contingency for Implementation	Year 1 & 2 only
Consultants	
Remuneration and Per Diem	
i. International Consultants	Year 1 only, for 2 months
ii. Domestic Consultants	Year 1 only, for 4 months
International and Local Travel	Year 1 only

Activity	Extent of Support
Reports and Communications	Year 1 only
Consultants	
Remuneration and Per Diem	
i. International Consultants	Year 1 only, for 2 months
ii. Domestic Consultants	Year 1 only, for 3 months
International and Local Travel	Year 1 only
Reports and Communications	Year 1 only
Working Group # 3 - CL Information Management	
Other costs (excluding consultant costs)	Year 1 only
Equipment (Land & Titles Court)	One off
Consultants	
Remuneration and Per Diem	
i. International Consultants	Year 1 only, for 2 months
ii. Domestic Consultants	Year 1 only, for 3.5 months
International Firm to scan LTC documents	Year 1 & 2
Systems development (2 new CL registers)	Year 1 only
International and Local Travel	Year 1 only
Reports and Communications	Year 1 only
Working Group # 4 - Customary Land One-stop-shop	
Office operations	
Stationery & supplies	Year 1 & 2
Office furniture & fittings	
Equipment (PCs, printer, photocopier)	One off
Other costs (excluding consultant costs)	Year 1 & 2
Consultants	
Remuneration and Per Diem	
ii. Domestic Consultants	Year 1 only, 2.5 months

Table 8. External Funding Budget

295. **Contingency Fund for Implementation of the WG Action Plans:** Other than in the work of the Information Management and the One-stop-shop WGs, it is difficult to predict the actions that the WGs will recommend. A fund is needed to ensure that the WGs plans can be implemented once approved by the CLAC. The budget in Attachment F has an indicative budget of \$10,000SAT PA for 2 years for each WG's implementation except for the Community Advocacy WG which is likely to need more for their work and an allowance of \$60,000 PA for 2 years has been provided. The combined fund that would be managed by the CLAC and administered by the Secretariat would total \$300,000 for the first 2 years of operation of the CLAC.

296. **Consultants' Terms of Reference:** Draft Terms of Reference for Consultants are provided along with Indicative Time Lines for Activities (Appendix E). A summary of funding required from GOS and external sources is shown in Appendix F.

9) Priority and Sequencing of Activities

297. Following is an assessment of the priority assigned to each of the key activities required to implement the GoS reform. The criteria was the sequence of events focusing on the relationship between activities and the impact that each will have on the ultimate beneficiaries of the reform process. A guiding principle has been what should be done first to move the reform process forward and help the community to better understand the changes planned and build confidence in the process. The categories of priority used are: High Priority, Priority and Low Priority.

298. Note that the following assessment is a brief snap-shot in time to aid an appreciation of the elements of the PIP and their interrelations, and the relative priorities will need to be assigned by the Commission as it judges the needs.

	Component No	Priority & Rationale
1	National Coordination of Customary Land Stakeholders	
1.1	Commission operations	High priority The CLAC needs to be established quickly to pick up on the work of the Task Force and the Project start to lead the reform agenda.
1.2	Forum Meetings	High priority Given the misinformation that has surrounded the CL debate, Forum Meetings will be the ideal vehicle for consulting and reporting on the Commission's plans and achievements.
1.3	Working Group AWG # 1 Agriculture & Forestry for CL	Priority Landholders and investors need a lead on options for developments on CL in this sector and the Commission would stimulate this by commissioning this WG early on to find those options.
1.4	Working Group AWG # 2 Small Scale Tourism for CLs.	Priority Landholders and investors need a lead on options for developments on CL in this sector and the Commission would stimulate this by establishing this WG early on to find those options.
1.5	Other Ad-Hoc Working Groups (Allowing for 4 more WGs)	TBA This has been left for further consideration should the Commission see the need to establish more WGs around specific issues that might arise.
1.6	Secretariat	High priority The Secretariat is needed to establish the Commission and the network of WGs which will generate the changes that need to be made and supported by the Commission.
2	Financing Development on Customary Land	
	Working Group #1 - Financing Development on CLs	Priority While this is seen as a major barrier to realising development on CL, the Commission should focus on finding options for development and then as a second priority, look for ways to fund such developments.
3	Legislative Reforms	

	Component No	Priority & Rationale
	Working Group # 2 - Legislative Reform	Low Priority Given that the legislative reforms are expected to be completed this year, this WG would be needed to monitor the progress in implementation of that legislation.
4	Capacity building to support customary land administration reforms	
4.1	Reform of technical systems, procedures and processes	
	Working Group # 3 - CL Information Management	High priority One of the key benefits for customary landholders and investors will come through improved systems that this WG would set up and be the key <i>product</i> offered by the proposed CL One-stop-shop.
	Working Group # 4 - Customary Land One-stop-shop	High priority After the revised legislation, the CL Services Unit will be the most obvious tangible product of the reform process. The earlier this is set up and operational, the community can test out the claims of Government that they are offering a different and better service to land holders and investors.
4.2	Upgrading management practices	
4.3	Building skills and knowledge to underpin the reforms	
	Working Group # 5 - CL Capacity Building	Low Priority This would need to come after the other WGs have established the changes they recommend be made and would collate those changes into a strategy to build the capacity to implement and sustain those changes.
5	Effective Community Advocacy	
	Working Group # 6 - CL Community Advocacy	High priority The community need to be re-engaged in the debate on the need for changes to the use of CL for economic benefit and information on the changes made and planned need to be explained as a matter of urgency.
6	Monitoring and Evaluation	
6.1	Economic and Financial Analysis	
	Working Group # 7 - CL Economic & Finance Analysis	Low Priority While this study should produce data that would demonstrate the benefits to landholders and investors of economic development of CL, the study could be undertaken later and not be an early priority for the Commission.
6.2	Gender Analysis and framework	
	Working Group # 8 - CL Gender Analysis & Framework	Low Priority This can follow the work on the key components and establish the benchmark for those changes to meet in order to be assured that the reforms are having a positive impact upon the role of women in the planning and use of CL.

Table 9. Phase 2 Component Priorities

299. There has been spirited debate about the priority order of activities within the Task Force. One example is the priority that should be assigned to Working Group 1 Financing Development on CLs. This was quite deliberately assigned No 1 priority initially as the issue of finance was seen as the major limiting factor in encouraging self-development of CLs. Later discussions suggested that the first priority for a landholder is to have her or his ideas of how their land should be developed, and the funding issue can be addressed after the business idea has been formed. For this reason, the above priorities have the WGs that create the business ideas (the WGs for agriculture and forests together with the WG on small scale tourism development) as higher than the issues of financing the developments. Some concern was expressed in the Task Force that the Small Scale Tourism was too limiting and that the small scale should be dropped. The debate concluded that for landholders considering any tourist developments on their land, the most likely options will be small scale and this should be the focus of the WG. Landholders with a broader vision will find more support available than those with small scale development in mind. The WG has been retained as focusing on Small Scale developments and been assigned a high priority above.

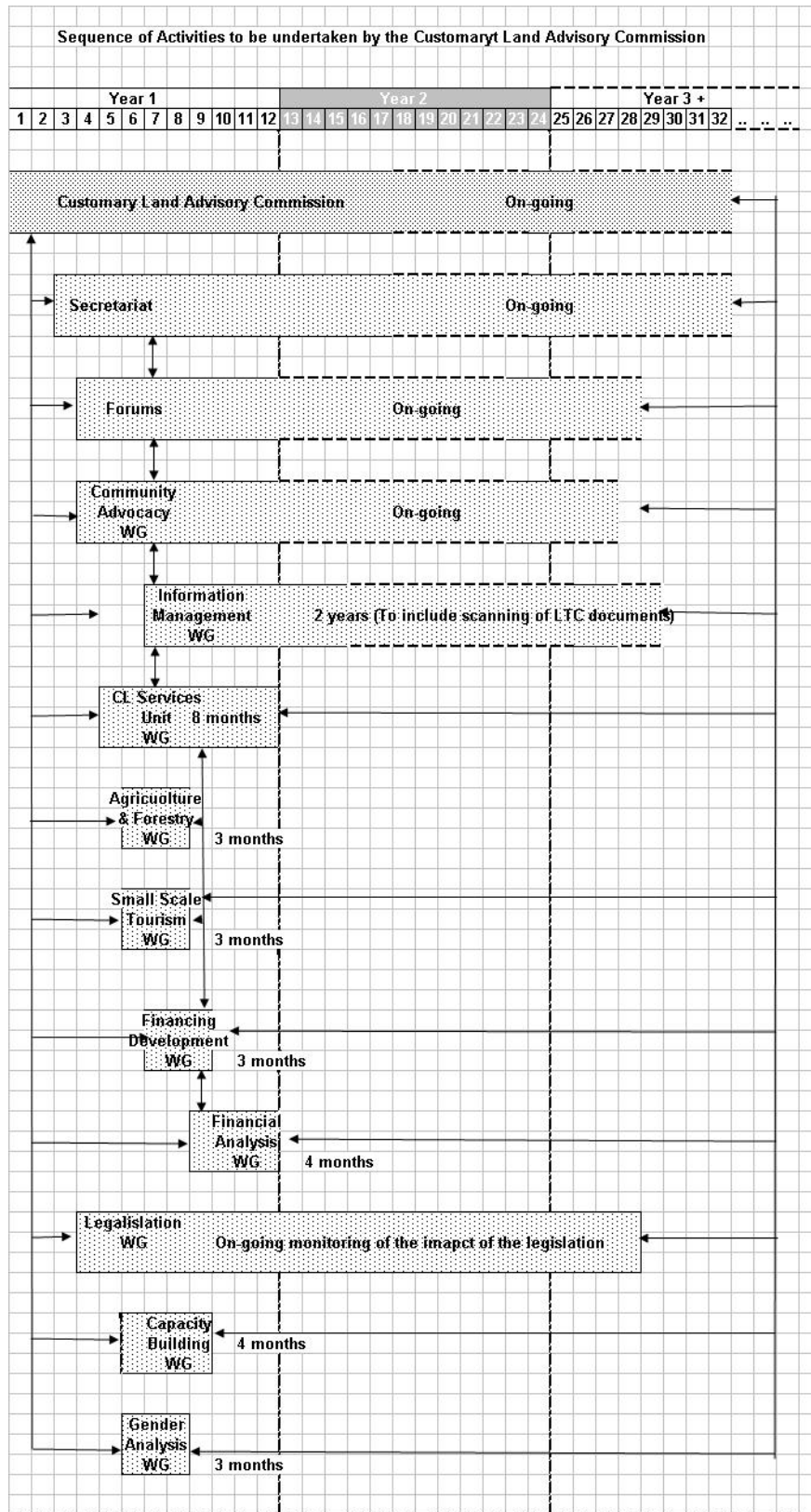


Figure 2. Sequence of Events to be Undertaken by CLAC

10) Recommended Continued Support by the ADB

a. ADB, Country Partnership Strategy (CPS) – Samoa 2008-2012: Key Development Challenges

300. The ADB's *Country Partnership Strategy 2008-2012* for Samoa recognizes that the fundamental development challenge for Samoa is to generate private sector-led growth as *sustained and equitable private sector-led economic growth is crucial for developing employment and income-earning opportunities for a growing population and for generating the government revenue needed to fund improved public service delivery.*

¹² The CPS commits ADB support for the GoS to address binding constraints to growth that can be eased or removed through ADB assistance, including: (i) *deficiencies in access to public services and in the quality of public service delivery*; and (ii) *weaknesses in the private sector-enabling environment.*¹³ The proposed PIP works to support both increasing access for landholders and investors to information related to encouraging more economic use of customary lands and to reforming the environment to better enable such developments.

301. The PIP also supports the CPS focus on poverty reduction by addressing binding constraints to growth via (i) improving delivery of public services to the community and foreign investors and (ii) promotion of PSD by providing a more enabling environment in which to make better economic use of customary lands. The PIP includes strategies to improve the private sector enabling environment through better dialogue between the GoS, landholders and the community generally and investors, local and foreign. In line with the GoS and CPS, the PIP focuses on support for the tourism and agriculture sectors and is expected to see new opportunities created for youth and less-skilled workers.¹⁴

b. ADB Assessment of the Samoan Private Sector

302. In an assessment of the private sector in Samoa, the ADB has reported that tourism has the potential to be an important stimulus to growth in the economy and is Samoa's most important single commercial economic activity as well as the largest source of foreign exchange. However, the development potential of overseas tourists has been *barely tapped.*¹⁵ The ADB saw that land issues have had a negative impact on the tourist industry. An example given was that the negotiations on the ground rent for a new hotel could have raised unrealistic expectations regarding future income of landowners from leasing their land.¹⁶ The report concludes that a priority is to address the issue of property rights: *the foundation of development and prosperity*, which are not

¹² ADB, *Country Partnership Strategy – Samoa 2008-2012*, September 2008, Section 92, pp 21.

¹³ ADB, *Country Partnership Strategy – Samoa 2008-2012*, September 2008, Section 93, pp 21.

¹⁴ ADB, *Country Partnership Strategy – Samoa 2008-2012*, September 2008, Section 96, pp 22.

¹⁵ ADB report *Private Sector Assessment, Samoa: Consolidating Reform for Faster Economic Growth*, June 2008. Section 190, pp 46.

¹⁶ ADB report *Private Sector Assessment, Samoa: Consolidating Reform for Faster Economic Growth* June 2008, Section 197, pp 48.

well defined due to weaknesses in the land leasing framework and this affects *large areas of the economy, particularly financing, agriculture, and tourism*. This issue holds back foreign investment and restricts opportunities for Samoans, especially in agriculture. The report notes that further debate is needed on how to have a reliable leasing framework while preserving traditional values such as that customary land should not be alienated. This framework needs to ensure that Samoans do not limit their ability to invest productively in agriculture. The failure of the agricultural sector is seen by the ADB to be a binding constraint to growth in Samoa to realize its potential. The report also sees a major binding constraint arises from the *opaque and ad hoc processes* that result in Samoa doing poorly in attracting FDI and notes that reform priorities should include: a) simplifying procedures for foreign investors and b) making land leases easily available to foreign investors.¹⁷ These views are also the basis of this PIP, and as such there is a clear common focus on the way ahead for reform needed to increase the economic use of customary lands in Samoa.

303. As shown in Part E above, the ADB's expected CPS outcomes would through this PIP be (i) improved infrastructure through an improved structure in place to manage the reform process and a dedicated information centre created to serve landholders and investors, (ii) improved access to public services and enhanced quality of public services delivery via the One-Stop-Shop, better trained staff and extensive dialogue with key stakeholders on the issues and the best way to address problems and (iii) an improved private sector enabling environment resulting from the stakeholder dialogues, forums and community advocacy strategy. The target outcomes and realistic indicators that are set out in Part E above aligned with SDS 2008–2012 goals and targets and the CPS.¹⁸

304. Based on the above analysis and aiming to recommend those activities that will support the reform agenda most effectively, the following are the components of the PIP with the highest priority and are recommended for support by the ADB.

Component 1 National Coordination of Customary Land Stakeholders

305. This Component aims to provide a form of governance of the customary land sector that recognises the success to date of the Task Force and projects a new body to maintain and extend the earlier work. This is the central plank in the proposed way forward: without this initiative, the chance of a coordinated and sustained improvement in customary land matters is most unlikely. Within the many features build into this model in the PIP is that the CLAC will have flexibility to identify and adapt as necessary to the issues they are confronting. (This is an example of the *flexibility* proposed as an important aspect of the ADB's CPS.)¹⁹ The CLAC will direct working groups to identify solutions to the issues that impede the economic use of land and the CLAC will mobilise the resources (from GoS and ADB sources) to implement those solutions agreed to by the CLAC. The Secretariat of the CLAC will be responsible for implementing those solutions and checking that the desired outcomes were achieved. A modest budget is

¹⁷ ADB report *Private Sector Assessment, Samoa: Consolidating Reform for Faster Economic Growth* June 2008, Section 204, pp 50 and 51.

¹⁸ ADB, *Country Partnership Strategy – Samoa 2008-2012*, September 2008, Section 97, pp 22.

¹⁹ ADB, *Country Partnership Strategy – Samoa 2008-2012*, September 2008, Section 101, pp 23.

suggested that the ADB would contribute for the CLAC to manage in allocating funds needed to make the approved changes. The priority Working Groups on the Tourism Sector and the Agriculture and Fisheries Sector are included in Component 1 and the implementation of strategies that arise from their report will produce a concerted effort across the community to increase economic use of customary land in these sectors recognised in the SDS and the SDP as being vital in the economic and social growth of the Samoa.

Component 4 Capacity Building to Support Customary Land Administration Reforms

306. The Working Groups included under this Component will generate a number of strategies that will be implemented by the Secretariat, in particular the set up of the One-Stop-Shop for customary land matters, improvements in the Customary Land Recording System, scanning and public access to those scanned documents, creation of the Customary Land Leases Register and the Register of Available Customary Land, an ICT Plan implemented for the LTC and the One-Stop-Shop and as a result of these interventions, the process for leasing and developing customary land is set to improve and to encourage greater economic use of customary lands. Underpinned by a training and development strategy, these will provide the needed boost to the capacity of the current system to meet the new demands.

Component 5 Effective Community Advocacy

307. This is an extremely important component of the proposed PIP aimed at ensuring all the customary land stakeholders are consulted and informed throughout the implementation of PIP to generate public and stakeholder support for land reforms, to facilitate community and stakeholder participation and to respond effectively to any communication related issues that may arise in the course of the PIP. The Working Groups under this Component will deal with issues such as:

- Putting in place means of evaluating its effectiveness and to gauge public opinion on land reform on a regular basis.
- Ensuring that there are timely and appropriate responses to events and developments in the public domain that may reflect unfavorably on the land reform process.
- Taking on more of an advocacy role for both the reforms and for use of the new system as the PIP progresses.
- Liaising with other working groups where there is need for support for their activities from the community information and consultation strategy.

PIP Component Activities Recommended for ADB Support.

308. The following Components activities are recommended for ADB support. In supporting these priority activities, ADB would in fact be supporting the Government of Samoa in developing a robust national strategy revolved around the establishment and

the operations of a national government structure whose primary focus is to encourage and support landowners and investors to make greater economic use of customary land.

i. Component 1 Coordination of Customary Land Stakeholders

1.1 Commission operations

1.2 Forum Meetings

1.6 Establishment of a Secretariat to support CLAC operations including the implementation of Action Plans approved by the CLAC to bring about the required changes in the current system.

ii. Component 4 Capacity building to support customary land administration reforms

Reform of technical systems, procedures and processes

Working Group # 3 - CL Information Management

Working Group # 4 - Customary Land One-stop-shop

iii. Component 5 Effective Community Advocacy

Working Group # 6 - CL Community Advocacy

309. As indicated in Appendix F, an Indicative Budget for the PIP and summary of external funding required, an allowance has been made for the CLAC through their Secretariat to facilitate the implementation of the recommendations of Working Groups and achieve the changes needed. The CLAC will be able to manage this contingency fund to ensure that these limited resources are allocated on a priority basis across all Components in the PIP.

310. The budget for donor funding of these priority Component activities is:

Year	Budget
Total for Year 1	\$1,645,000
Total for Year 2	\$1,316,600
Total for year 3	\$575,000
Total for 3 years:	\$3,537,000

Table 10. Donor Funding Budget for priority activities under Components 1, 4 and 5.

311. Other donors' assistance may be sought by the GoS to fund the other activities the proposed PIP.

312. The Task Force has endorsed the approach proposed in this PIP, but the GoS will need external assistance to implement it fully. The progress made to date has been

significant with raised awareness in the community and a wide range of changes now planned to streamline the customary land policy, systems and procedures. The aim of the next Phase of project implementation should continue from the current project design Phase to *increase levels of economic activity (investment and production) on customary lands in Samoa.*

The cost implications for the ADB of the priority activities under Components 1, 4 and 5 are summarised below:

		Total	Funding				
	Component No & Cost Elements (ST\$)	By each cost element	Source				
			GoS	Foreign			
				Total	Year 1	Year 2	Year 3
1	National Coordination of Customary Land Stakeholders						
1.1	Commission operations:	\$718,200	\$192,600	\$525,600	\$375,600	\$75,000	\$75,000
1.2	Forum Meetings	\$881,000	\$801,000	\$80,000	\$40,000	\$40,000	\$0
1.6	Secretariat	\$1,010,600	\$810,000	\$200,600	\$190,600	\$10,000	\$0
4.1	Reform of technical systems, procedures and processes						
	Working Group # 3 - CL Information Management	\$2,325,100	\$65,000	\$2,260,100	\$750,100	\$1,010,000	\$500,000
	Working Group # 4 - Customary Land One-stop-shop	\$699,500	\$550,000	\$149,500	\$128,500	\$21,000	\$0
5	Effective Community Advocacy						
	Working Group # 6 - CL Community Advocacy	\$451,200	\$130,000	\$321,200	\$160,600	\$160,600	\$0
	TOTALS:	\$6,085,600	\$2,548,600	\$3,537,000	\$1,645,000	\$1,316,600	\$575,000

Table 11. Cost Implications of priority Components 1, 4, and 5 for ADB

Note that the above costs have been linked to the outputs and this is detailed in Appendix G.

VI. Summary of Findings and Recommendations

A. Findings

313. The TA Team believe that it is too early to attempt to measure the intended impact of the TA to increase levels of economic activity on customary lands. The cultural environment for this to happen is being carefully developed but needs more time. One of the 'Pacific principles' for land policy reform²⁰: *be prepared for long timeframes to achieve lasting reform*, applies very much in the case of Samoa. The objective of the TA is to increase the efficiency and effectiveness with which landowners and investors (domestic and foreign) implement agreements to utilize customary land for economic purposes. With the support of the TA, the groundwork has been done by the GoS to set out priorities and strategies for making significant progress through embarking on an extensive public information and consultation campaign (at some political cost), studying the approaches to the issues of economic development on CLs in other countries and learning from their experiences in choosing the way ahead for Samoa.

314. More needs to be done to maintain and extend the momentum of this important reform. The Task Force has been successful in providing the national leadership and stimulation that was needed for the community to become aware of and in some cases committed to the value of increasing economic use of their CLs. But the Task Force now needs to give way to a new approach that will take the reform into a new phase. The ADB support of this next phase will be an important resource for realising the goals of the GoS. This PIP has outlined a way ahead for the GoS which has been negotiated with the Task Force and represents a practical and desirable process that could be implemented for sustaining the reform started in 2006.

315. Below is a summary of progress in achieving the five TA outputs and the proposed focus for the next Phase:

- 1) *Amendments to the Alienation of Customary Land Act 1965 to further promote appropriate economic use of customary land*: While the form of this legislative change might not be an amendment, some form of legislative reform is anticipated to be achieved this year. It was earlier agreed that this work would be left to late in 2008 when the changes needed were clearer following the public consultations, Task Force study tours and TA inputs from the Project. In the next Phase, monitoring of the application of the reformed legislation will be needed to ensure the intended outcomes are achieved.
- 2) *Streamlined administration processes for entering into leases on customary land*: Some progress has been made and more changes are planned in some cases through the work of other donors who are making progress in MNREM and MJCA. The importance of one national lead agency for handling economic development of customary land is very evident to provide these donors a nationally consistent view of the reforms that are needed. In the next Phase, this needs to be the major focus.
- 3) *Public information materials disseminated and public education processes conducted*: While much has been achieved in stimulating debate on many issues

²⁰ *Making Land Work*, produced as part of AusAID's Pacific Land Program, Volume one, *Reconciling customary land and development in the Pacific*, p vii and pp 105- 108.

concerning increasing economic use of customary lands, more must be done to advance the agenda and provide support for those who share the view that this is necessary for the social and economic development of Samoa. As the GoS plans for changes are clarified, the public need to be informed of these changes and landholders and investors made aware of the opportunities that open up by developing customary lands.

- 4) *Improved registration, mapping and availability of information on customary land titles and boundaries:* While some work has been ongoing, the public would see little if any improvements in this area to date. The next Phase is where the bulk of the changes will be developed and implemented and the public made aware of those changes so that they might also monitor how well their expectations are realised.
- 5) *Based on findings from above activities, implementation of institutional arrangements for appropriate government involvement in matters related to economic use of customary land:* The fragmented arrangements that exist today continue to frustrate those keen to develop CLs. Under the proposed CL Advisory Commission in the next Phase, a whole of government approach would be taken and improved systems, organisational structures and service to the public would be delivered.

316. ADB Technical Assistance Project TA-4712-SAM: Promoting the Economic Use of Customary Land in Samoa needs to continue into a new Phase with the aim to increase levels of economic activity (investment and production) on customary lands in Samoa.

317. The approach is to build on the successful work done by the GoS Task Force and the TA Team to date in raising awareness, generating options and priorities for reform and now detailing a way ahead that has been agreed by the Task Force and has been judged to be practical and desirable.

318. The GoS will need to quickly put in place the proposed CLAC to pick up from the Task Force which completes its work in 2008. This is a priority as the momentum of the work of the Task Force needs to be maintained or the community might at best loose interest and at worst, resort to negative attitudes towards the use of CLs for economic development.

319. The work to date has produced an agreed and consistent vision of what is needed in a broad sense but the challenge is now how to realise this vision. This dictates that a new form of national leadership body is needed to replace the Task Force; one that is more technically adept and concerned with the delivery of practical changes that will help landholders and investors. The Task Force has worked well, particularly at the political, policy and legislative levels and in stirring debate on customary land matters.

320. The ideal plan proposed for the future cannot be managed by the GoS alone. External assistance is both warranted and necessary. The ADB is well placed to continue support.

B. Recommendations

321. It is recommended that:

- 1) ADB Technical Assistance Project TA-4712-SAM continues into a new Project Implementation Phase with the aim to increase levels of economic activity (investment and production) on customary lands in Samoa in cooperation with GoS agencies, NGOs and other donors.

- 2) The focus of the new Phase should be to build on the successful work done by the GoS Task Force and the TA Team to date.
- 3) The GoS quickly puts in place the proposed CLAC to pick up from the Task Force which completes its work in 2008.
- 4) A new form of national leadership body needs to replace the Task Force: one that is more technically adept and concerned with the delivery of practical changes that will help landholders and investors. The proposed CLAC is such a body and the network of Working Groups a source of expert advice to the CLAC and other stakeholders on how to attend to the challenges still facing the GoS. The Forums are a key vehicle for engaging the community, in particular those with special interests in aspects of the way CL management is handled in the future.
- 5) External assistance is both warranted and necessary and the ADB is well placed to continue support as detailed in paragraphs 298-300 above details the form of support the ADB might offer the GoS. This approach picks up the priority tasks necessary to launch the new Phase of the program and builds on the collaborative work successfully done to date.
- 6) The support suggested is concentrating on the priorities for 2009 and reduces significantly in later years. It follows a schedule of interventions that allows for the key players to make the most of the ADB's assistance and links efforts across GoS agencies, NGOs, the ADB and other donors.
- 7) The next Phase will see changes in policies and procedures flowing from the legislative changes and being implemented with systems and procedures that are administered and managed by competent, confident and motivated people dedicated to assisting landholders and investors to increase the economic use of customary lands in Samoa.



APPENDICES

Appendix A: Design and Monitoring Framework and Terms of Reference

The detailed TORs for the Short term Advisors

The following international and domestic consultants were fielded during the period:

Short-term International Consultancy Assignments

- (i) **Land Information Management Specialist** Under the guidance of the project coordinator and building on existing systems where possible while addressing the needs of both the Land and Titles Court and MNREM, the specialist will (a) carry out a detailed system study (b) recommend a sustainable data management strategy for customary land-related data,; the strategy should encourage seamless data management between the two agencies, and should ensure appropriate public access to the data; (c) deliver an appropriate design of a sustainable database for customary land-related data (d) develop and deliver a strategy for digitization and storage of customary land survey information so that during the implementation stage (i) the Records of all surveys of customary land digitized and placed on a geographic information system (ii) All Land and Titles Court decisions recorded in an electronic database (iii) land registry is upgraded extended to include all leases on customary land.

***Activity 4.1** – All Land and Titles Court decisions recorded in an electronic database, and accessible to the public, by December 2006.

****Activity 4.2** – Upgraded land registry extended to include all leases on customary land, by December 2006.

*****Activity 4.3** – Records of all surveys of customary land digitized and placed on a geographic information system, by June 2007.

- (ii) **Public Administration Specialist** (1 month, two visits). Working with the public administration/capacity development adviser and under the guidance of the project coordinator, the specialist will (a) support a review of institutional arrangements for customary land (Activity 5.1*); (b) recommend a program of targeted training and other capacity development activities in response to the recommended reorganization; and (iii) if required, deliver priority elements of the training and capacity development activities (Activity 5.3**).

***Activity 5.1** – Review of institutional arrangements and appropriate role of the Government, by September 2007.

****Activity 5.3** – Staff training, capacity development on new functions and roles.

Short-term Domestic Consultancy Assignments

- (i) **Database Development Adviser** (1 person-month). Working with the land information management specialist and geographic information systems

adviser, and under the guidance of the project coordinator, the expert will develop and deliver an appropriate and sustainable database for customary land-related data, building on existing systems where possible, addressing the needs of both the Land and Titles Court and MNREM, addressing the need for seamless data management between the two agencies, and addressing the requirement for appropriate public access to the data (Activities 4.1*, 4.2*).

***Activity 4.1** – All Land and Titles Court decisions recorded in an electronic database, and accessible to the public, by December 2006.

****Activity 4.2** – Upgraded land registry extended to include all leases on customary land, by December 2006.

- (ii) **Public administration/capacity development adviser** (2 person-months, intermittent). Working with the public administration specialist and under the guidance of the project coordinator, the expert will (a) support a review of institutional arrangements (Activity 5.1), (b) support the Government reorganization process arising from the review (Activity 5.2), and (c) recommend and deliver a program of targeted training and other capacity development activities to address new functions and roles under the reorganization (Activity 5.3).

***Activity 5.1** – Review of institutional arrangements and appropriate role of the Government, by September 2007.

****Activity 5.2** – Government reorganization, reflecting agreed review findings, in place by March 2008.

*****Activity 5.3** – Staff training, capacity development on new functions and roles.

As a result of the Task Force meeting held on 18 January, the TF reviewed the TORs for the TA and decided that:

- *Agree that the work be split in 2 parts:*
 - Design including consultation
 - Implementation
- *A number of recommended tasks seem unnecessary – perhaps a quick review of existing systems should be done first*
- *Implementation will largely involve the existing institutions e.g. MNRE, L&TC, and of course the land owners if they want to lease their lands.²¹*

Revised ToRs for the January – February 2007 Input

Note that, in the light of the TF comments, for this input, the generic approach to be adopted by all is to:

- Review existing systems;
- Provide a preliminary assessment of the current state of land administration systems, procedures and legislation;
- Identify priority areas for early attention to improve the operation of the existing system;
- Provide a preliminary review of plans in place to address priority issues and

²¹ *Promoting the Economic Use of Customary Land: Summary of Issues Raised on the Inception Report, the Task Force Response, January 2007.*

- List those issues that are a priority and are not planned to be addressed and indicate likely avenues for dealing with those priority areas.

I.1 Design and Monitoring Framework

Design Summary	Performance Targets / Indicators	Data Sources / Reporting Mechanisms	Assumptions and Risks
<p>Impact Increased levels of economic activity (investment and production on customary land)</p>	<p>1. Trend increases in contribution of tourism and commercial agriculture to GDP (proxy indicator).</p> <p>2. Number and value of commercial investments on leased customary land.</p>	<p>National accounts from Ministry of Finance Analysis by TA consultant of investment data from Ministry of Commerce, Industry and Labour</p>	
<p>Outcome Increased efficiency and effectiveness with which landowners and investors (Domestic and foreign) implement agreements to utilize customary land for economic purposes.</p>	<p>1. Reduced time from proposal to registration of formal lease on customary land.</p> <p>2. Efficient resolution of disputes through Samoan Land and Titles Court.</p>	<p>Surveys by TA consultant of new lease holders on the land registry held at the MNRE</p> <p>Assessments by private sector stakeholders and practicing lawyers surveyed during ADB reviews</p> <p>Analysis by TA consultant of case load records of Land and Titles Court</p>	<p>Assumptions</p> <ul style="list-style-type: none"> • "Bankable" projects exist and can be assisted by greater clarity and efficiency of leasehold tenure. • Samoa's financial sector will, over time, increase credit provision in response to greater clarity of leasehold arrangements. <p>Risk</p> <ul style="list-style-type: none"> • Clarity and certainty over leasehold arrangements does not lead to improved compliance with rule of law or, consequently, reduced credit risk.
<p>Outputs</p> <p>1. Amended Alienation of Customary Land Act 1965 (the Act) so that it better promotes economic use of customary land.</p> <p>2. Streamlined administrative</p>	<p>Amendments submitted to Government by July 2006.</p> <p>Report on lessons learned under revised Act, by February 2008.</p> <p>Clear information</p>	<p>TA and ADB monitoring</p> <p>TA reporting—including client feedback</p>	<p>Assumptions:</p> <ul style="list-style-type: none"> • The current Alienation of Customary Land Act, with minor amendments, provides a workable legal framework for the achievement of priority outputs and the TA outcome. • Public information and education activities will

<p>processes for entering into leases on customary land.</p> <p>3. Public information materials disseminated and public education processes conducted on key issues and processes for landowners and investors proposing to enter into leases on customary land.</p> <p>4. Improved registration, mapping and availability of information on customary land titles and boundaries.</p>	<p>on revised administrative procedures, responsibilities, and performance standards, readily accessible to the public by March 2007.</p> <p>Accessible materials and information programs (in Samoan and English) widely available and effectively disseminated, by December 2006</p> <p>Central database, with geographic information, of leases granted and Land and Titles Court decisions established, maintained and accessible to the public, by June 2007.</p>	<p>surveys— and ADB monitoring</p> <p>TA reporting— including client feedback surveys— and ADB monitoring</p> <p>TA reporting— including client feedback surveys— and ADB monitoring</p>	<p>be sustained by relevant Executing Agency.</p> <ul style="list-style-type: none"> • Executing Agency able to maintain database and geographic information. <p>Risk</p> <ul style="list-style-type: none"> • Interface between Ministry of Natural Resources and Land and Titles Court remains unclear or ineffective.
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Design Summary	Performance Targets / Indicators	Data Sources / Reporting Mechanisms	Assumptions and Risks
<p>5. Revised institutional arrangements in place that reflect appropriate Government involvement in matters related to economic use of</p>	<p>Review submitted by September 2007</p> <p>Revised institutional arrangements in place by March 2008.</p>	<p>TA and ADB monitoring</p>	

customary land.			
<p>Activities with Milestones</p> <p>1.1 Amendments to <i>Alienation of Customary Land Act 1965</i>, based on WG recommendations, submitted for Government consideration, by July 2006.</p> <p>2.1 Review of administrative processes for entering into leases on customary land completed by July 2006.</p> <p>3.1 Public information and education plan, addressing key audiences, topics, and proposed media, submitted for WG approval by September 2006.</p> <p>4.1 All Land and Titles Court decisions recorded in an electronic database, and accessible to the public, by February 2007.</p> <p>5.1 Review of institutional arrangements and appropriate role of the Government, by September 2007</p>	<p>1.2 Review of lessons learned under new legal framework, by February 2008.</p> <p>2.2 Revised administrative processes implemented by February 2007.</p> <p>3.2 A range of public information materials disseminated by March 2007.</p> <p>4.2 Upgraded land registry extended to include all leases on customary land, by February 2007.</p> <p>5.2 Government reorganization, reflecting agreed review findings, in place by March 2008.</p>	<p>1.3 (If necessary) Further amendments to the Act submitted for Government consideration, by June 2008.</p> <p>2.3 Clear information on administrative processes readily available to the public by February 2007.</p> <p>3.3 A series of public education programs operating by March 2007.</p> <p>4.3 Records of all surveys of customary land digitized and placed on a geographic information system, by June 2007.</p> <p>5.3 Staff training, capacity development on new functions and roles.</p>	<p>Inputs</p> <p>ADB</p> <ul style="list-style-type: none"> • Long-term domestic consultant (24 person months). • Short-term specialist international (4 person months) and domestic (10 person-months) consultants. • IT hardware and software and training for database and GIS. • Information materials and education programs. • Government staff training. • Office supplies and consumables. Government • Counterpart staff in Executing Agency and WG. • Office space and facilities. • Access to land registry and Land and Titles Court records. Co-financing (Parallel) IDA loan 3193-WSO "Infrastructure Asset Management Project": <ul style="list-style-type: none"> (i) updated cadastre (Samoa Integrated Grid); (ii) Strengthened systems for freehold and public land administration and registration (which can also be applied to customary land).

ADB = Asian Development Bank,
GDP = gross domestic product,
GIS = geographic information systems,
IDA = International Development Association (of the World Bank),
IT = information technology,
TA = technical assistance,
WG = Task Force on economic use of customary land.

Appendix B: Alienation of Customary Land Amendment Bill 2008

**ALIENATION OF CUSTOMARY LAND
AMENDMENT BILL 2008**

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Principal Act
3. Leases and Licences for agricultural and pastoral purposes
4. Power to grant lease or licence
5. Insertion of new section
 - 4A. Powers to authorise beneficial owner
6. Forestry
7. Fees and commission
8. Insertion of new section
9. Repeal
10. Regulations

2008 No.

A BILL INTITULED

AN ACT to amend the Alienation of Land Customary Act 1965.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement

- (1) This Act may be cited as the Alienation of Land Customary Act 2008.
- (2) This Act shall come into force on the date of assent of the Head of State.
- (3) Notice of commencement of this Act shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

2. Principal Act

In this Act, "Principal Act" means the Alienation of Customary Land Act 1965.

3. Repeal and substitution

Section 3 of the Principal Act is repealed and the following section is substituted:

“3. Leases and Licence for agricultural and pastoral purposes –

A lease or licence under this Act may be granted for any agricultural or pastoral purpose to any Samoan whether or not they are the holder of a Matai title.”

4. Power to grant lease or licence

Section 4 of the Principal Act is amended:

- “(a) by omitting “subject to section 3 of this Act,”
- (b) by omitting from paragraph (b) “30 years in the aggregate,” and substituting “30 years plus 30 years in aggregate”;

5. Insertion of new section

After section 4 of the Principal Act, the following section is inserted:

“4A Power to authorise beneficial owner:

- (1) The Minister may authorise a beneficial owner or beneficial owners of any customary land to undertake the negotiation of, and/or the grant of a lease or licence under section 4 of this Act, subject to such terms and conditions or beneficial owner as he thinks fit.
- (2) Once authorised under subsection (1), a beneficial owner or beneficial owners shall ensure that the rent, covenants, conditions and stipulations contained in the lease or licence to be granted, are consistent with any terms and conditions imposed by the Minister or otherwise by regulations.
- (3) Any grant of lease or licence made under this section is not subject to the payment of any fees or commission to the Director”

6. Forestry

Section 9A subsection (8) of the Principal Act is amended by omitting “section 12 and the First Schedule of”.

7. Fees and Commission

Section 12 of the Principal Act is amended:

- By omitting “as are specified in the First Schedule to this Act” and substituting “as may be prescribed by regulations”

8. Prepayment of fees

Section 13 of the Principal Act is amended:

- By omitting “and specified in the First Schedule to this Act” and substituting “as may be prescribed by regulations”

9. Insertion of New Section

After section 10 of the Principal Act, the following section is inserted;

- “11. Regulations** - The Head of State acting on the advice of Cabinet may from time to time make regulations prescribing fees payable under this Act and for any other purpose which is necessary or expedient for giving full effect to or for the administration of the Act.”

10. Repeal

The First Schedule of the Principal Act is repealed



ALIENATION OF CUSTOMARY LAND AMENDMENT BILL 2008 EXPLANATORY MEMORANDUM

Summary

This Bill amends the Alienation Customary Land Act in order to support the role of beneficial owners in the leasing of customary land.

- Clause 1: contains the Short Title and Commencement;
- Clause 2: identifies the Principal Act;
- Clause 3: removes the prohibition of leases for agricultural and pastoral purposes to non-matai;
- Clause 4: extends the maximum term of lease for certain purposes from 30 + 30 years to 30 + 30 + 30;
- Clause 5 allows the Minister to authorize beneficial owners to grant a lease or licence under the Act;
- Clause 6 omits references to the location of fees in the Bill;
- Clause 7 removes the reference to the First Schedule;
- Clause 8 inserts a regulation making power for fees and other purposes



Appendix C: Status of Recommendations Listed in the Mid-Term Report

1. Appendix 10: Review of Findings and Recommendations of the Mid Term Report lists 59 recommendations. In preparing the Implementation Plan, each of these recommendations was assessed in the light of comments and endorsements provided by the Task Force, progress made since the Report was prepared and an assessment of related activities being undertaken in the country by the various aid agencies. As a consequence of this process, many of the recommendations included in the Mid Term Report have not been included in this Implementation Plan.
2. A table showing the status of the recommendations is set out below.

RECOMMENDATION	ACTION ON RECOMMENDATION	NOTES
1 Improve National coordination of CL matters	In the PIP as Component 1 with the proposed CLAC to replace the Task Force and provide leadership in policy development and to monitor and evaluate to ensure the delivery of better services regarding CL matters.	
2 Ensure Links to the national SDS process	CL is clearly in the current SDS (Reference Section 2 for details) and the MoF is currently developing a new consultative approach to developing the SDS.	
3 National Coordination needed of stakeholders	In the PIP with the CLAC Mission includes <i>coordinate all the key stakeholders involved in reforming customary land use.</i> (Ref Section 7.1.1 of the PIP)	
4 Assist land owners to better understand CL issues	In the PIP in Working Group # 6 (Community Advocacy) to build on the work by the Task Force and the TA community participation and information work done to date.	
5 MWSD staff to be more aware of CL matters	In the PIP for Working Group # 5 (Capacity Building) as Task 1.	
6 Succession Planning to build more sustainable management teams	In the PIP for Working Group # 5 (Capacity Building) Task 1.	
7 Explaining changes (e.g. in structures) to staff	In the PIP as Task 2 for WG # 5(Capacity Building)	
8 Connecting Plans to Implementation – make them happen	In the PIP for WG # 5 (Capacity Building) as Tasks 1 and 3.	
9 Linking plans to broad goals (e.g. the SDS)	In the PIP as a Task 3 for WG # 5 (Capacity Building)	
10 Capacity building plans to focus on improving service to the community	In the PIP as Tasks 1 and 3 for WG # 5 (Capacity Building)	



RECOMMENDATION	ACTION ON RECOMMENDATION	NOTES
11 Making training plans effective and useful	In the PIP as a Task 3 for WG # 5 (Capacity Building)	
12 Performance measures for agencies and their staff	In the PIP for WG # 5 (Capacity Building) as Task 3.	
13 Performance feedback needed from clients	In the PIP as an underpinning principle of the operation of the WGs and the Forum Meetings. E.g. a Task 4 for WG # 5 (Capacity Building).	
14 More opportunities needed for NGOs to participate in CL issues	In the PIP as more opportunities for to participate in WGs and Forum meetings. (E.g. WG 5, Task 4)	
15A Building the capacity of LTC Officers and staff	In the PIP as WG 5 (Capacity Building) Tasks 1, 2 and 3.	
15 B Inform Pulenu'u of CL leasing processes.	In the PIP as WG 5 (Capacity Building) Tasks 1 and 3.WG # 6 (Community Advocacy).	
16 Facilitate the amalgamation of MNREM Divisions in the proposed new building	Partially implemented – all of the land related divisions of MNREM have moved to a new building	Note 2
17 Promote extension of SIAM 2 work	Work has been re-commenced and technical assistance is being provided.	Note 3
18 MNREM currently digitize plans into a GIS, there is a need to incorporate a common key for linking this data with the LRS and/ or LTC in the future	Being addressed by the SIAM-2 Project Team	Note 3
19 Finalize DCDB using the model designed under SIAM 2	SIAM-2 Project Team are undertaking this work with TA assistance	Note 3
20 Utilise the strong room at the Corporate Services Office to store back-up data.	Implemented - MNREM have moved to a new building	Note 2
21 Hire temp staff to provide assistance to Examination Section in scanning plans	Included in SIAM-2 Project Implementation	Note 3
22 Produce standard procedures for customary land processes	In PIP – WG#3 task (Customary Land Services Unit)	
23 Promote setting up of a Customary Land Administration Unit	In PIP – WG#3 task	
24 Buy 2 new computers for LA Leases section MNREM	In PIP – Equipment proposed for Customary Land Services Unit	
25 Create a database for customary land leases from existing excel registry	In PIP – System development recommended (WG#4 task)	
26 Hire temp staff to input remaining data entry in LRS (Land Registry)	Included in SIAM-2 Project Implementation – overtime is being	Note 3



RECOMMENDATION	ACTION ON RECOMMENDATION	NOTES
System) and scan Deed documents	worked by staff to encode data	
27 Promote setup of full IT Division	New IT organizational structure has been approved	
28 IT manager needs to be based near server in MNREM	Resolved - MNREM have moved to a new building	Note 2
29 Data back-up system needs to be put in place	Implemented by MNREM	
30 MNREM server room needs to be refurbished	Resolved - MNREM have moved to a new building	Note 2
31 Wireless router placed in a more accessible location	Resolved - MNREM have moved to a new building	Note 2
32 Hardwire key workstations directly to network server in Molesi building	Implemented - MNREM have moved to a new building	Note 2
33 Mass storage devises (100GB HD) be used for archive/BU of data in MNREM	Being addressed under SIAM-2 Project	Note 3
34 Ensure power problems for Molesi building are resolved fully	Resolved - MNREM have moved to a new building	Note 2
35 Produce information dissemination products for the public	In PIP – Proposed task of the Customary Land Services Unit	
36 Provide training in mediation techniques to promote the resolution of disputes before they get to Court	Implemented - MJCA ISP (NZAID) Mediation service set up	
37 Link Matai Titles records and Land custodianship records by a common unique record key/number	In PIP – LTC Records Management System	
38 Upgrade LTC Records Excel spreadsheet into an Access Database linked to scanned records	In PIP – LTC Records Management System	
39 LTC and LRS have a common unique record key/number to link related records	In PIP – LTC Records Management System	
40 Microfilm archive to be digitized and catalogued as soon as possible	In PIP – LTC Scanning Project (files will be re-scanned)	
41 Records not archived from microfilm be archived by scanning or photography	In PIP – LTC Scanning of Files Project	
42 Install a new computer in LTC building specifically for searching the records database	In PIP – LTC Records Management System	
43 As an interim measure, hire temp data entry staff to input all data from the (old) dispute record cards index	In PIP – LTC Records Management System	
45 Input remaining LTC records into database	In PIP – LTC Records Management System	
46 Direct handling of LTC records (originals) be discouraged and/or	In PIP – LTC Records Management System	



RECOMMENDATION	ACTION ON RECOMMENDATION	NOTES
closely monitored to prevent damage or loss of data		
47 The new building for the LTC (MJCA) should incorporate a definite scalable IT layout strategy	In PIP – Included in TOR for Information Management WG	
48 Promote setup of full IT Divisions within the Ministries	In PIP – Included in TOR for Information Management WG	
49 Digital LTC records be made available through Web and counter computer at LTC registry	In PIP – LTC Scanning of Files	
50 Provide training in basic Microsoft Windows applications	In PIP – LTC Records Management System	
51 Mass storage devices (100GB HD) be used for offsite archive/BU of data in LTC	In PIP – LTC Scanning of Files	
52 PISF funds be utilized to enhance data management systems in MNREM and MJCA	Will be addressed in Project implementation	
53 Promote overseas Volunteer placement into the agencies specifically in records/data management, IT (GIS) and mediation	Will be addressed in Project implementation	
54 Publish the Savali on the Government web site	In PIP - Customary Land Services Unit	
55 More copies of Savali be printed to obtain a wider distribution	In PIP - Customary Land Services Unit	
56 Promote advertising of Savali notices in all newspapers, TV, Radio	In PIP - Customary Land Services Unit	
57 Erect a notice board at sight of survey for the customary land displaying the notice of intent	In PIP - Customary Land Services Unit	
58 Standard notice form be produced by MNREM	In PIP - Customary Land Services Unit	
59 Government to provide service to survey Customary Lands	No Action	Note 4

Notes:

1. The PIP provides a detailed program for a process to maintain the work of the Task Force and provide better national coordination. While CL issues are clearly in new SDS and central to planning, the recommendation regarding linking CL matters to the national SDS process is not appropriate at this time as the SDS process is being revised to include more community consultation. The PIP provides that the proposed CLCC will be responsible for coordination of the stakeholder.



2. The staff of MNREM has now moved to the Development Bank of Samoa Building with the exception of the Meteorology and Forestry Divisions. This is a temporary move until a new building is constructed for the Ministry. The move, however, does resolve most of the accommodation issues raised in the Mid Term Report.
3. Component 5 of the SIAM-2 project is still being funded and work is continuing on development of LRS (Land Registration System), creation of a DCDB, development of a digital plans lodgement system and the scanning of plans.
4. It is not considered viable or cost effective to undertake a comprehensive survey of customary land and no activity has been included in the Implementation Plan in relation to this recommendation. A considerable proportion of customary land will not be developed in the foreseeable future, the activity would be opposed by many customary land owners and demarking boundaries of properties may well result in a considerable number of boundary disputes.

Appendix D: Background Notes on the Operation of the CLAC

1. Following is a summary of an approach to managing the CLAC process. These notes extend the process summarised in the PIP report.

I. The CLAC Operation

2. The Commission to be effective needs to have:
 - High-level political support in the form of cabinet contributing to the work of the Commission by selected Cabinet members, starting with the Prime Minister, being engaged in key events in the program of the CLAC. This will both reinforce the importance of the work of the CLAC but also be another opportunity for Cabinet to get direct feedback from the community thereby providing a more open dialogue and reducing the chance of the work of Government being seen to be closed and secretive.
 - The number of members appointed to the CLAC should be not more than 10. The CLAC needs to be more action oriented than the existing Task Force and be an effective executive team who implement activities and assess their effectiveness. The members would be expected to have a more technical background as they must decide strategies and actions that they would then put in place.
 - Support to the CLAC is suggested in the form of a Domestic Consultant (similar the current Project Coordinator role) being available to the Commission on a half-time basis for 30 months to assist in the CLAC becoming operational and sustainable.
 - Support is also proposed if needed from an International Consultant to assist and refine the process and better achieve the work of the Commission.

II. The Operation of the CLAC Customary Land Forums

3. The CLAC Customary Land Forums are vital to forging a regular exchange of information and views generally and on specific issues between the GOS (CLAC) and the key stakeholders.
4. Working Groups are the key drivers to identify the changes needed and how to make them a reality. A format and schedule of these meetings is set out below for fortnightly meetings in the first two months of the Working Groups' operations. Such a schedule might also assist Working Groups to be dedicated and focused in getting their work underway in order that they can make a worthwhile presentation to the Forum. By giving advanced notice of the topics and when they will be discussed, the representatives of the stakeholders would be able to choose those topics and attend selective session or the whole program. The schedule is set out below:

Session	Month 1		Month 2	
	Meeting 1	Meeting 2	Meeting 3	Meeting 4
1	WG 1	WG 4	WG 7	AWG 2
2	WG 2	WG 5	WG 8	WG TBA

Session	Month 1		Month 2	
	Meeting 1	Meeting 2	Meeting 3	Meeting 4
3	WG 3	WG 6	AWG 1	Forum Update
4	CLAC	CLAC	CLAC	CLAC

5. In this way, each WG and the CLAC itself would have approximately 2 hours allowed for discussion of their issues. The presentations in those time slots should not exceed more than half the allotted time to ensure time is available for discussion and issues of concern to the audience to be raised.
6. For later months, the format might be relaxed to provide half day sessions on topics and allow more detailed analysis of the issues.
7. Time spots for the CLAC (or the Secretariat at least) would allow time to check the reaction of the attendees to the process.

III. Participant in the Forums

8. While it might appear an opportunity to open Forums sessions to the general public, it is not recommended because:
 - The focus should remain on getting the key stakeholders engaged so the numbers should be controlled to keep to a number that will allow intense discussion within a focused framework.
 - The ideal audience size would be between 10 and 20. To keep to such numbers, the CLAC might instigate a process of invitations being sent to the key stakeholders with the schedule of topics and dates with a request that each organisation registers their interest in attending specific sessions and the number of participants they would like to attend. The Secretariat would then be able to manage seat allocations across those wishing to attend.
 - By establishing the format, it is hoped that the regular participants will get to appreciate and value the process and contribute to making it even more effective over time.
 - A large number of attendees with possible widely varying agendas could derail the process.
 - The broader community consultation is the responsibility of a specific Working Group for the CLAC and for each stakeholder to report back to their constituents as they see fit.

IV. Support for the CLAC, Forums and WGs

9. To ensure that Commission, the Forums and the WGs are successful, support and secretariat services will be provided by the CLAC Secretariat. A full-time dedicated Secretariat would be formed to support the CLAC and project manages the implementation of the CL reforms outlined in this Implementation Plan. The Secretariat will support the work of the WGs and undertake the monitoring and evaluation of the WGs' work and report to the CLAC and CL Forums as required.

10. The Secretariat might be located in the new Monitoring and Evaluation Unit of the Prime Minister's Office.

11. Typical of the support that might be provided by the Secretariat for CLAC activities (including Forum meetings and all WGs) are:

- Monitoring and evaluating the work of the CLAC.
- Logistics support: meeting arrangements (room bookings, refreshments and meals), travel for participants and members.
- Reports on meetings.
- Preparation and distribution of agenda papers.
- Support for other CLAC activities (e.g. arranging community consultations, media contact and printing, contracting for services with firms).

12. As the Secretariat's monitoring and evaluation role is vital, support is recommended should it be needed in the form of Public Administration Reform specialists, with four months of Domestic Consultant and two months of International Consultant input. They will be expected to support assessment of progress towards achieving the goals of the CLAC itself through the Forum meetings and the WGs.

V. Operation of CLAC Working Groups

A. Aims

13. The aims of a Standing Working Group (WG) are to: (i) present to the CLAC recommendations in an Action Plan concerning the areas of customary land that have been assigned to the WGs, (ii) propose an approach to monitoring and evaluating the success of any changes that are implemented and (iii) implement the approved Action Plan.

B. Performance Measures

14. A WG will be successful if it achieves the following in relation to each of the WG's aims:

1. *Presentation of recommendations to the CLAC:* The recommendations have been endorsed by the majority of participants attending a CL Forum called to discuss the recommendations and the CLAC approves an Action Plan that incorporates the feedback from stakeholders.
2. *Approach to monitoring and evaluation:* The CLAC approved the monitoring plan and the plan is followed by the Secretariat to monitor and evaluate the success of the Action Plan.
3. *Implementation of the approved action plan:* The CLAC and a meeting of a CL Forum both endorse a report by the WG that their Action Plan has been implemented and the major objectives of the actions taken have been achieved.

C. Membership

15. Standing WG Members should represent the key stakeholders involved in the topic area as technical specialists (with the potential to find answers to the problems being

examined) and / or the users in the topic area. The status of members needs to be such that they are able to make decisions and commitments regarding policies and operations without the need to consult with others in their organizations. The number of people to be appointed to a WG will vary with the scope of the task. This will determine the breadth of expertise that needs to be represented and the duration of the WG's work. It is anticipated that a WG would have between 4 and 10 members with the option to bring in additional expertise as needed.

D. Leader

16. The leader of a WG would normally be a prominent and knowledgeable person with a broad understanding of the issues who is capable of leading a team to investigate and solve problems as well as implement solutions once approved. She or he should be readily acceptable to the key stakeholders involved in the issues being considered. They would need to be proactive to keep their key stakeholders informed, involved and committed to a positive outcome of the WG's efforts.

E. Working Arrangements

17. A WG would most likely work through these stages:

1. As a team, with the CLAC as needed, review their Terms of Reference to ensure there is common understanding of the issues and the expectations of the WG and agree that the WG has the resources necessary to fulfill their assignment.
2. Develop for and have approved by the CLAC a work plan for undertaking their work. Then implement the plan which should include:
 - Researching the issues;
 - Agreeing the problem to be solved;
 - Plan consultations including discussions via a CL Forum meeting;
 - Devise an Action Plan for options and strategies for addressing their brief, including options, strategies, objectives, performance indicators, time line and resources to be used;
 - Present to the CLAC a draft Action Plan (complete with budget);
 - Once an Action Plan is approved, implement the plan or oversee the implementation as required.
 - Report on progress to the CLAC as required.
 - Review data and observations presented by the Secretariat in their monitoring and evaluation of the impact of the changes the WG introduced.

F. Consultations

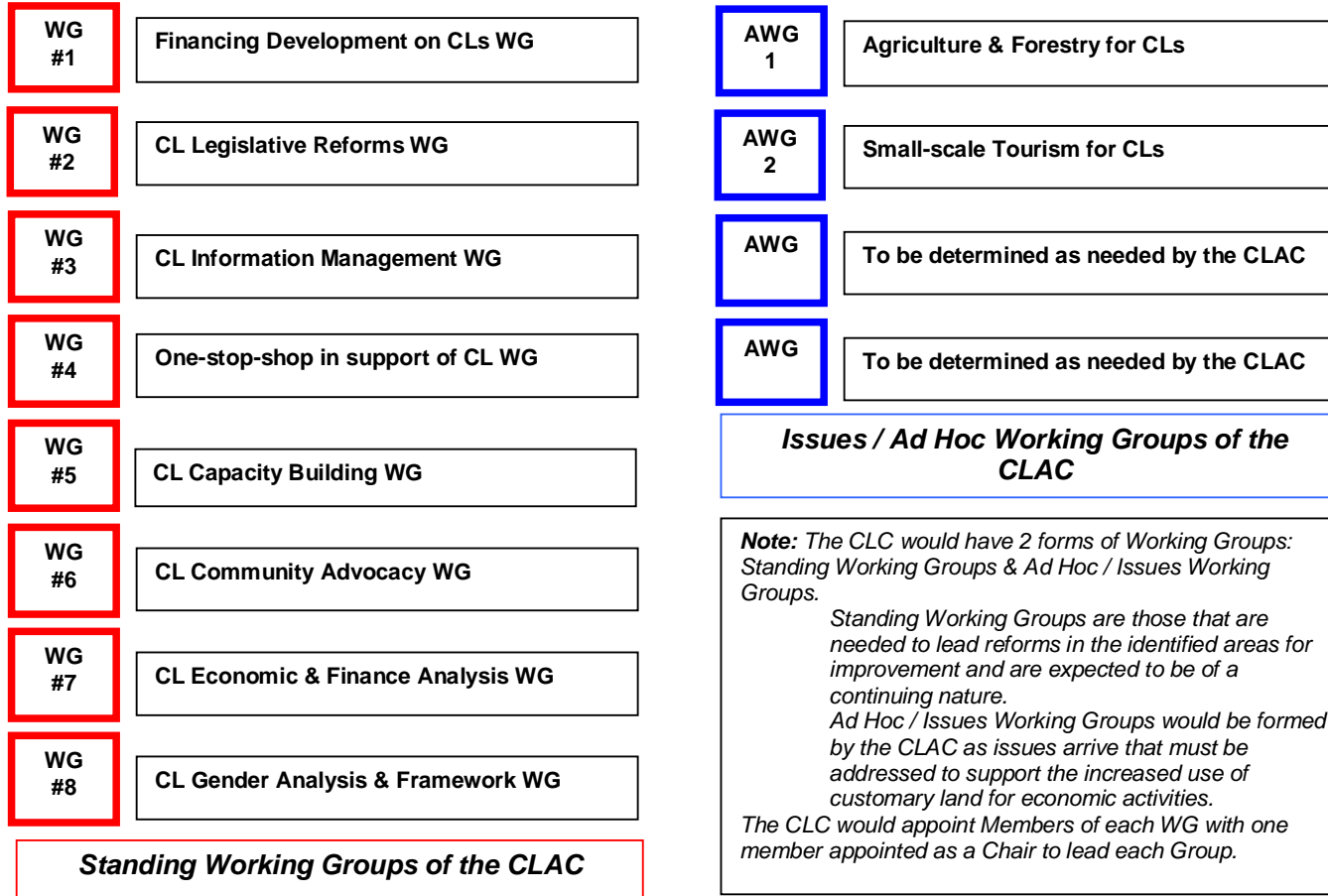
18. Consultations with key stakeholders would be an essential requirement of WGs and would normally involve at least one presentation to a CL Forum of their draft recommendations for the CLAC. Larger WGs and WGs of a longer duration might need to seek comments from stakeholders at other stages in their work including sharing the approved Action Plan, progress reports and the final report to the CLAC.

G. Overview of the Proposed Working Groups

19. Below is a summary figure that sets out the 8 Working Groups that have been identified under the Components of the next Phase of the Project, 2 Ad Hoc Working Groups that the Task Force identified that are needed and an allowance of 2 additional ad hoc groups that might be needed for other topics in the future.



CUSTOMARY LAND ADVISORY COMMISSION WORKING GROUP (WG) STRUCTURE



Appendix E: Details on the Consultants and Contractors

1. Below is a summary of the arrangements proposed for consultants and contractors to assist the Customary Land Advisory Commission (CLAC).

I Pool of Consultant Inputs

2. In general, consultants have been recommended to provide technical expertise and boost the capacity of the GoS and non-government agencies to address the major issues involved in changing the CL arrangements. To provide the CLAC with flexibility to allocate consultant resources where and when they are most useful, the CLAC could allocate person-months from the pool as priorities and the capacity of GoS agencies are better known.
3. **The following Terms of Reference are therefore indicative** of what might be needed by the CLAC. The basis of the pool has been an assessment of the topics that are most likely to need domestic and international consultant inputs. In most cases, the support would be best undertaken by an individual while in at least one case, the work would be best contracted out to a local firm.
4. The pool of consultants' inputs for the CLAC to manage would be: 17 person person-months for international consultants (over 17 inputs) and 58 person person-months of domestic consultants inputs (including 15 person-months for the Program Coordinator role to continue) with the pool of domestic person-months being able to be assigned as full time, part-time or intermittent as the task requires. The allocation of contractor inputs relates to well defined and known changes that need to be implemented whereas the consultant demands are not so clear.
5. It is assumed that the consultants will be recruited through a consulting firm and the Program Coordinator will be the Team Leader and the link between the Commission and the pool of consultants and contractors that the Commission might call upon.

II Assumptions and Risk Management

6. There are assumptions underlying the pool concept that: (i) additional technical expertise is necessary to assist the CLAC determine the best way to attend to a wide range of issues that will confront them; (ii) these experts will be able to facilitate consultations with stakeholders in addition to contributing their own expert views; (iii) these experts will mostly be from local consultants; (iii) that these local and international experts are available to the CLAC and (iv) that the CLAC, with the assistance of their Secretariat, will be willing and able to effectively use these resources, in particular, that the CLAC will be able to identify what consultants and contractors are needed, for what role and how to make the best use of these external resources. (The following list of likely TORs is very tentative as the CLAC might well be confronted with unexpected challenges that dictate a need for different skill sets in the consultants and contractors.
7. Given these risks, it is proposed that the total pool of consultants days be managed with half in the pool and the remaining half as contingency based on a review after 6 months of operation. As the majority of the consultants are projected to be needed in the first year, there should be evidence in the first 6 months of the value of the pool. This review

jointly sponsored by the GoS and the ADB could approve additional resources for the pool as appropriate from the contingency.

III Indicative Terms of Reference for Consultants

8. The following international and domestic consultants will be required to assist the Customary Land Advisory Commission to implement the reforms required by the Government of Samoa:

III.1 Program Coordinator (Domestic, 15 person-months, half time)

9. The Program Coordinator will have at least 10 years experience in the public and/or private sectors, including demonstrated experience with managing reform processes. The consultant will have a sound knowledge of traditional Samoan land tenure arrangements, of the requirements for a conducive business environment, of Government processes and the work of the Task Force on Customary Land Administration. He or she will have a demonstrated capacity to coordinate and communicate effectively among diverse groups and interests. Effective oral and written communication skills in both Samoan and English languages will be essential, with media skills an advantage. Project management, monitoring, and reporting skills will also be a distinct advantage. Demonstrated ability to supervise consultants is essential.
10. The consultant will work closely with the nominated representative of the Executing Agency toward the achievement of project outputs and outcomes. Tasks will include, but not be limited to, monitoring, updating, and reporting on implementation of the agreed Action Plans. Reporting should focus on achievement of outputs and outcomes, measured in terms of indicators and targets set out in the Action Plans. The consultant will also actively support and work closely with the Customary Land Advisory Commission (CLAC) established by the Government to manage the reform process and the series of Working Groups sponsored by the Commission.
11. The Program Coordinator will contribute to the delivery of nontechnical TA outputs. These are expected to include the drafting of administrative instructions, public information materials (for consideration by communications consultant/s), and education materials (for consideration by public education consultant/s). The Program Coordinator will actively cooperate with his or her Executing Agency counterpart in promoting awareness of the relevant issues and reforms to the broader public. The consultant will support capacity development among staff of GOS agencies involved in customary land administration as appropriate, and will actively ensure that short-term consultants also pay attention to strengthening the technical capacity of relevant government agencies.
12. As Program Coordinator, the consultant will work closely with the consulting firm to ensure that consultant inputs are well coordinated and appropriately timed. He or she will ensure that all consultants have clear and appropriate terms of reference and are briefed on their responsibilities and on progress and outstanding issues for the reforms and the progress of the TA. The Program Coordinator will compile reports from short-term consultants, will be responsible for quarterly progress reports, and will draft project inception and draft and final reports.

III.2 Short-term International Consultancy Assignments

13. Subject to review by the Customary Land Task Force and / or the Customary Land Advisory Commission, the following are the short-term international consultants that could be called upon.

- (i) **Capacity Building Specialist:** (3 person-months, three visits). Working with the domestic Capacity Development Adviser, the Working Group on Capacity Building (WG 5), the domestic and international Public Administration Reform specialists and under the guidance of the Program Coordinator, the specialist will:
 - a. Support the Chair of the WG by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Devise a program to build management `capacity to better manage their human resources;
 - c. Support a reform of staff training and development arrangements for all staff involved in customary land administration;
 - d. Develop and implement a program of targeted training and other capacity development activities in response to the changes being introduced;
 - e. With the Secretariat, monitor and assess the success of the CLAC concept against agreed performance indicators.

- (ii) **Economic and Finance Specialist:** (2 person-months, two visits). Working with the domestic Economic and Finance Specialist and the Working Group for Economic and Finance Analysis (WG 7), and under the guidance of the Program Coordinator, the specialist will:
 - a. Support the Chair of the WG by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Determine the economic benefits and cost of implementing the land reforms proposed under the project including impact analyses and cost-benefit analyses.
 - c. Provide inputs to develop the financial model and financial estimates for the implementation of the customary land reforms in Samoa
 - d. Formulate and design the financial model for determining Ministry of Finance, Ministry of Natural Resources, Environment and Meteorology, and Land & Titles Court's fiscal capacity, and other agencies as required
 - e. Work with the Program Coordinator and Ministry of Finance management in developing a detailed work plan for Ministry of Finance financial and donor assistance and lead its implementation

- (iii) **Gender Specialist:** (2 person-months, two visits). Working with the domestic Gender Specialist, the Working Group for Gender (WG 8) and under the guidance of the Program Coordinator, the specialist will:
 - a. Support the Chair of the WG by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Ensuring that the new land reforms are gender sensitive and gender issues are addressed fully in the new implementation plan,
 - c. Explore gender mainstreaming and the involvement of women's enterprises to increase the economic use of customary land
 - d. Address other issues raised in the fact-finding report for JICA, Samoa: Country Gender Profile, November 2005

- e. A local consulting firm might be engaged to undertake a gender analysis and develop an appropriate framework by consideration of international best practices and local gender issues.
- (iv) **Land Information Specialist:** (2 person-months, two visits). Working with the domestic Land Information Specialist, the Working Group for Land Information Management (WG 3) and Working Group on the Customary Land One-stop-shop (WG 4) and under the guidance of the Program Coordinator, the specialist will:
- a. Support the Chair of the WG by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Oversee an activity to develop a Records Management System for the LTC.
 - c. Oversee the establishment of a document scanning capability in each of the LTC offices taking into account equipment, training, storage and display requirements.
 - d. Oversee an activity to scan all of the files in the offices of the MJCA.
 - e. Recommend policies and procedures for providing local and remote access to scanned images of LTC files.
 - f. Oversee an activity to re-develop the Customary Land Lease Register for the CLSU.
 - g. Oversee an activity to develop a Register of Available Customary Land for the CLSU.
 - h. Assess the level of Information and Communication Technology (ICT) support required for the LTC and Customary Land Services Unit and prepare a plan for providing the required level of ICT services.
- (v) **Agriculture Specialist:** (2 person-months, two visits). Working with the domestic Agricultural Specialist, the Working Group for Agriculture and Forestry (AWG 1) and under the guidance of the Program Coordinator, the specialist will:
- a. Support the Chair of the WG by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Identify the policies and infrastructure ministries need to provide to promote agricultural and forestry development of land, taking into account the role and responsibility of the Planning and Urban Management Agency (PUMA).
 - c. Develop a participatory approach at the village level to agricultural and forestry development as proposed in Secretariat of the Pacific Policy Brief 4/2008.
 - d. Develop a range of options for people to develop their land, considering possibilities for contract farming and farmer groups.
 - e. Identify organizations and NGOs such as WIBDI (Women in Business Development Inc.) that can provide leadership to land owners in developing their land.
 - f. Establish working relationships between land holders and private and public sector agencies to facilitate land development.
- (vi) **Public Administration Reform Specialist:** (4 person-months, 4 visits). Working with the domestic Public Administration Reform Specialist, the domestic and international Capacity Building Specialists and working closely with the Customary Land Advisory Commission Chair and staff of the Commission

Secretariat, and under the guidance of the Program Coordinator, the specialist will:

- a. Support the Chair of the Commission and the staff of Secretariat by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Assist the Customary Land Advisory Commission to prepare a detailed action plan for implementing the reform policy and practices across all agencies involved with customary land administration
 - c. Assist with the monitoring and evaluation of the work of the CLAC.
- (vii) **Small Scale Tourism Specialist:** (2 person-months, two visits). Working with the domestic Small Scale Tourism Specialist and the Small Scale Tourism Working Group (AWG 2), and under the guidance of the Program Coordinator, the specialist will:
- a. Support the Chair of the WG by assisting with planning the work of the WG to effectively and efficiently achieve its objectives.
 - b. Identify the policies and infrastructure ministries need to provide to promote tourism development of land, taking into account the role and responsibility of the Planning and Urban Management Agency (PUMA).
 - c. Develop a range of options for people to develop their land, considering possibilities for eco tourism, retirement villages, etc.
 - d. Identify organizations and NGOs such as WIBDI that can provide leadership to land owners in developing their land.
 - e. Establish working relationships between land holders and private and public sector agencies to facilitate land development.

III.3 Short-term Domestic Consultancy Assignments

14. Subject to review at the time of any fact-finding mission, the following are the recommended short-term domestic consultants:

- (i) **Capacity Building Specialist:** (6 person-months, intermittent). Working with the International Public Administration Specialist and under the guidance of the Program Coordinator, the specialist will:
- a. Work closely with the Customary Land Capacity Building Working Group (WG 5), the Secretariat, other consultants and other Working Groups to assess the capacity building needs arising from the recommended changes being introduced;
 - b. Support the Chair of the WG by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives.
 - c. In conjunction with Human Resources personnel in the relevant GOS agencies and other organisations, arrange a training needs analysis in line with PSC policies and procedures to determine staff training priorities.
 - d. Assist agencies to conduct the training required, assisting with delivered of specialised training if necessary in relation to customary land matters.
 - e. Liaise with other donors projects, e.g. Law and Justice Sector Plan, SIAM2, Ministry of Justice and Courts Administration Institutional Strengthening

Project (MJCA ISP), The Pacific Judicial Development Programme, The Samoa Public Sector Improvement Facility (PSIF), Samoa In-Country Training and Samoa Short Term Training Awards, to monitor opportunities for training members of the Target Group and avoid duplication of effort.

- f. In conjunction with the in-house Human Resources personnel, monitor and evaluate the training given to staff and ensure that the performance standard required are met by the end of the training.

(ii) Community Information Specialist: (6 person-months, intermittent). Working with the Community Advocacy Working Group (WG 6), and under the guidance of the Program Coordinator, the specialist will:

- a. Support the Chair of the WG by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives.
- b. Develop the messages that need to be communicated.
- c. Select the best options available for delivering the messages, when they should be delivered, and implement them.
- d. Decide how success can be assessed.
- e. Consult widely with key stakeholder to address issues raised by them or by the CLAC.

(iii) Economic & Finance Specialist: (4 person-months, intermittent). Working with the international Economic and Finance Specialist and the Working Group for Economic and Finance Analysis (WG 7), and under the guidance of the Program Coordinator, the specialist will:

- a. Support the Chair of the WG by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives.
- b. Determine the economic benefits and cost of implementing the land reforms proposed under the project including impact analyses and cost-benefit analyses.
- c. Provide inputs to develop the financial model and financial estimates for the implementation of the customary land reforms in Samoa
- d. Formulate and design the financial model for determining Ministry of Finance, Ministry of Natural Resources, Environment and Meteorology, and Land & Titles Court's fiscal capacity, and other agencies as required
- e. Work with the Program Coordinator and Ministry of Finance management in developing a detailed work plan for Ministry of Finance financial and donor assistance and lead its implementation

(iv) Gender Specialist: (4 person-months, intermittent). Working with an international Gender Specialist, the Working Group for Gender (WG 8) and under the guidance of the Program Coordinator, the specialist will:

- a. Support the Chair of the WG by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives.
- b. Ensuring that the new land reforms are gender sensitive and gender issues are addressed fully in the new implementation plan,

- c. Exploration of gender mainstreaming and the involvement of women's enterprises as another variable to increase the economic use of customary land
 - d. Address other issues raised in the fact-finding report for JICA, Samoa: Country Gender Profile, November 2005
 - e. A local consulting firm might be engaged to undertake a gender analysis and develop an appropriate framework by consideration of international best practices and local gender issues.
- (v) **Land Development Specialist:** (2 person-months, intermittent). Working with the Financing Development of Customary Lands Working Group (WG 1), and under the guidance of the Program Coordinator, the specialist will:
- a. Support the Chair of the WG by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives.
 - b. Options currently existing for landowners who want to develop their customary land.
 - c. Difficulties people encounter in seeking finance for their own developments and how these can be overcome.
 - d. Increasing the range of options for financing development.
 - e. Getting the message about these options to landowners.
 - f. Measures to indicate if the new funding strategies are working.
 - g. Stakeholder Consultations to address the issues.
- (vi) **Land Information Specialist:** (6 person-months, intermittent). Working with the international Land Information Specialist, the Working Group for Land Information Management (WG 3) and Working Group on the Customary Land One-stop-shop (WG 4) and under the guidance of the Program Coordinator, the specialist will:
- a. Support the Chairs of the two WGs by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives.
 - a. Undertake stakeholder consultations to gauge the requirements for a Customary Land Services Unit (CLSU).
 - b. Define the requirements for the creation of a CLSU in terms of organizational structure, role, staffing, skills, location and services provided.
 - c. Determine accommodation (Upolu and Savaii), equipment, promotional material, technical charts and information required to support CLSU operations.
 - d. Determine and establish links to relevant ministries, NGOs and businesses.
 - e. Oversee the implementation of recommendations in the Mid Term Report to improve procedures for leasing customary land.
 - f. Determine key performance indicators and a methodology for measuring the success of the CLSU on an on-going basis.
 - g. Ensure that the CLSU becomes the prominent source of information on options for land holders and investors on economic development of customary land.

- d. Identify organizations and NGOs such as WIBDI that can provide leadership to land owners in developing their land.
- e. Establish working relationships between land holders and private and public sector agencies to facilitate land development.

III.4 Services to be Contracted to Local or International Firms

15. There is likely to be a need for firms to be contracted to undertake assignments where expertise is brought in to address specific problems and produce options, answers or strategies to those problems. The focus in those cases is on the output rather than the process. This is important in using Technical Assistance Consultants who focus on building the capacity within the stakeholders organisations to be more confident and competent to repeat the process in the future.

16. Services may be needed for a range of assignments as shown by these examples:

- (i) **Domestic database development firm:** (2 person-months with an estimated cost of SAT\$30,000). Working with the domestic and international Land Information Management Specialists and under the guidance of the Program Coordinator, the firm will develop and deliver an appropriate and sustainable database for customary land-related data, building on existing systems where possible, addressing the needs of both the Land and Titles Court and MNREM, addressing the need for seamless data management between the two agencies, and addressing the requirement for appropriate public access to the data.
- (ii) **International document scanning firm:** (2 years with an estimated cost of SAT\$2,000,000). Working with the domestic and international Land Information Management Specialists and under the guidance of the Program Coordinator, and Working Group on Information Management (WG 3), the firm would (i) Establish a document scanning capability in each of the LTC offices, providing equipment, training, storage and display requirements.; (ii) Scan all of the files in the offices of the MJCA and (iii) Advise on policies and procedures for providing local and remote access to scanned images of LTC files.
- (iii) **International and / or domestic firm:** (2 person-months with an estimated cost of SAT\$30,000). Working with the Gender Working Group (WG 8), under the guidance of the Program Coordinator, the firm would (i) Produce a model for ensuring that the new land reforms are gender sensitive and gender issues are addressed fully in the new implementation plan; (ii) Demonstrate how gender mainstreaming and the involvement of women's enterprises can increase the economic use of customary land and (iii) Undertake a gender analysis and develop an appropriate framework by consideration of international best practices and local gender issues.



Appendix F: Indicative Budget for the PIP and Summary of External Funding Required

	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
1	National Coordination of Customary Land Stakeholders						
1.1	Commission operations:	\$718,200	\$192,600	\$525,600	\$375,600	\$75,000	\$75,000
	Sitting Fees						
	Chair of the Commission	\$12,000	\$12,000				
	Members of the Commission	\$89,100	\$89,100				
	Chair of the Commission (Allowance)	\$9,000	\$9,000				
	Commission Members (Allowance)	\$67,500	\$67,500				
	International and Local Travel	\$200,000		\$200,000	\$200,000		
	Meeting room costs (incl M&A Tea, Lunch)	\$12,000	\$12,000				
	Communications costs (incl reports)	\$3,000	\$3,000				
	Consultants						
	Remuneration and Per Diem						
	i. International Consultants	\$90,000		\$90,000	\$90,000		
	ii. Domestic Consultants (Project Coordinator)	\$225,000		\$225,000	\$75,000	\$75,000	\$75,000
	International and Local Travel	\$10,000		\$10,000	\$10,000		
	Reports and Communications	\$600		\$600	\$600		
1.2	Forum Meetings	\$881,000	\$801,000	\$80,000	\$40,000	\$40,000	\$0
	Meeting room costs (incl Morning Tea)	\$600,000	\$600,000				
	Sitting fee for non GoS participants	\$80,000		\$80,000	\$40,000	\$40,000	
	Communications costs	\$200,000	\$200,000				
	Other costs (excluding consultant costs)	\$1,000	\$1,000				
1.3	Working Group AWG # 1 Agriculture & Forestry for CL	\$265,600	\$65,000	\$200,600	\$180,600	\$20,000	\$0
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$25,000	\$25,000				



	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants				\$0		
	Remuneration and Per Diem				\$0		
	i. International Consultants	\$90,000		\$90,000	\$90,000		
	ii. Domestic Consultants	\$60,000		\$60,000	\$60,000		
	International and Local Travel	\$10,000		\$10,000	\$10,000		
	Reports and Communications	\$600		\$600	\$600		
1.4	Working Group AWG # 2 Small Scale Tourism for CLs	\$235,600	\$65,000	\$170,600	\$150,600	\$20,000	\$0
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$25,000	\$25,000				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants				\$0		
	Remuneration and Per Diem				\$0		
	i. International Consultants	\$90,000		\$90,000	\$90,000		
	ii. Domestic Consultants	\$30,000		\$30,000	\$30,000		
	International and Local Travel	\$10,000		\$10,000	\$10,000		
	Reports and Communications	\$600		\$600	\$600		
1.5	Other Ad-Hoc Working Groups (Allowing for 4 more WGs)	\$724,900	\$42,500	\$682,400	\$662,400	\$20,000	\$0
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$2,500	\$2,500				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants				\$0		
	Remuneration and Per Diem				\$0		
	i. International Consultants	\$360,000		\$360,000	\$360,000		



	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
	ii. Domestic Consultants	\$240,000		\$240,000	\$240,000		
	International and Local Travel	\$40,000		\$40,000	\$40,000		
	Reports and Communications	\$2,400		\$2,400	\$2,400		
1.6	Secretariat	\$1,010,600	\$810,000	\$200,600	\$190,600	\$10,000	\$0
	Salaries				\$0		
	Manager CLCC Secretariat	\$240,000	\$240,000				
	Assistant Manager CLCC Secretariat	\$240,000	\$240,000				
	CLCC Working Group Support Officers	\$240,000	\$240,000				
	Office operations						
	Stationery & supplies	\$30,000	\$30,000				
	Local Travel	\$45,000	\$45,000				
	Communications costs (incl reports)	\$15,000	\$15,000				
	Equipment	\$35,000		\$35,000	\$35,000		
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants				\$0		
	Remuneration and Per Diem				\$0		
	i. International Consultants	\$90,000		\$90,000	\$90,000		
	ii. Domestic Consultants	\$45,000		\$45,000	\$45,000		
	International and Local Travel	\$10,000		\$10,000	\$10,000		
	Reports and Communications	\$600		\$600	\$600		
2	Financing Development on Customary Land						
	Working Group #1 - Financing Development on CLs	\$135,000	\$65,000	\$70,000	\$50,000	\$20,000	\$0
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$25,000	\$25,000				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	



	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
	Consultants						
	Remuneration and Per Diem						
	i. International Consultants	\$0		\$0			
	ii. Domestic Consultants	\$30,000		\$30,000	\$30,000		
	International and Local Travel	\$0		\$0			
	Reports and Communications	\$0		\$0			
3	Legislative Reforms						
	Working Group # 2 - Legislative Reform	\$99,600	\$15,600	\$84,000	\$42,000	\$42,000	\$0
	Meeting room costs	\$9,600	\$9,600				
	Communications costs (incl reports)	\$6,000	\$6,000				
	Sitting fee for non GoS participants	\$4,000		\$4,000	\$2,000	\$2,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants						
	Remuneration and Per Diem						
	i. International Consultants	\$0	\$0		\$0		
	ii. Domestic Consultants	\$60,000		\$60,000	\$30,000	\$30,000	
	International and Local Travel	\$0	\$0		\$0		
	Reports and Communications	\$0	\$0		\$0		
4	Capacity building to support customary land administration reforms						
4.1	Reform of technical systems, procedures and processes						
	Working Group # 3 - CL Information Management	\$2,325,100	\$65,000	\$2,260,100	\$750,100	\$1,010,000	\$500,000
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$25,000	\$25,000				



Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
	By Cost	Source				
	Element	GoS	Foreign			
	Total	Total	Total			
Other costs (excluding consultant costs)	\$1,000		\$1,000	\$1,000		
Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
Equipment (Land & Titles Court)	\$50,000		\$50,000	\$50,000		
Consultants						
Remuneration and Per Diem						
i. International Consultants	\$90,000		\$90,000	\$90,000		
ii. Domestic Consultants	\$52,500		\$52,500	\$52,500		
International Firm to scan LTC documents	\$2,000,000		\$2,000,000	\$500,000	\$1,000,000	\$500,000
Systems development (2 new CL registers)	\$40,000		\$40,000	\$40,000		
International and Local Travel	\$6,000		\$6,000	\$6,000		
Reports and Communications	\$600		\$600	\$600		
Working Group # 4 - Customary Land One-stop-shop	\$699,500	\$550,000	\$149,500	\$128,500	\$21,000	\$0
Meeting room costs	\$80,000	\$80,000				
Communications costs (incl reports)	\$50,000	\$50,000				
Salaries		\$0				
Manager CLSU (ACEO level)	\$160,000	\$160,000				
Assistant Manager CLSU (senior level)	\$80,000	\$80,000				
Assistant CLSU Officer	\$180,000	\$180,000				
Office operations		\$0				
Stationery & supplies	\$20,000		\$20,000	\$10,000	\$10,000	
Office furniture & fittings	\$30,000		\$30,000	\$30,000		
Equipment (PCs, printer, photocopier for CLSU)	\$40,000		\$40,000	\$40,000		
Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
Other costs (excluding consultant costs)	\$2,000		\$2,000	\$1,000	\$1,000	
Consultants				\$0		
Remuneration and Per Diem				\$0		



	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
	i. International Consultants	\$0		\$0	\$0		
	ii. Domestic Consultants	\$37,500		\$37,500	\$37,500		
	International and Local Travel	\$0		\$0	\$0		
	Reports and Communications	\$0		\$0	\$0		
4.2	Upgrading management practices						
4.3	Building skills and knowledge to underpin the reforms						
	Working Group # 5 - CL Capacity Building	\$345,600	\$65,000	\$280,600	\$260,600	\$20,000	\$0
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$25,000	\$25,000				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants						
	Remuneration and Per Diem						
	i. International Consultants	\$135,000		\$135,000	\$135,000		
	ii. Domestic Consultants	\$90,000		\$90,000	\$90,000		
	International and Local Travel	\$15,000		\$15,000	\$15,000		
	Reports and Communications	\$600		\$600	\$600		
5	Effective Community Advocacy						
	Working Group # 6 - CL Community Advocacy	\$451,200	\$130,000	\$321,200	\$160,600	\$160,600	\$0
	Meeting room costs	\$80,000	\$80,000				
	Communications costs (incl reports)	\$50,000	\$50,000				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$120,000		\$120,000	\$60,000	\$60,000	
	Consultants				\$0		
	Remuneration and Per Diem				\$0		



	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
	i. International Consultants	\$0		\$0	\$0		
	ii. Domestic Consultants	\$180,000		\$180,000	\$90,000	\$90,000	
	International and Local Travel	\$0		\$0	\$0		
	Reports and Communications	\$1,200		\$1,200	\$600	\$600	
6	Monitoring and Evaluation						
6.1	Economic and Financial Analysis						
	Working Group # 7 - CL Economic & Finance Analysis	\$255,400	\$65,000	\$190,400	\$180,400	\$10,000	\$0
	Meeting room costs	\$40,000	\$40,000				
	Communications costs (incl reports)	\$25,000	\$25,000				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$10,000		\$10,000	\$10,000		
	Consultants				\$0		
	Remuneration and Per Diem				\$0		
	i. International Consultants	\$90,000		\$90,000	\$90,000		
	ii. Domestic Consultants	\$60,000		\$60,000	\$60,000		
	International and Local Travel	\$10,000		\$10,000	\$10,000		
	Reports and Communications	\$400		\$400	\$400		
6.2	Gender Analysis and framework						
	Working Group # 8 - CL Gender Analysis & Framework	\$490,800	\$130,000	\$360,800	\$180,400	\$180,400	\$0
	Meeting room costs	\$80,000	\$80,000				
	Communications costs (incl reports)	\$50,000	\$50,000				
	Sitting fee for non GoS participants	\$20,000		\$20,000	\$10,000	\$10,000	
	Contingency for Implementation	\$20,000		\$20,000	\$10,000	\$10,000	
	Consultants						



	Component No & Cost Elements	Total	Funding		Year 1	Year 2	Year 3
		By Cost	Source				
		Element	GoS	Foreign			
		Total	Total	Total			
	Remuneration and Per Diem						
	i. International Consultants	\$180,000		\$180,000	\$90,000	\$90,000	
	ii. Domestic Consultants	\$120,000		\$120,000	\$60,000	\$60,000	
	International and Local Travel	\$20,000		\$20,000	\$10,000	\$10,000	
	Reports and Communications	\$800		\$800	\$400	\$400	
	TOTALS:	\$8,638,100	\$3,061,700	\$5,576,400	\$3,352,400	\$1,649,000	\$575,000



Appendix G: Link Between Output and Costs

	Component & Activity Number	Output	Total Costs	GOS Costs	Foreign Costs
1	National Coordination of Customary Land Stakeholders				
1.1	Commission operations	The CLAC is formed, operates and provides national leadership and coordination of customary land management.	\$718,200	\$192,600	\$525,600
1.2	Forum Meetings	Forum meetings are held regularly and provide a productive and constructive vehicle for discussion on specific issues concerning increasing the use CLs for economic activities.	\$881,000	\$801,000	\$80,000
1.3	Working Group AWG # 1 Agriculture & Forestry for CL	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities in agriculture and forestry on CLs.	\$265,600	\$65,000	\$200,600
1.4	Working Group AWG # 2 Small Scale Tourism for CLs.	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities in agriculture and forestry on CLs.	\$235,600	\$65,000	\$170,600
1.5	Other Ad-Hoc Working Groups (Allowing for 4 more WGs)	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs in with the specific area of interest they have been allocated.	\$724,900	\$42,500	\$682,400
1.6	Secretariat	The Secretariat is formed and operates in a way that successfully supports the work of the CLCC and the WGs and facilitates the implementation of the WGs' plans as approved by the CLCC.	\$1,010,600	\$810,000	\$200,600
2	Financing Development on Customary Land				
	Working Group #1 - Financing Development on CLs	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by improving the access to finance for development by landholders and investors.	\$135,000	\$65,000	\$70,000



	Component & Activity Number	Output	Total Costs	GOS Costs	Foreign Costs
3	Legislative Reforms				
	Working Group # 2 - Legislative Reform	The WG is formed, operates efficiently and effectively and provides recommendations on legislative changes needed to increase economic activities on CLs.	\$99,600	\$15,600	\$84,000
4	Capacity Building to Support CL Administration Reforms				
4.1	Reform of technical systems, procedures and processes	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities in agriculture and forestry on CLs.			
	Working Group # 3 - CL Information Management	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by improving the management of and access to the information needed by landholders and investors.	\$2,325,100	\$65,000	\$2,260,100
	Working Group # 4 - Customary Land One-stop-shop	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by creating and operating a Customary Land One-stop-shop to support landholders and investors.	\$699,500	\$550,000	\$149,500
4.2	Upgrading management practices				
4.3	Building skills and knowledge to underpin the reforms				
	Working Group # 5 - CL Capacity Building	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs by improving the competence, confidence and motivation of those supporting landholders and investors.	\$345,600	\$65,000	\$280,600



	Component & Activity Number	Output	Total Costs	GOS Costs	Foreign Costs
5	Effective Community Advocacy				
	Working Group # 6 - CL Community Advocacy	The WG is formed, operates efficiently and effectively and provides recommendations on how to increase economic activities on CLs through a program of public education, information and awareness raising on how landholders and investors can develop CLs.	\$451,200	\$130,000	\$321,200
6	Monitoring and Evaluation				
6.1	Economic and Financial Analysis				
	Working Group # 7 - CL Economic & Finance Analysis	The WG is formed, operates efficiently and effectively and recommends on a model to use to assess the economic and financial impact of increased economic activities on CLs and how this might encourage greater economic use of those CLs.	\$255,400	\$65,000	\$190,400
6.2	Gender Analysis and framework				
	Working Group # 8 - CL Gender Analysis & Framework	The WG is formed, operates efficiently and effectively and recommends a model on the gender issues involved in increasing economic activities on CLs and how to ensure fairness for all in the process.	\$490,800	\$130,000	\$360,800

Appendix H: Key People Consulted

Following are details of the individuals and organizations consulted during the work of the Team in August and September 2008.

1. Customary Land Task Force Meetings to discuss the PIP

NAMES	03/09/08 Technical Working Group	05/09/08 Working Group	09/09/08 Working Group	18/09/08 Working Group	25/09/08 Working Group
Rev Oka Fauolo (Chairman)	A	✓	✓	✓	A
Tuuu Dr Ieti Taulealo (CEO – MNRE)	✓	A	A	O	✓
Luagalau F E Shon (CEO – MWCSO)	✓	✓	✓	✓	✓
Masinalupe Tusipa Masinalupe (CEO – MJCA)		✓	✓	A	O
Papalii Malietau Malietoa (Representative - AG's Office)	✓	✓	✓	✓	A
Tolefoa Solomon Toailoa (Representative – Samoa Law Society)	A	✓	✓	✓	✓
Kasiano Leaupepe (Representative – Community)	N	✓	✓	✓	
Leaupepe Farani (Representative – Community)	N	✓	✓		
Rev. Leaso Tupai (Representative-Community)	N		A		✓
Leota Laki L Sio (Project Manager – PMU)	✓	✓	✓	O	✓
Maria Melei (Representative – ADB)				✓	
Elisaia Talouli (ACEO – MNRE)				✓	

Note: A – Apologies
 O – Overseas
 N – Not in Technical Working Group

2. People Interviewed

Name	Organisation & Role
GOS Officers	
Masinalupe Tusipa Masinalupe	CEO, MJCA
Tuuu Dr. Ieti Taulealo	CEO, MNREM
Patea Setefano	ACEO Land Management Division, MNREM
Jude Kohlhase	ACEO, Planning and Urban Management Agency
Siufaga Tauauvea	ACEO Land and Titles Court
Tuiafelolo Tolefoa PA John Stanley	ACEO, Public Service Commission
Peniamina Tuala	Senior Land Administration Officer, MNREM
Sita Heather	Principal Land Registration Officer, MNREM

Name	Organisation & Role
Tony Brighthouse	Financial Consultant, Samoa Realty
Billy Chan-Ting	Systems Analyst, Computer Services Limited
Amela Silipa	Records Management Officer, MJCA
Anna Schuster	Data Analyst, Information Technology Division, MoF
Pele. Fuatai	Project Component Manager (SIAM-2)
Matthew Mauala	IT Officer, MJCA
Efi Va'a	IT Officer, MJCA
Ieti Taulealo	IT Officer, MNREM
Donor Agencies and Projects	
Maria Melei	Senior Project Implementation Officer, South Pacific Subregional Office, ADB Fiji
Karen Leslie	MFAT NZAID First Secretary, Development Programme, NZHC
Christine Saaga	MFAT NZAID Development Programme Coordinator, NZHC
Ian Bignall,	Counsellor, Development Cooperation, AHC: (AusAID)
Thomas Opperer	Head of Delegation, European Union Mission to Samoa:
Cam Wendt	Facility Manager, PSIF & NZAID
Livingston Armytage	Law and Justice Sector Plan (AusAID)