

JOINT REVIEW REPORT

Mama Graon – Vanuatu Land Program

FINAL – 8 January 2013

Aid Activity Summary

Aid Activity Name	Mama Graon Program – Vanuatu Land Program		
AidWorks initiative number	INI501		
Commencement date	3 January 2011	Expected completion date	30 June 2015 (or 31 December 2015 if the option to extend is exercised)
Total Australian \$	\$15.5million		
Total other \$	New Zealand has committed \$4.8 million for the period January 2011 to June 2013		
Delivery organisation(s)	Land Equity International Pty Ltd		
Implementing Partner(s)	Ministry of Lands Ministry of Justice and Community Services Department of Local Authorities (from 2012) Malvatumauri National Council of Chiefs Vanuatu Cultural Centre		
Country/Region	Vanuatu		
Primary Sector	Land		

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Acronyms

AusAID	Australian Agency for International Development
CD	Capacity Development (also called capacity building)
CLT	Customary Land Tribunal
DG	Director General
DoL	Department of Lands
DPD	Deputy Program Director
GIS	Geographic Information System
GoV	Government of Vanuatu
HR	Human Resources
IEC	Information, Education and Communication
ISP	Implementing Service Providers
IT	Information Technology
JR	Joint Review
JRR	Joint Review Report
LEI	Land Equity International Pty Ltd
LMPC	Land Management and Planning Committee
LSCU	Land Sector Coordination Unit
M&E	Monitoring and evaluation
MC	Managing Contractor
MGP	Mama Graon – Vanuatu Land Program
MJCS	Ministry of Justice and Community Services
MNCC	Malvatumauri National Council Of Chiefs
MoL	Ministry of Lands
NLS	National Land Summit
NLSC	National Land Steering Committee
NZ	New Zealand
NZAP	New Zealand Aid Programme (previously NZAID)

PA	Partnering Agreement
PAA	Priority Action Agenda
PD	Program Director
PDD	Program Design Document
PLAS	Planning Long, Acting Short
PMC	Program Management Committee
SoS	Scope of Service
SPM	Senior Program Manager
TWG	Thematic Working Group (of the VLGC)
VKS	Vanuatu Cultural Centre
VLGC	Vanuatu Land Governance Committee
VLSF	Vanuatu Land Sector Framework 2009-2018
VSTLRI	Vanuatu Short-term Land Reform Initiatives

Executive Summary

A. Introduction

This report documents the findings and recommendations of the Joint Review of the Australia and New Zealand funded AUD\$20.3 million Mama Graon – Vanuatu Land Program (MGP), commissioned by the Governments of Vanuatu, Australia and New Zealand in late 2012. The MGP was designed to support implementation of the Vanuatu Land Sector Framework (VLSF), a strategy document developed in response to the 2006 National Land Summit. Responsibility for the implementation of the VLSF sits with the Vanuatu Land Governance Committee (VLGC) which is chaired by the Director General of Lands. It is supported by the Land Sector Coordination Unit. **The Joint Review was asked to focus on the MGP’s relevance, effectiveness and efficiency.**

B. Activity Design

The MGP program design is an amalgam of two designs –from Australia and New Zealand. The goal of the integrated five-year MGP is that *all Vanuatu people benefit from the equitable and sustainable development of their land, while securing the heritage of future generations*. Its purpose is *to improve decision making, make it more transparent, and improve land management procedures and practices, and in doing so minimise the potential for conflict*. The component structure is outlined in Section 2.

C. Review methodology

The Joint Review involved: an initial review of documentation; a first interview phase that focused on stakeholders most directly involved in program delivery; a second interview phase that gathered feedback from the beneficiaries of the program’s activities to date, particularly the Provincial Governments and communities (in Port Vila, Tafea, Sanma, Shefa and Malampa provinces); the conduct of a validation workshop with key partners to gather feedback on the findings of the review; and a workshop to prepare a joint management response to the review. The process was both highly consultative and comprehensive.

D. Joint review team

The JR team comprised: Johnson Wabaiat, co-Team Leader (Government of Vanuatu Representative); Robyn Renneberg, co-Team Leader (Monitoring and Evaluation Specialist); Mary Pati, Land Administration Specialist and Michael Taurakoto, Civil Society Representative. Anna Naupa is the AusAID Evaluation Manager. Members of the Program Management Committee were also involved in the review, for example, through observation of workshops and meetings.

E. Review Findings

Relevance

To what extent does the program design remain relevant to the needs of Vanuatu and its current development context?

Land has not been identified as a key development sector in strategic planning documents, suggesting that it is not a high priority for the Government of Vanuatu (GoV) or the Development Partners. However, the land issues and priorities that were identified at the 2006 National Land Summit, shaped the 2009 Vanuatu Land Sector Framework (VLSF) and informed the MGP design remain. Work is underway at present to raise the status of land in relevant plans. The goal and purpose of the MGP remain relevant but there are concerns about the design. The expectations of the MGP are unrealistic and the program would benefit from a focus on a smaller number of priority areas.

How responsive is the program to emergent issues?

While there is little strategic direction or oversight for the VLSF or the MGP by the GoV implementation oversight by the multi stakeholder Program Management Committee (PMC) is growing stronger over time and provides for responsiveness to emergent issues. The rolling design of the MGP also allows the program to respond to emerging issues.

How have partners participated in the program? Identify major issues that affected engagement and suggest ways to enhance conflict management and effective partnerships?

Participation of partners is variable. Participation by the Malvatumauri, the Survey and Valuations Section in the Department of Lands, the Ministry of Justice and Department of Local Affairs has been strong. Some sections of the Department of Lands have not taken full advantage of the program and participation by the Ministry of Lands is limited. The Vanuatu Cultural Centre has chosen to step back from the program due to concerns about the approach being adopted by the Malvatumauri. Partner engagement is complex and variable and multiple strategies are needed to manage conflict and develop effective partnerships.

Effectiveness

To what extent is the Mama Graon Program on track to achieve its end of project outcomes?

It is unlikely that the MGP will achieve its end of program outcomes. The matrix at Attachment D summarises the outputs and outcomes achieved to date under the MGP. It records good progress against some components and little, if any, against others. Reasons are: the buy in and commitment of the GoV is questionable; the program scope is too extensive; and the duration is relatively short (three years for the NZ components and five years for the AusAID components).

Has advisory support resulted in outputs and intermediate outcomes that are expected to lead to end-of-program outcomes?

The quality of advisers has been variable and their contribution to end of program outcomes is mixed. This is true of both national and international advisers. It may be that some roles do not require advisers; other forms of capacity development (CD), such as capacity substitution, could be more suitable. Alternative capacity development strategies need to be explored.

How have program partners contributed to the successes/challenges of the Mama Graon Program?

The contributions by the VLGC, Director General of Lands, Ministry of Lands and the Land Sector Coordination Unit have not met the expectations outlined in the design documents. This is also true of the Vanuatu Cultural Centre and some sections of the Department of Lands. However, other partners have worked closely with the program to achieve results.

F. Efficiency

Could more outputs have been delivered with same inputs? Could the same outputs have been delivered with less inputs?

It is the JR's view that the MGP is no more or less costly than other programs of its type where delivery is managed through a MC. The value for money¹ of a program is based on the costs of the delivery modality (inputs) and the results of the program (outputs and outcomes). An average of AUD \$3 million is spent annually on the MGP, a relatively modest amount compared to other AusAID programs and it is unlikely that the full budget of the MGP will be utilised by June 2015. The value of the outputs and outcomes are less easily established. The review team considered alternative options, their cost (and particularly from a donor perspective, the risks) against the benefits from the program. Those options were: (a) Continue as is (b) Smaller more targeted program, using the Managing Contractor(MC) modality (c) Government managed program with implementation support from a donor funded MC (d) Budget support and (c) Mixed modality. Partner responsiveness and ownership also influence the quality (and cost effectiveness) of outputs. Risk is also a major factor for Development Partners.

To what extent are the program management arrangements appropriate to the sensitivities within the land sector?

The Managing Contractor (MC) modality was the appropriate choice given the situation at the time of program design. However, there is a cost associated with the MC implementation modality. Alternative, less costly, options that should be considered for the future are: (i) Program management and administration by the GoV, (ii) Implementation Service Provider (ISP) model and (iii) Budget support.

What other capacity development modalities could have delivered the same outputs and intermediate outcomes with less inputs?

Capacity development modalities should be based on the nature of change/development required and alternate options to advisers need to be explored. Overall the approach to capacity development of the MGP is weak.

What lessons about efficiency can be drawn from the program inception period to inform a re-focusing of future activity?

A key lesson from the MGP is the need to accept that consultative processes and practices are not always efficient, but essential to gain buy in. The review found that the recruitment process is

¹ In assessing value for money a number of factors need to be considered (e.g. suitability, quality, relevance, price, whole of life costs and government policies) on a case-by-case basis. Price is only one aspect of value for money and by itself does not necessarily provide an indicator of value.

inefficient, the Imprest Account generates unnecessary work and procurement processes require refinement.

Have the governance arrangements and partnership enabled efficient implementation? Assess the current governance structure and whether the program could be better governed from other Ministries or departments.

Conceptually, the program governance arrangements are appropriate although there are, inevitably, overlaps in the governance and management roles. Some parts of the program governance arrangements have not been very effective. There has been lack of clarity about the power and authority of the PMC however it is developing into an effective program governance and management forum. The LSCU has been unable to fulfill its role due to the lack of direction from the responsible Ministry or VLGC, lack of resources and institutional support. The JR found that the MGP needs a high level champion.

To what extent is the program aligned with other land sector initiatives?

It is the role of the VLGC and the LSCU to ensure coordination and alignment of MGP activities with other land sector initiatives under the VLSF. Communication between the MGP and other programs is not strong so alignment is not as strong as it should be.

How is progress monitoring used to inform management decisions and the approach of the Managing Contractor and the PMC?

The VLGC and the LGCU are responsible for monitoring the MGP's contribution to the VSLF and the PMC is responsible for monitoring program implementation. The VLGC, the LSCU and the PMC are all reliant on the Managing Contractor to provide the information they need to properly monitor the program. The lack of an approved Monitoring and Evaluation Framework is of concern and the review questions the need for separate Frameworks for the MGP and the VLSF. The AusAID Senior Program Manager is responsible for monitoring the program from a donor perspective.

G. General issues

The Joint Review identified several broader program issues for discussion:

- A consistent theme that emerged throughout the review was the lack of genuine leadership for the land sector. The VLGC, the DG of Lands, the heads of the various partner agencies, non government organisations etc. all have a role to play in shaping reform in the sector. However, at the moment, the sector is seen as divisive, with some key players actively undermining reforms. Leadership is essential to draw the stakeholders together and to drive the reforms identified at the National Land Summit and through the VLSF process. If the current situation continues there is little value in DPs directing funds to the sector. The JR acknowledges the challenge facing the DG Lands to balance the tensions associated with supporting reform and land governance improvements while supporting Ministerial and political agendas - if there is no political will for the kind of reform and land governance improvements that the MGP seeks to support, it is very difficult (virtually impossible) for a DG to champion the cause.

- The MGP is positioned at the front of change in the land sector and has developed a strong identity of its own. This is contrary to the expectation that the MGP would support Vanuatu organizations. It also feeds the incorrect perception that donors are driving the land agenda.
- The majority of those consulted throughout Vanuatu felt that the name 'Mama Graon Program' should be changed.
- Views varied on the organisational location of the program.
- The perception of corruption in the DoL is impacting on the delivery of the MGP.
- Personal relationships, histories, styles and professional backgrounds are perceived to be influencing the program, sometimes negatively.
- The review has concerns about how well social inclusion (including gender) is being integrated into the work being done by the MGP and particularly that with the MNCC.

H. Conclusions

The positive aspects of the MGP identified by the JR include:

- The PMC is developing into an effective decision making body that is able to provide guidance on the program's direction and priorities
- The work with the MNCC has progressed well and should contribute to program outcomes - communities are excited by the work of the MNCC
- Some DoL partners have engaged strongly with the program and are making solid improvements (for example, in valuations and survey)
- Most advisers, national and international, have been well received and have contributed to progress in some technical areas
- Private valuers are seeing improvements in the valuations function of the DoL
- Cultural centre field workers recognise the importance of the MGP's contribution to their ongoing activities

The areas of most concern are:

- Lack of an effective VLGC and an under resourced LSCU
- Inappropriate decision making at the political and corporate levels placing financial burdens on the MoL and DoL budgets. This undermines the likelihood of sustaining positive changes achieved through MGP.
- A too broad program design that is expected to achieve too much in too short a time (this includes a lack of focus)
- Slow progress with some partners due to lack of engagement
- Limited progress in some areas that have received costly adviser support

I. Recommendations

Recommendations relating to the findings of the Joint Review are documented in the relevant section and amalgamated at Attachment E. Attachment E details process, person's responsible and estimated costs.

While the MGP has had some implementation successes, it was evident to the JR that key stakeholders, including AusAID and the NZAP, believed serious decisions should be made about the future of the MGP. This is on the premise that there are barriers to its success at a strategic level – without high level support the program will fail to achieve its potential. Options follow. They are outlined in more detail with advantages and disadvantages of each in Section 5.2.

Option 1: Continue the MGP as is, with minimal changes to program design and delivery

Option 2: Continue the MGP but make substantial changes to respond to the issues identified by the JR.

Option 3: Make substantial changes to respond to the issues identified by the JR. Continue the MGP with those partners who are fully engaged. Discontinue support immediately to those partners who are not fully engaged.

Option 4: Make substantial changes to respond to the issues identified by the JR. Continue the MGP with all partners. Negotiate clear and achievable milestones that must be met by 30 June 2013 with partners who are not fully engaged. Discontinue support if milestones are not met.

Option 5: Terminate the MGP to take effect 30 June 2013.

The JR recommends Option 4. This option acknowledges the importance of land reform in Vanuatu and continues support partners who are actively engaged in the program. It also provides all partners with the opportunity to demonstrate or renew their commitment to the MGP. At a minimum the following should be required by 30 June:

- a) At least one VLGC meeting has been conducted and the committee has considered this review and its recommendations.
- b) The LSCU is fully resourced and operational (funds for two positions can be drawn from the MGP).
- c) The DG of Lands has articulated a strategy and plan to address leadership of the land sector.
- d) All partners have participated in a Partnership Workshop and the development of a Partnering Agreement (refer Attachment F).

If these requirements are not met, the JR recommends termination of the MGP at the end of 2013.

1 Introduction

This report documents the findings and recommendations of the Joint Review (JR) of the Australia and New Zealand funded AUD\$20.3 million Mama Graon – Vanuatu Land Program (MGP). The review was commissioned by the Government of Vanuatu (GoV), AusAID and the New Zealand Aid Programme (NZAP) in late 2012.

Vanuatu has struggled with land development issues since Independence in 1980 when the Constitution reverted all land to customary landowners. After Independence the GoV adopted a cautious approach to land, however concerns with the management of customary land resources came to a head during the 2006 National Land Summit². The Land Summit resulted in a national land policy, the *Vanuatu Land Sector Framework 2009-2018 (VLSF)*.

Responsibility for the implementation of the VLSF sits with the Vanuatu Land Governance Committee (VLGC) which is chaired by the Director General (DG) of Lands. It is supported by the Land Sector Coordination Unit (LSCU) which is part of the Corporate Services of the Ministry of Lands (MoL) but physically located within the Department of Lands (DoL). The intent is that the VLSF guide all government and development partner programs in the sector.

The VLSF identified the following land sector issues³:

- Prevalence of customary land tenure over leasehold tenure.
- Centrality of Kastom principles and practices as a core of national identity and their application to land tenure and Kastom law in Ni-Vanuatu society.
- Uncertainty over customary authority and leadership and its impact on land dealings and transactions.
- Impact of economic development pressures on customary land.
- Weakness of women's land rights compared to men and the marginalisation of women in decision making processes on land matters and the social consequences.
- Inequities in the current application of the land lease administration system and the long-term social and economic impacts of such practices.
- Importance and significance of multi-stakeholder processes in the governance of land.
- Lack of operational efficiencies in the land lease administration and records information systems.
- Under utilisation of Vanuatu's cultivable land for productive use.
- Looming effects of urbanisation and informal settlements in the major urban centres of Vanuatu.

² *Terms of Reference - Joint Review of MGP*. Page 1

³ *Vanuatu Land Sector Framework 2009-2018*. Page 6

- Land tenure security for customary landholders to provide a secure basis on which to plan and invest for the future.
- Land tenure security for vulnerable groups.
- Role of the land sector as an important part of the framework for environmental and natural resource management.
- Planning and development of the land asset including the management of government and public lands, the management of common property resources, individual and community-based land use planning, and urban planning and development.

The AusAID and New Zealand program design documents (PDD)⁴ also identified:

- The complexities of customary tenure and the associated uncertainties associated with customary authority.
- Policy and legislation that does not effectively embody the principles and spirit of the Constitution in formal law that leads to insecurity of customary tenure.
- Land development driven by the needs of Government (for public land) and demand by international investors for residential or tourist development (there has been little traction as yet by ni Vanuatu to ‘kickstart’ home grown development).
- Customary practices that interface poorly with the cash and market economy, and current development trends that place considerable pressure on customary land surrounding the major urban areas.
- In some cases, traditional systems that are undermined by conflicting claims or exploited by unscrupulous individuals.
- Women and youth are often neither consulted nor recognised in formal lease agreements.
- Resulting social tensions that could lead to social conflict.
- Allegations of corruption are common and transparent procedures are needed to minimise risk and sanction those who flagrantly abuse the system.

2 Activity Design

The MGP was designed to support Vanuatu’s implementation of the VLSF (which was finalised in July 2009). The program design is an amalgam of two designs –from Australia and New Zealand.

2.1 Australian design

In response to the National Land Summit, AusAID commenced interim assistance to the land sector in early 2008, funding eight short-term activities under the twelve-month Vanuatu Short-

⁴ *Mama Graon Vanuatu Land Program Design Document*. AusAID, February 2009 and *Activity Design Document*. New Zealand Aid. February 2009.

term Land Reform Initiatives (VSTLRI)⁵. One of the funded activities under the VSTLRI was the design for ongoing support to the VLSF which was being developed at the same time. The MGP design process commenced in June 2008 and was completed in February 2009 after considerable consultation with, and involvement of, stakeholders. The 2008 design mission was timed to coincide with a (then) NZAID mission, so members of the NZAID design team attended many of the AusAID design workshops and extensive discussions were held between the two teams to ensure synergy.

Key elements of the proposed Australian assistance were⁶:

1. Support to customary decision-making
2. Respect for and clarification of *kastom*
3. Multi-stakeholder participation and ownership
4. Effective links with dispute mediation and conflict resolution
5. Clear and transparent enforcement of current formal laws related to lease agreements
6. Improvement in basic Government services and enforcement related to land use
7. Careful harmonisation of support to match absorptive capacity
8. Studies that establish a foundation for future policy and legislative reform.

The goal was ***All Vanuatu people benefit from the equitable and sustainable development of their land, while securing the heritage of future generations.*** There were three objectives:

Objective 1: Informed Collective Decisions by Customary Landholders. This objective would ensure that communities have the right information and support to make informed collective decisions on the use of their customary land based on *kastom*, delivering benefits not just to themselves, but to future generations.

Objective 2: Participatory Land Governance: This objective recognised that land governance is not the sole responsibility of Government. The ongoing sustainable management of land depends on the fair dealings and diligence of all stakeholders, including the community.

Objective 3: Effective and Enabling Services: This objective was to support the delivery of key services that underpin the two other objectives and was to be delivered through a range of groups including Government, civil society and the private sector.

The program was designed to address twelve of the twenty National Land Summit Resolutions and significantly contribute to a further seven. Assistance was to be delivered through a program approach to allow for flexible interventions, with delivery mechanisms that evolved over time. The intent was that the first five year phase of assistance would establish the foundations for longer term partnerships.

⁵ VSTLRI implementation was managed by GHD Hassall.

⁶ *Vanuatu Land Program*. Program Design Document. February 2009. Pages ii to iv.

2.2 New Zealand design

The (then) NZAID activity design for *Strengthening the Customary Land Tribunal and the Department of Lands' Land Information Management* was first prepared in October 2008 and revised for harmonisation purposes in February 2009. In May 2007 NZAID had responded to a request from the GoV for short-term technical assistance to support the development of the capacity of the Customary Land Tribunal (CLT) and establish a Lands Records Management Systems and Information Technology Centre. It was agreed that New Zealand would support the proposed CLT strategy which was to work on building capacity amongst the existing staff of the CLT and to provide support during the peak periods of project activities through the contracting of people with specific expertise, such as mediation, public awareness and training.

It was decided support for the Information Technology Centre could not be justified as it would result in the responsibility for data being taken away from the agency responsible for its creation and maintenance, resulting in loss of ownership by the key agencies. It was agreed by NZAID and the GoV that it would be more beneficial to change the focus to support the development of Land Information Management within DoL to improve and integrate existing systems.⁷

Key components of the New Zealand design were:

1. Mediation support services and training
2. Public awareness and training
3. Capacity Development of the Customary Land Unit
4. Developing an Information Technology (IT) strategy and IT plans
5. Improving the effectiveness and procedures of:
 - a. Land Survey Records
 - b. Mapping and Imagery
 - c. Valuation services.

The goal of the New Zealand design was ***Poverty reduced through sustainable development of customary lands and supporting land information systems***. The two objectives were:

Objective 1: A strengthened Customary Lands Tribunal consistent with the GoV's national plans. This objective would ensure that effective mechanisms were in place to resolve land disputes and that there was a continuing emphasis on dispute resolution through the customary processes. A strengthened and improved tribunal process would ensure that there was emphasis on mediation as an important legislative first step to dispute resolution and should this process fail then the tribunal process would be streamlined to ensure that decisions are made as quickly as possible and that there is certainty in the decision making process.

Objective 2: A Land Information Management system that meets current and future needs and supports economic development. This objective would ensure that the GoV, through the DoL,

⁷ *Strengthening the Customary Land Tribunal and the Department of Lands' Land Information Management*. NZAID Activity Design Document. February 2009. Page iv.

was in a position to provide land information that could be used by government and the private sector as a means of improving development activities. The land information systems would support operations within the DoL and ensure that suitable data was available for decision making and record keeping, including the recording of information on land disputes and dispute resolution.

2.3 Integrated program design

In early 2009, the two designs were brought together in the Scope of Service (SoS), a document used to tender for, and contract, the Managing Contractor (MC). At that stage a third component relating to program management was added.

The MC, Land Equity International (LEI), was mobilised in January 2011. An *Inception Plan*⁸ for the period January 2011 to October 2011 was developed after broad consultation with partners and stakeholders. The plan outlined program activities for the period, based on the amalgamated MGP design, SoS and partner priorities. Similarly, Annual Plans have been developed for 2012 and 2013 based on partner requirements aligned with the program design.

The *goal* of the integrated five-year MGP is that ***all Vanuatu people benefit from the equitable and sustainable development of their land, while securing the heritage of future generations.***

Its *purpose* is ***to improve decision making, make it more transparent, and improve land management procedures and practices, and in doing so minimise the potential for conflict.*** This will primarily be achieved by undertaking capacity development (CD) of:

- (a) Vanuatu Land Governance Committee
- (b) Malvatumauri National Council of Chiefs
- (c) Customary Land Tribunal Office
- (d) Land Registry and Information Service.

The MGP is structured as follows:

Component A: A strengthened Customary Lands Tribunal consistent with the GoV's national plans (from the AusAID Program Design Document):

- Objective A–1 Informed Collective Decisions by Customary Landholders
- Objective A–2 Participatory Land Governance
- Objective A–3 Effective and Enabling Services

Component B: Participatory Land Governance (from the New Zealand Government Aid Program Activity Design Document)

- Objective B–1 A strengthened Customary Lands Tribunal consistent with the GoV's national Plans

⁸ *MGP Inception Plan* 17 January 2011 to 31 October 2011. February 2009.

Objective B–2 A Land Information Management system that meets current and future needs and supports economic development

Component C: Effective and Enabling Services (program management added at the SoS/contracting stage)

Objective C-1 Effective consultation and coordination between stakeholders of the Vanuatu Land Program

Objective C-2 Effective and efficient management of all resources provided to deliver services including personnel, funds, services and equipment

Objective C-3 Effective and efficient reporting and monitoring and evaluation of Program activities and deliverables

Objective C-4 Identification and management of risks to the Program in order to minimise their impacts on the achievements of Program Goals and Objectives

Program implementing partners are the Ministry of Lands (MoL), Ministry of Justice and Community Services (MJCS), Department of Local Authorities (DoLA) from 2012, Malvatumauri National Council of Chiefs (MNCC) and the Vanuatu Cultural Centre (VKS). All are members of the Program Management Committee (PMC) which was established to oversight the MGP.

3 Joint Review

3.1 Joint review objectives and questions

The design specified that a mid-term review be conducted of the MGP to ensure it remained on track. In response, Terms of Reference (TORs) were developed for a Joint Review (JR) through consultation with all members of the PMC. The detailed questions that the review was asked to answer reflect the range of issues that have emerged in the program. The TORs state that while the program has had some successes there are concerns around the following⁹:

- Since Mama Graon’s inception in 2011, media scrutiny of the use of advisers and the perception of a ‘hidden agenda’ for Australia in particular presents a challenge for the program. Support to the highly-sensitive land sector in Vanuatu is a calculated risk for foreign donors. There is ongoing public debate about foreign involvement in the rapid alienation of customary land, the national land reform agenda, leadership instability since 2009 and reports of widespread corruption.
- Mama Graon has struggled to establish some key partnerships, such as with the Vanuatu Cultural Centre and suffers from lack of leadership from the Ministry of Lands in particular. The governance arrangements for the program enable broad consultation via the PMC on program direction, and have enabled some early achievements in the Land Registry, GIS and Survey units and with the Malvatumauri. However, leadership instability and tension

⁹ From TORs.

between partners have at times impacted on progress against the inception and annual plans.

- The emphasis on recruitment of national technical advisers has caused delays in areas such as the development of a gender strategy and an M&E framework. The limited pool of expertise in Vanuatu means that some positions have taken months to recruit.
- There is potential for overlap between the MGP and other donor-funded programs: the AusAID-funded *Governance for Growth* program (in relation to urban planning and development) and the *Vanuatu Kastom Governance Partnership* (customary land governance); the World Bank's Jastis Blong Evriwan program; and the GIZ-SPC support to land use planning.

The purpose of the JR is to explore these issues and identify others through a highly consultative process. Specifically the JR is tasked to¹⁰:

1. Demonstrate program accountability to all key stakeholders and the broader public
2. Assess:
 - (a) relevance of support – whether the program design continues to be relevant to the national context; responsiveness to emergent issues
 - (b) efficiency of implementation – whether more outputs could have been delivered with same inputs, or whether the same outputs could have been delivered with less inputs
 - (c) effectiveness of approach – has advisory support resulted in outputs and intermediate outcomes that are expected to lead to end-of-program outcomes?
3. Recommend ways to overcome identified problems.

The detailed review questions are described and addressed in Section 4 of this report.

3.2 Review methodology

The JR team adopted a phased approach to the review:

- The Joint Review Plan¹¹ was developed by the co team leaders under the direction of the AusAID Evaluation Manager. The plan was approved by the PMC.
- Team members reviewed relevant documentation prior to the first in country mission. Further documents were identified and reviewed over the course of the review. Refer Attachment A for a list of all documents.
- Over five working days (17 to 21 September 2012) the team met with a wide range of stakeholders focusing on those most directly involved in program delivery i.e. the five participating agencies and the MC. An aide memoire was prepared and presented at the

¹⁰ From the TORs

¹¹ A copy of the plan is available on request. Contact Anna.Naupa@ausaid.gov.au

completion of the phase on 24 September 2012. The aide memoire was also presented to the PMC on 27 September by the Vanuatu based members of the JR¹².

- The second in country phase was conducted from 6 to 19 November 2012. Its focus was twofold: (i) following up on issues identified during phase one that needed further clarification and (ii) seeking feedback from the beneficiaries of the program's activities to date, particularly the Provincial Governments as well as communities. To this end, Interviews were conducted with stakeholders in Port Vila and field visits made to Tafea, Sanma, Shefa and Malampa provinces. A second aide memoire was prepared and delivered at the completion of this second phase on 19 November 2012¹³.
- The initial findings of the JR, documented in a Draft Report, were tested at a Validation Workshop held in Port Vila on 11 December 2012¹⁴. Almost all partners were involved – there were 26 participants in total (6 females). A list of participants is at Attachment C. The purpose of the workshop was to gather feedback on the findings of the JR and to provide a final opportunity for stakeholders to contribute to the JR's analysis, conclusions and recommendations.
- This Final Draft Report takes into consideration the views expressed at the workshop. It will be finalized in January 2013. .
- Finally, the co-team leaders will facilitate a workshop with the PMC to prepare a joint management response to the JR. The joint management response will detail how partners intend to respond to the JR findings and recommendations.

The review process was thorough and highly consultative. Most stakeholders, including those on four islands, had the opportunity to contribute to the JR's deliberations. While the review could have visited all locations where the MGP is active, the time and costs involved outweighed the benefits. The JR team is confident that it was able to gather enough information to make sound judgments about the MGP.

3.3 Joint review team

The JR team comprised:

- Johnson Wabaiat, Co-Team Leader (GoV Representative) – Mr. Wabaiat is the Program Director of the Vanuatu Project Management Unit of the Prime Minister's Office and has had considerable experience with donor funded programs in Vanuatu. He served in the Public Service Commission as the DG of Health from 1998 to 2003 and DG of Internal Affairs from 2003 to 2008. He was involved with the MGP from the early stages of the project as DG of Internal Affairs. He participated in the Land Summit and the development of the VLSF.

¹² Available from Anna Naupa.

¹³ Also available from Anna Naupa.

¹⁴ The workshop was cut somewhat short due to the death of a Minister. However most major findings were canvassed.

- Robyn Renneberg, Co-Team Leader (Monitoring and Evaluation (M&E) Specialist) – Ms Renneberg has an extensive background in M&E, particularly with AusAID programs. She has worked in Vanuatu on several occasions and worked on a land program in Laos for a company that eventually became [Land Equity International](#). She has had no contact with LEI personnel since 1999.
- Mary Pati, Land Administration Specialist (GIS/Survey) – Ms Pati is an experienced Land and Geographic Information System (LIS/GIS) specialist with land administration expertise. She has over 10 years of land administration experience with the Department of Lands in Papua New Guinea and has worked in the private sector for more than 13 years in the area of surveying, planning, mapping, land tenure and administration, land and geographic information systems. She has her own company in Papua New Guinea.
- Michael Taurakoto, Civil Society Representative – Mr. Taurakoto is Chief Executive Officer of Wan Smolbag, a major non government organisation in Vanuatu. He participated in the lead up to the Land Summit and was appointed as Youth Representative on the Land Summit Steering Committee which oversaw the VSTLRI and the development of the VLSF.
- Anna Naupa, the AusAID Evaluation Manager, managed the MGP review process on behalf of AusAID, the NZAP and the PMC. Ms Naupa has a long-standing interest and involvement in land in Vanuatu (with a particular interest in gender) and has authored several papers on the topic. Ms Naupa was part of the AusAID design team. She is the AusAID Program Manager for the MGP.

The JR team is clearly not independent -two of the four team members and the AusAID Evaluation Manager have had long term involvement in the land sector in Vanuatu. The risks associated with this were identified and discussed during the planning phase and strategies agreed on how they would be managed. The team revisited this issue throughout the review process. The role of the M&E Specialist (and primary report writer) was seen as pivotal to the management of bias. The team has a reasonable breadth of expertise across all aspects of the program including Vanuatu culture, land administration, capacity development and monitoring and evaluation.

4 Review Findings

4.1 Relevance

4.1.1 To what extent does the program design remain relevant to the needs of Vanuatu and its current development context?

Land is not currently identified as a key development sector in strategic planning documents, suggesting that it is not a high priority for the GoV or Development Partners (DPs). While all stakeholders were adamant that land was a development priority in Vanuatu it is not identified as a priority by the GoV in its strategic development plan (*Priorities and Action Agenda 2006 – 2015*) or its (currently under review) short term development plan (*Planning Long, Acting Short 2009-*

2012). The Validation Workshop was advised that land would be shown as a priority in both these documents (the the PLAS in 2013 and the PAA in 2016) although not as a separate sector, rather as a cross cutting issue that underpinned all sectors.

Nor is land identified as a priority in the (soon to be renegotiated) GoV-AusAID *Partnerships for Development*¹⁵ agreement or the GoV-New Zealand *Joint Commitment for Development*¹⁶. AusAID confirmed that land would be raised as part of the partnership discussions being held in December 2012/January 2013. The NZAP advises land is not a priority for their Vanuatu program and ongoing support is unlikely once their contribution to the MGP ends in 2013.

The GoV's apparent lack of commitment to land and the MGP is also evident in the lack of operational budget provided for the MoL. Capacity development cannot progress when key positions are vacant. The JR acknowledges the need for budget constraint but is concerned that operational funding for land has reduced over time which has resulted in under staffing of key areas (for example, in the LSCU, Information Technology and Lease Enforcement). Improved resourcing of the DoL would be a demonstration of government commitment.

The land issues and priorities that were identified at the 2006 National Land Summit, shaped the 2009 VLSF and informed both the Australian and New Zealand program designs remain. All stakeholders confirmed that land continues to be a key development issue for Vanuatu. Land is seen as a foundation for service delivery across most priority sectors including economic development, health and education. Stakeholders advise that little, if any, progress has been made in addressing the issues raised at the National Land Summit.

The commitment to land reform is with the 20 Resolutions of the National Land Summit rather than the VLSF. Few are familiar with, or committed to the VLSF. In the main, it is seen as document prepared by, and for, donors (particularly AusAID). However, almost all those consulted during the review referred to the Land Summit and demonstrated a commitment to contributing to its outcomes.

The expectations of the Program are unrealistic. The review found that there is a perception by partners (and others) that the MGP should fund any (and all) support to the land sector and the VLSF. This includes funding for unfunded, public sector positions. These unmet (unrealistic) expectations contribute to dissatisfaction with the program.

The goal and purpose of the MGP remain relevant but there are concerns about the design. Some consider the MGP too inflexible; others suggest that it should be more targeted in its assistance. MGP is a mixed design – it is both a structured program designed around components with specified objectives and activities and a 'rolling design' where partners determine activities through an annual planning process. The consequence is that activities identified for each annual plan must fit within the overall design. This can lead to the perception of inflexibility. Conversely,

¹⁵ http://www.aid.govt.nz/HotTopics/Documents/Australia_Vanuatu_Partnership_for_Development.pdf

¹⁶ http://www.aid.govt.nz/webfm_send/108

the flexibility of the rolling design has led to the perception that the program is spread too thinly and therefore unlikely to achieve its objectives.

The MGP would benefit from a focus on a smaller number of priority areas. While it is positive that the MGP is responding to emerging needs the JR found that there is a lack of focus and unmet expectations. This is leading to dissatisfaction with the process. The annual planning process must ensure partners are aware of the boundaries and manage expectations and program scope. Alignment with the VLSF needs to be clearer. The 2013 annual planning process appears to have addressed this issue to a greater degree than the processes followed in the past. The end of the NZAP component in 2013 will lead to a reduction in the scope of the program. This must be managed well to ensure that the remaining elements of the program sit within the design. Also, partners that will be affected by the reduced scope need to know how this will impact on the support they receive through the MGP so that they can plan accordingly.

Management of expectations must be handled with care. It is evident there is some unhappiness with the MC is due to the constraints posed by the design – the challenge for the MC lies in communicating the boundaries without being seen to be obstructive. This is as much to do with personal style as it is to do with the messages that need to be conveyed.

Recommendations:

1. GoV and AusAID to agree if land is to be a development priority through the partnership discussions (NZAP has decided that land is not a priority for their program). If not, support to the sector should end at the completion of the MGP.
2. GoV to raise the profile of the VLGC and VLSF and strengthen its role in shaping the land policy that is supported through the MGP. As part of this process, the GoV to review the membership of the VLGC to ensure that members are those that are genuinely committed to providing leadership in the land sector and that the number involved is workable.
3. GoV and DPs to refine the design of the MGP, taking into account the findings of this review and the impact of the completion of the NZ component.

4.1.2 How responsive is the program to emergent issues?

There appears to be little strategic direction or oversight for the VLSF or the MGP by the GoV.

Responsiveness to emergent issues is, in part, reliant on effective leadership. At the strategic level, the VLGC is not effective in providing leadership (oversight and direction) for the VLSF or the MGP. This is discussed in more detail in Section 4.3.5. The lack of leadership from the VLGC resulted in the Program Director (PD) making decisions about what should, and should not, be supported based on his understanding of the program design, filling the vacuum created by lack of leadership and resourcing by the GoV.

Implementation oversight by the PMC is growing stronger over time. The annual planning process ensures that all partners have the opportunity to put forward activities that address their issues and priorities. Initially members of the PMC struggled with this responsibility, particularly the degree of authority the PMC had for decision making. Through experience, management training and support

from the PD and Deputy PD (DPD) the PMC's capacity to oversight the program and make decisions on support for emergent issues is growing.

The rolling design of the MGP allows the program to respond to emerging issues. The program has responded to issues identified by partners (for example, addressing the registry backlog and supporting the valuations and land survey functions). However, from its commencement, the challenge for the program has been to ensure activities are congruent with the program design. Where an issue is not addressed due to misalignment there has been a perception that the program is unresponsive. This view is changing as partners develop a better understanding of the program and its implementation and the MC has adapted its style in working with partners.

4.1.3 How have partners participated in the program? Identify major issues that affected engagement and suggest ways to enhance conflict management and effective partnerships?

The MGP partners were each selected to be part of the program due to their key role in the land sector and in the implementation of the VLSF. They were also each involved, to varying degrees, in the MGP design. In practice, the contribution of partners has been variable. The MNCC, the MJCS, some sections within the DoL¹⁷ and the DLA have readily engaged with the MGP. They see the program as an opportunity to support their own agendas. Through direct contact with MGP personnel and through the PMC, these partners are using the resources of the program to address capacity issues.

Engagement by the MoL is limited. The DG of Lands is responsible for the implementation of the VLSF in his role as Chair of the VLGC and a significant number of the activities funded under the MGP sit within the Ministry. Part of the obligation of being a partner in any development program is to fully engage in discussion with the donor agencies to ensure continued relevance of support but this has not occurred due to the apparent unavailability of key personnel. MoL also plays a key role in resourcing the LSCU.

The LSCU had not been properly resourced to support the MGP. Lack of MoL commitment to the VLSF and the MGP is evidenced by the lack of resourcing of the LSCU. The unit was established with one part time officer. In 2011 the position was left vacant for several months. It is now, again, filled with one part time officer. While the PMC has approved the resourcing of two positions for the LSCU the appointments have not occurred. The delays in resourcing have had a significant impact on the LSCU's capacity to coordinate and support program delivery. Recent discussions with the MoL are positive and will hopefully result in a LSCU that is both committed and resourced.

The Director of Lands is responsible for the contributions of the DoL but should also play a role in driving change across the sector. As Director of the key administrative arm of the land sector and Chair of the PMC, the Director of Lands has a key leadership role.

¹⁷ Department of Lands is one of five departments under the Ministry of Lands.

The Vanuatu Cultural Centre (VKS) has chosen to step back from the program due to concerns about the approach being adopted by the MNCC to identify chiefs, customary land boundaries and custom laws and practices. This is a matter that must be resolved by the two partners, not the MGP. The program continues to support the VKS where it can. For example, it has recently funded workshops for VKS field workers and continues to encourage VKS engagement. While the PMC recently concluded that VKS should remain a partner even if it chooses to be inactive, and accepts that time and communication will be needed to resolve the philosophical differences, the JR is of the view that VKS should either actively commit to the program or withdraw as a partner. The MGP does not have the resources to work with partners who are not interested or who work against its interests.

Partner engagement is complex and variable. The elements that have impacted on partner engagement include:

- Degree of alignment between the partners own objectives/agenda and that of the MGP
- Strength of leadership to drive the agenda and/or activities
- Degree of clarity in activity design (lack of clarity results in unrealistic expectations/demands)
- The communication style of key personnel (from both the program and partners)
- Availability of human resources/personnel to participate in activities
- Existing level of technical expertise of partners
- Budgetary resources
- Philosophical differences in relation to what is to be done and how it is to be done between partners
- The degree of acceptance of changes and the speed of change
- The complexity and sensitivity of issues
- Personal agendas and power plays

Multiple strategies are needed to manage conflict and develop effective partnerships. An Information Sheet on partnering that discusses the partnering process in more detail is at Attachment F.

Recommendations:

4. Develop a Partnership Agreement (PA) with all partners. This to be done through a partnering workshop and should address:
 - roles and responsibilities
 - principles
 - mechanisms to monitor partner commitment and identify and discuss issues (the JR suggests that the PA agreement include quarterly meetings between AusAID, NZAP, DG and Director Lands to discuss strategic direction.)
 - conflict resolution processes and complaints procedures (that should exclude direct complaints to the SPM unless they are of a strategic nature).

Refer to Attachment F for more information on Partnership Agreements.

4.2 Effectiveness

4.2.1 To what extent is the Mama Graon Program on track to achieve its end of project outcomes?

While some progress is being made the JR found it unlikely that the MGP will achieve its end of program outcomes. The outcomes are unlikely to be achieved because:

- The buy in and commitment of the GoV is questionable. As discussed in earlier sections of this report, good leadership is essential for any change program to be effective. This is particularly the case with land where emotions and personal agendas can be very strong.
- The program scope is too extensive, covering most aspects of land sector reform - it needs to be tightened to allow the MGP's limited resources to be focussed on key areas where the greatest impact can be made. At the moment the MGP tries to (and is expected to) do everything.
- The lack of human resources within key areas of the DoL prevents the building of adequate capacity.
- The duration is relatively short (three years for the NZ component and five years for the AusAID components). The JR notes the AusAID design discusses duration of support to the land sector¹⁸: *Land reform programs are acknowledged by most donors to require long-term partnerships (20 years or more). Under a phased approach, Australia indicates its willingness for a longer term ongoing partnership provided there is clear evidence of progress and achievement. This provides a clear incentive for partners to ensure performance meets agreed expectations.*

In terms of progress against each of the component objectives, the JR offers the following observations and recommendations. Outputs, outcomes and further comments are provided in Attachment D.

COMPONENT A: INFORMED COLLECTIVE DECISIONS BY CUSTOMARY LANDHOLDERS

Objective A–1 Improve the customary governance of land by the Malvatumauri

Progress is being made against this objective – a result of strong partner commitment to change and a willingness to work with the MGP to achieve results. A Customary Land Workshop, held in September 2011, developed 19 resolutions that provide the MNCC with a roadmap for the next five years. Follow up workshops have been held in five provinces and a Strategic Plan developed for approval in 2013. The resolutions address issues far broader than land. The challenge is to identify exactly where and how the MGP can support the land specific aspects of the MNCC agenda.

The MNCC proposed that they would conduct pilots in each of the six provinces to support priority resolutions (identifying Chiefs, kastom laws and land boundaries). Conducting six pilots simultaneously is very ambitious - a staggered approach that allows each pilot to be informed by the previous pilots seems more sensible given the level of risk and the lack of resources. The PD advises that it is now agreed that 'there will be a piloting of activities at selected locations on Efate before

¹⁸ AusAID PDD. Section 2.6.1

rolling out to other selected locations¹⁹ in acknowledgement of the limited resources of the MNCC and the MGP. The JR supports this approach.

The JR is concerned that the current communication strategies are not reaching into the islands but questions if it is reasonable/possible to have a broad reach within the period of the program. VKS was to receive funding under this component to conduct a Public Awareness and Information Program but this has not occurred.

A Customary Land Study and Research Grant Fund was to be established under the management of VKS to provide grants to support national and local studies to improve the understanding, documentation and legal recognition of kastom land practices. This has not occurred. The MNCC has now been given approval (through the annual planning process) to manage the research funds for 2012.

Objective A–2 Participatory Land Governance

Support in this area is challenged by the Minister of Land’s powers which allow the Minister to bypass all governance processes. While the PMC has developed well over the life of the MGP the VLGC often fails to meet due to the lack of a quorum and there is little engagement with the GoV nominated Chair of the VLGC (DG, MoL). The LSCU is not functioning due to lack of resources and a poor relationship with the MGP. It also appears to operate in isolation from the DoL and MoL. The MGP seeks to work closely with other donor funded programs such as Justice Blong Everyone. The creation of the six Customary Land Officer (CLO) positions is a good start to establishing mechanisms to support governance of land in the regional and rural areas.

Objective A–3 Effective and Enabling Services

Considerable MGP resources have been directed at the Registry with mixed success. Barriers to progress in Registry are likely to include: lack of local leadership; the Registry’s relationship with the Registry Adviser (Registry staff advises the approach was ‘not suitable’); some (inevitable) resistance to change; and lack of capacity. Progress has stalled in the Registry since the departure of the adviser even though additional resources continue to be provided. Similarly, the MGP has had mixed success in its work with the Lease Enforcement Section, most likely for similar reasons. Advisers can only do so much– leaders (Section Heads, Directors etc) must take responsibility for ensuring staff implement change.

While the Communication Strategy is supported by a Communication Working Group, some partners provide limited support for initiatives such as radio and television activities, due to lack of resources and capacity. It also appears that some partners do not participate because of the risks associated with negative media coverage. Face to face processes are needed to reach rural communities, however there is a significant cost to these strategies and limited resources/capacities available to support such a modality.

¹⁹ LEI Response to Draft JR Report. Page 1.

COMPONENT B: PARTICIPATORY LAND GOVERNANCE

Objective B–1 A strengthened Customary Lands Tribunal consistent with the GoV’s national plans

There are no deliverables to date in relation to legislative review (this is being addressed elsewhere) and mediation services. However, training on the existing CLT Act is being carried out through the CLTU, with assistance from the MGP funded Training Adviser. Modules have been developed and trialed and 85 CLT Adjudicators trained (2 females) with more planned. The modules will eventually also be delivered to Chiefs and senior village officials throughout Vanuatu.

An institutional review in 2011 proposed that the MNCC and the CLTU be amalgamated under one departmental structure. A submission has been prepared for the Public Service Commission to have the new structure endorsed. The MGP is supporting 6 Provincial Custom Officers (PCOs) to be located at each of the Provincial Headquarters. The PCOs will assist with the administration of the Customary Land Tribunal Act in the islands and with implementation of the 19 Malvatumauri resolutions. The Ministry of Justice has given a formal commitment to take over the funding of the six Provincial positions by 2015.

The approach adopted in developing the CLT Act training modules and the testing of these modules highlighted the benefits of adopting a centralised approach to development and piloting with all preparatory activities being undertaken on Efate before they are rolled out elsewhere. This approach is to be adopted in implementing the priority resolutions from the MNCC workshop.

Objective B–2 A Land Information Management system that meets current and future needs and supports economic development

An Information Systems Strategic Plan and a System Requirement Specifications report have been prepared. In addition, there has been a great deal of IT work carried out in the technical areas of the DoL (refer to Attachment D for details about the work done in Registry, Lease Enforcement, Valuations and Survey). Implementation of plans and recommendations are a challenge due to the lack of technical capacity, lack of human resources to do the work and lack of a functional IT section within the MoL to provide the level of support required. It is has also been suggested that some advisers have developed ‘Rolls Royce’ solutions that are very hard to implement in their absence. This view is not accepted by the MGP which claims that ‘the proposed solutions are simple and easily implementable by competent local IT experts’²⁰. This may well be the case however the lack of buy in of some suggests that the processes used to develop the plans were not as effective as they could be in gaining stakeholder support and commitment.

The GIS Users Group has been revived and has held 4 (bi-monthly) meetings over the past 12 months. Membership now exceeds 60 registered GIS users throughout the government, non government and private sectors.

²⁰ LEI Response to JR Draft Report. Page 2.

Recommendations:

5. MoL to make resourcing of the IT unit a priority to support ongoing technical work across the DoL.

COMPONENT C: EFFECTIVE AND ENABLING SERVICES

Objective C-1 Effective consultation and coordination between stakeholders of the Vanuatu Land Program

Regular PMC meetings have been held and close collaboration is encouraged with other land sector programs. However, there is a need for more regular and meaningful partnership discussions between partners on strategic direction and coordination. As part of the PA discussions, the JR suggests that it be agreed that quarterly meetings be held between AusAID, NZAP, DG and Director Lands to discuss strategic direction.

Objective C-2 Effective and efficient management of all resources provided to deliver services including personnel, funds, services and equipment

The MGP Program Office is resourced and functioning effectively.

Objective C-3 Effective and efficient reporting and monitoring and evaluation of Program activities and deliverables

A wide range of reports have been produced by the program. Key documents include: the Inception Report; Annual Plans for 2012 and 2013; Annual Reports for 2011 and 2012; an M&E Plan; and a Gender Strategy. Feedback suggests some reports are too long and burdensome to read. Authors need to consider the audience and purpose of all reports.

Objective C-4 Identification and management of risks to the Program in order to minimise their impacts on the achievements of Program Goals and Objectives

A Risk Management Plan was prepared with the Inception Plan and a revised version produced in October 2012. The JR questions some of the ratings applied to risks, particularly those relating to Objectives A2, suggesting that the risk of these events occurring is higher than the assessment in the risk management plan. The strategies to address risk are, in the main, sound although those that require engagement with the DG of Lands may be problematic.

A Conflict Management Strategy/Plan was prepared in January 2012 but has not yet been accepted by AusAID. Importantly, greater attention needs to be paid to the management of conflict and differences between the partners of the MGP.

Refer to Attachment D for a detailed outline of progress to date against the amalgamated design.

4.2.2 Has advisory support resulted in outputs and intermediate outcomes that are expected to lead to end-of-program outcomes?

The quality of advisers has been variable and their contribution to end of program outcomes is mixed. While there have been some very effective international and national advisers there have also been advisers who could have been more effective in developing buy in to the change needed in their respective work areas. The work done in the Survey and Valuations Sections provide examples of how good advisers working with committed managers can lead to very positive results. The

advisers to those sections demonstrated how effective advisers with good technical, interpersonal and communication skills can engage with their counterparts and facilitate change. In other sections the results are not so positive, partly attributed to the interpersonal and communication skills of some advisers and their capacity to fully engage with partners and partly to the level of leadership and commitment of the recipient partners. Responsibility for adviser quality sits with the MC even though most advisers are now being selected by partners²¹. Leadership sits with the partners.

In some cases national advisers are appointed without the necessary technical skills. The team acknowledges the value in using local advisers who understand the local context and culture and supports the requirement that preference be given to national, and then Pacific, advisers. However, there are concerns that the desire to appoint national advisers has been met at the expense of technical capacity which in turn impacts on program effectiveness. Advisers should only be appointed when they are the best response to a capacity development need and any adviser appointed, national or otherwise, must have the technical knowledge and skills to meet the identified need. The MGP is not designed to build local consulting/advisory capacity.

It may be that some roles do not require advisers; other forms of CD (such as capacity substitution) would be more suitable. Alternative CD strategies need to be explored. There is a sense that the MGP and its partners leap to an adviser as a solution to meet CD needs without genuinely exploring alternate options. While an adviser may be the best option, sometimes other strategies could be more suitable. This could (and has) included the funding of locally engaged resources. Where this is the case, the role should not be called an advisory role and recruitment should be based on the specific needs of the job (for example, the Customary Land Officers and Gender Focal Point). Some partners consider lack of human resources rather than lack of capacity prevents them from delivering their services. Others see the need for capacity building. Further work is needed to clearly identify needs and develop capacity building strategies that are a best fit for each partner. This could include: twinning arrangements, formal study, training programs, support for involvement in professional associations as well as capacity substitution. The option of budget support should also be explored.

Recommendations:

6. The MGP to develop a CD Strategy to guide advisers and partners on the processes for the identification and selection of the most appropriate CD strategies. The strategy should be used to induct all resources funded through the MGP into its approach to CD. The strategy should include direction that:
 - all adviser selection criteria clearly states both the technical and interpersonal qualities required (interpersonal and communication skills, CD capacity including change management expertise and ni Vanuatu cultural awareness).

²¹ Five international advisers were specified as part of LEI's bid as requested by in the SoS. They were put forward by LEI based on their technical knowledge and development experience and confirmed during the contracting process.

- all adviser TORs clearly specify both technical and CD deliverables. These deliverables to be reaffirmed and restated in an adviser action plan, prepared soon after adviser mobilization.
- If necessary, the MGP to appoint a mentor to international advisers to provide them with support/guidance in working within ni Vanuatu organisations

4.2.3 How have program partners contributed to the successes/challenges of the Mama Graon Program?

The level of contribution of partners to the success and challenges of the MGP has been discussed in Section 4.1.3 and deliverables to date are documented in Attachment D. In summary:

- The contributions by the VLGC, DG of Lands, MoL and LSCU have not met the expectations outlined in the design documents.
- This is also true of the VKS and some sections of the DoL.
- The MNCC and CLT have exceeded expectations, embracing the opportunities offered through the MGP.
- Good work has been done through the DLA.

4.3 Efficiency

4.3.1 Could more outputs have been delivered with same inputs? Could the same outputs have been delivered with less inputs?

The value for money²² of a program is based on the costs of the delivery modality (inputs) and the results of the program (outputs and outcomes).

An average of AUD \$3 million is spent annually on the MGP, a relatively modest amount compared to other AusAID programs and it is unlikely that the full budget of the MGP will be utilised by June 2015. Costs of the program to the GoV, other partners, AusAID and the NZAP cannot be quantified within the resources of this review.

The value of the outputs and outcomes are not easy to establish. Consequently, without highly sophisticated research a judgement call must be made – do stakeholders (including this JR) consider the outputs and outcomes of the program are worth \$3 million a year? In making that decision, alternative options, their cost, and particularly from a donor perspective) the risks against the benefits from the program need to be taken into account:

- a. **Continue as is.** No cost. Limited, if any, risk to the donors. For Vanuatu, little is likely to change in the land sector resulting in risks to Vanuatu’s economic and social development. This option does not respond to the Land Summit.

²² In assessing value for money a number of factors need to be considered (e.g. suitability, quality, relevance, price, whole of life costs and government policies) on a case-by-case basis. Price is only one aspect of value for money and by itself does not necessarily provide an indicator of value.

- b. **Smaller more targeted program, using the MC modality.** Less cost (perhaps two thirds of the current costs). Similar level of risk to the existing program. Seen to be responding to the Land Summit.
- c. **Government managed program with implementation support from a donor funded MC.** Lower program cost as costs of management are taken out of equation, BUT, they are borne by the GoV. Higher level of risk for donors. Seen to be responding to the Land Summit.
- d. **Budget support.** Least costly to administer. Highest level of risk for donors. Given the current lack of capacity and commitment to land it is unlikely that this option would result in the fundamental changes that are needed to address the land sector issues identified by the Land Summit.
- e. **Mixed modality.** Some program (GoV or MC managed); some budget support. Likely to be of similar cost to the existing program. The level of risk would vary based on the management model.

Partner responsiveness and ownership influence the quality (and cost effectiveness) of outputs.

Programs cannot be cost effective if partners do not share responsibility for delivery. As discussed throughout this report, partner commitment varies. Where a partner is clearly committed and works closely with the MGP, outputs are solid, satisfaction is high and the cost benefit is likely to be positive. Where a partner and the MGP (including advisers) do not work well together to achieve agreed outputs and outcomes then satisfaction levels are low and the benefits gained are low.

It may be that an adviser is not always the most cost effective option. As noted in Section 4.2.2 the most widely used strategy is advisers. There is a significant cost associated with the use of international advisers; to reduce costs it is possible that some international advisers could have been replaced with national adviser if/where local expertise was available. This is now addressed through the recruitment policy which places responsibility for selection with partners and specifies that local advisers be used where available.

It may be that more cost effective advisers could be sourced if the search for talent was expanded more broadly. To get a good response for advisor positions, particularly local or Pacific advisors or those with local and Pacific experience, wider media and sourcing options should be used.

It is the JR's view that the MGP is no more or less costly than other programs of its type where delivery is managed through a MC. The modality chosen to deliver the MGP (i.e. through a MC) is a significant determinant when it comes to cost; the MC modality incurs costs (see below).

4.3.2 To what extent are the program management arrangements appropriate to the sensitivities within the land sector?

There is a cost associated with the MC implementation modality selected for the MGP. The designers of the MGP decided the MC modality was most appropriate given the large number of partners and the level of risk associated with the delivery of the complex program. This model has

its benefits – it allows partners to direct their limited resources to achieving program deliverables and outcomes. It also ensures the program has a high standard of program management to meet DP accountabilities. However, a major cost is the management fee paid to the MC for the services they provide (that would otherwise have to be provided by the partners themselves). The responsibilities of the MC include²³:

- Preparing all documentation including Annual Reports, Annual Plans, Risk Management Plan etc.
- Recruiting, remunerating, administering and performance managing staff and advisers
- Procuring and managing Program property, goods and services including, where appropriate, insurance, maintenance, storage and security
- Managing and acquitting funds allocated for specific purposes
- Providing regular reporting to key partners and stakeholders
- Providing secretarial and advisory support to specified committees
- Undertaking regular monitoring and evaluation of Program activities
- Monitoring and managing risks to implementation
- Cooperating and coordinating with, and facilitating the visit(s) of review teams
- Ensuring Implementation Is coherent with Ausaid Cross-Cutting Policies particularly Gender, Anti-Corruption And Peace And Conflict
- Establishing and managing an Imprest Account
- Appointing office support and administrative staff and instituting administrative, financial, procurement and human resource systems that comply with AusAID procurement guidelines.
- Provide office furniture, equipment and consumables for program staff
- Complying with the national laws and regulations, Including labour and employment standards and requirements.

There are often contradictory messages about the role and approach of the MC. The SoS specifies that ‘the Contractor has responsibilities for both Program-wide management functions and operational functions related to each of the Program components. In all cases, the Contractor shall operate as a facilitator and enabler of other parties for the delivery and implementation of the Program, rather than being a direct implementer of all Program outputs and activities.’²⁴ This suggests that MC is fully responsible for all aspects of the program and also that all work should be facilitated through others. While this model is not impossible (it is, in fact, desirable) it is difficult, particularly when partners do not respond and donor deadlines are looming.

Possible alternative modalities, that could meet DP accountability requirements, and that are potentially less costly, are:

²³ Specified in Section 4 of the SOS.

²⁴ *Scope of Service*. Section 5.12

- (i) **Program management and administration by the GoV** – This option would require both leadership and proper resourcing by the GoV to fully deliver the program through an independent governance arrangement mandated by the Council of Ministers. While conceptually appealing, given the current challenges associated with GoV leadership and resourcing this is unlikely to be a workable option.
- (ii) **Implementation Service Provider (ISP) model** – This approach downgrades the role of the MC to an administrator and places all management responsibilities with partners. (This model was initially proposed in the AusAID design.) It requires leadership, management, accountability and resourcing by partners. The costs of the MC would be reduced through a downgrading of its strategic role.
- (iii) **Budget support** – This is the most cost effective modality IF the funds are used appropriately and should, in theory, be most responsive to land sector needs as funding directly supports partner plans. Steps could be taken to progress towards this option if support is to continue to the land sector. The first step required by AusAID is a fiduciary review to determine the degree of capacity of the GoV/MoL finance system.

4.3.3 What other capacity development modalities could have delivered the same outputs and intermediate outcomes with less inputs?

Capacity development modalities should be based on the nature of change/development required.

As AusAID's policy guidance²⁵ on the use of advisers outlines, there is a process that should be followed before a decision is taken to appoint an adviser. The starting point is NOT whether or not to use an adviser. The starting point is the area of concern and the results that the parties seek to achieve. This discussion must include consideration of what the partner can change or implement without program support to achieve the desired results and what alternate range of technical assistance approaches are available and their likely costs. Only then should a decision be made on what is considered to be the most likely cost effective option.²⁶

Alternate options to advisers need to be explored. Partners are encouraged to be creative and to consider as wide a range of options as possible, thinking in terms of multiple solutions. It may be that several things together will result in the change required. Partners should also be encouraged to think outside the box – it may be that there are things that can be done that do not constitute technical assistance.²⁷

Overall the approach to capacity development of the MGP is weak. All technical assistance²⁸ (including advisers) should result in improved capacity within partner agencies either at the

²⁵ *Use of Advisers in the Australian Aid Program: Operational Policy*. February 2011 and associated Guidance Notes.

²⁶ AusAID has a guidance note to support this process.

²⁷ AusAID also has a guidance note that outlines a wide range of CD options and their advantages and disadvantages.

²⁸ *Technical assistance is the provision of expertise in the form of personnel, training and research. It comprises activities that augment the level of knowledge, skills, technical ability or productive aptitudes of people in*

individual, team or organisational level (including improvements in systems and processes). While the purpose of the MGP specifies that improvements in the land sector will primarily result from the capacity building of the key partners, little attention was paid in the design or with implementation as to what this should mean. There are principles and practices that apply to good capacity development that should be clearly articulated by the MGP through a CD Strategy (see Recommendation 8). The JR notes that the MGP has delivered in excess of 60 training programs and workshops since September 2011.

4.3.4 What lessons about efficiency can be drawn from the program inception period to inform a re-focusing of future activity?

All involved need to accept that consultative processes and practices are not always efficient.

The MGP is committed to ensuring partners are involved in the planning and implementation of activities. This often takes far more time that would be the case if the MC simply did the work. This is an acceptable cost that will have longer term benefits as local partners develop capacity; however it does impact on the timeliness of deliverables and on budget expenditure.

The recruitment process is inefficient. The process, developed with partners, results in the selection of good advisers who are 'owned' by their work area. However, the process takes far too long and duplicates costs (such as with advertising and personnel time). It currently involves a three stage process: efforts are made to recruit Vanuatu nationals first; then regional advisers; then international advisers. All three stages are dependent on partner contributions to the development of TORs (often not done in a timely manner) and partner availability for the selection process. The same outcomes could be achieved through a one stage process using well crafted TORs and selection criteria that ensure all involved (applicants and partners) understand the order of priority for selection.

The Imprest Account generates unnecessary work. An Imprest Account, managed by the MC, was established to allow for forward funding of activities. To date the amounts have been relatively small but the process requires separate record keeping and an annual audit. Both the MC and AusAID have indicated an interest in reviewing the need for the account.

Procurement processes require refinement. To date the MC has carried out all procurement for goods and services funded through the program, working with partners to ensure their needs are met. The process would be more efficient, and local capacity would be developed, if partners carried more responsibility for procurement. The JR acknowledges there is a resource cost for partners with this process. By supporting procurement through partners, the program is developing local capacity that will support claims for budget support.

developing countries (such as scholarships, institutional twinning and mentoring) as well as services (such as consultancies, technical support or the provision of expertise): derived from the OECD DAC 2007 Statistical Reporting Directives.

Recommendations:

7. The MGP to improve its efficiency by:
 - Streamlining the recruitment process, adopting a one stage process.
 - Reviewing the appropriateness of the Imprest Account
 - Developing and implementing a strategy to devolve most aspects of the procurement process to partners (potentially in line with the findings of a Fiduciary Review).Streamline the recruitment process, adopting a one stage process.

4.3.5 Have the governance arrangements and partnership enabled efficient implementation? Assess the current governance structure and whether the program could be better governed from other Ministries or departments.

Conceptually, the program governance arrangements are appropriate. Those arrangements are:²⁹

- The VLGC’s role is to provide an oversight in the implementation of the VLSF including the MGP’s contribution.
- The LSCU is the secretariat and implementation arm of the VLGC. Its purpose is to work collaboratively with the MGP and to coordinate with development partner agencies to support implementation of relevant parts of the VLSF. The LSCU provides secretarial and advisory support to the VLGC.
- The PMC is officially a working group of the VLGC, established to provide direct policy, strategic direction and implementation oversight for the Vanuatu Land Program. The PMC meets as required³⁰. The MC provides secretarial and advisory support to the PMC.
- The PD is the primary point of contact for AusAID and the NZAP on technical, administrative, reporting and contractual issues. The MC provides appropriate administrative and contractual support to the PD to ensure these tasks are efficiently managed and do not divert the PD unduly from key implementation and technical responsibilities.

Inevitably there are overlaps in the governance and management roles. This should not pose a problem as long as all partners are fully aware of their roles and responsibilities.

Some parts of the program governance arrangements have not been very effective. The VLGC has failed to meet, usually due to the lack of a quorum, suggesting a lack of interest by many of the VLGC’s membership. The DG of Lands (the Chair of the VLGC) advises he has delegated the role for both strategic and management oversight of the MGP to the PMC, although this does not appear to have been formalized. The result is a perception that the Government is not committed to, or engaged with, the VLSF and the MGP.

²⁹ From the Scope of Services Section 5.

³⁰ There have been a total of 9 PMC meetings since the commencement of the Program, so the PMC has met on average, at least every quarter. LEI Response to JR Draft Report. Page 2.

There has been lack of clarity about the power and authority of the PMC however it is developing into an effective program governance and management forum. While the TORs specify that the PMC's role is to approve plans (and therefore is the forum that makes the decisions about what activities will be funded through the MGP) there have been cases where PMC approved activities have not been implemented. The JR was advised that there have been cases where PMC decisions have not been implemented due to conflicts with the design or donor guidelines. This should lessen with experiences.

The LSCU has been unable to fulfil its role due to the lack of direction from the VLGC (and MoL), lack of resources and institutional support. The LSCU was initially resourced by one part time position although the position was left vacant for several months. Funding has been approved through the MGP for two positions but they have not yet been put in place. It is also evident that there is a relationship issue between the LSCU and the MGP – at this stage to two do not work well together.

The JR found that the MGP needs a high level champion. While there is a strong level of commitment by a small number of managers the program needs a senior level champion within the Government - without a driving force the MGP PD and DPD are forced to fill the vacuum to ensure milestones are achieved. This should be the role of the Minister, DG of Lands and the Director of Lands.

Recommendations:

8. MoL to ensure the LSCU is properly resourced with permanent appointment of staff for better execution and management of the coordination unit. Its role should be strengthened in liaison and coordination to promote effective communication and activity harmonization.
9. Active involvement is required of the DG and Director of Land and delegated officers with high responsibility for the program to be successful.

4.3.6 To what extent is the program aligned with other land sector initiatives?

It is the role of the VLGC and the LSCU to ensure coordination and alignment of MGP activities with other land sector initiatives under the VLSF. As those two bodies are not functional coordination has fallen to AusAID and the MGP. There are sectoral overlaps with two other donor funded programs (AusAID's *Governance for Growth* and the World Bank's *Jastis Blong Evriwan - Justice for the Poor in Vanuatu*). In the absence of VLGC/LSCU leadership the coordination role is being carried out by the AusAID Senior Program Manager (SPM).

Communication between the MGP and other programs is not strong. There is a perception that the MGP does not build on the work of other programs (particularly 'Jastis Blong Evriwan') resulting in a duplication of effort. The JR acknowledges that primary responsibility for implementation of the recommendations from other donor programs, and their coordination with MGP activities, sits with

program partners³¹. The PD advises that there has been an occasion when recommendations from another program has caused them some concern so the MGP has carried out its own investigation and made its own recommendations. The key issue here is communication – unless the MGP communicates and works with partners to ensure that all understand what is happening concerns will continue to arise.

Recommendations:

10. The PD and AusAID SPM to meet regularly (quarterly?) with the PDs for AusAID's *Governance for Growth* and the World Bank's Jastis Blong Evriwan - Justice for the Poor in Vanuatu to ensure communication lines are open and effective.

4.3.7 How is progress monitoring used to inform management decisions and the approach of the Managing Contractor and the PMC?

The VLGC and the LGCU are responsible for monitoring the MGP's contribution to the VLSF. The LGCU is attempting to monitor progress against the VLSF as evidenced by recent efforts to identify all donor funded program contributions. However this process will only have value if it is used by the VLGC for monitoring purposes. Similarly, the M&E Framework for the VLSF, developed with assistance from the MGP's M&E advisers, will only be useful if it is used.

The PMC is responsible for monitoring program implementation. At this stage the monitoring role of the PMC as a collective body appears to be minimal. It is evident, for example, that complaints are taken to the SPM rather than the PD or the PMC where they belong.

The VLGC, the LSCU and the PMC are all reliant on the MC to provide the information they need to properly monitor the program. Objective 3C of the design is *Effective and efficient reporting and monitoring and evaluation of Program activities and deliverables* and key deliverables that are provided by the MC to help achieve this include³²:

- a monitoring and evaluation plan³³ (called a M&E framework)
- six monthly progress reports and acquittals
- annual reports.

In addition, the MC provides a monthly report to the SPM and other key stakeholders³⁴, outlining progress and identifying any issues that have arisen during the reporting period³⁵.

The lack of an approved M&E Framework is of concern. Delays in the development of the M&E Framework are attributed to the time it took to recruit both the national and international

³¹ Apparently there are concerns that while partners have accepted recommendations, few have been actioned.

³² Section 9.2 of the Scope of Service.

³³ Section 4.10, Part (g) of the Scope of Service.

³⁴ The reports are provided to donors, DG of Lands, DG of Justice, LSCU, Director of Corporate Services in MoL and Director of Lands. LEI Response to Draft Report. Page 2.

³⁵ This is not a contractual obligation.

advisers. AusAID has also provided feedback about the draft framework that requires further work before the framework is accepted. Without an M&E Framework, any program will struggle with its M&E efforts due to the lack of agreed baselines and progress indicators.

The JR questions the need for separate M&E Frameworks for the MGP and the VLSF. The JR is reluctant to make recommendations that will generate further delays in the formalisation of the M&E processes for the MGP but is concerned that two separate M&E Frameworks will result in the duplication of efforts. Given the MGP is supporting implementation of the VLSF it seems logical that the MGP M&E Framework is a sub set of the VLSF M&E Framework..

The AusAID SPM is responsible for monitoring the program from a donor perspective. The workload associated with monitoring the MGP exceeds that of other programs under AusAID management, partly due to the high level of complaints raised directly with the SPM rather than through the usual channels. The JR acknowledges that the land sector is very demanding with its broad range of stakeholders many of whom have opposing views. The small size of Vanuatu also generates problems as all those involved have personal histories. Many of the issues and complains directed to the SPM should be directed to the VLGC, LGCU, PMC or PD. This issue needs to be discussed and resolved with all partners.

Recommendations:

11. The LSCU to examine the option of having only one M&E Framework with the MGP M&E Framework a subset of the VLSF M&E Framework.

4.4 General issues

4.4.1 Leadership and management

A consistent theme that emerged throughout the review was the lack of genuine leadership for the land sector. The VLGC, the DG of Lands, the heads of the various partner agencies, non government organisations etc. all have a role to play in shaping reform in the sector. However, at the moment, the sector is seen as divisive, with some key players actively undermining reforms. Leadership is essential to draw the stakeholders together and to drive the reforms identified at the National Land Summit and through the VLSF process. If the current situation continues there is little value in DPs directing funds to the sector. While recommendations in this report seek to address the leadership issue final responsibility sits with the DG of Lands.

The JR acknowledges the challenges facing the DG Lands – the position has to balance the tensions associated with supporting reform and land governance improvements while supporting Ministerial and political agendas that may seek to maintain the status quo for political gain. If there is no political will for the kind of reform and land governance improvements that the MGP seeks to support, it is very difficult (virtually impossible) for a DG to champion the cause. It is possible that with the new DG contracts giving greater powers to Ministers, this situation is even more difficult for anyone in the DG Lands position.

As has been discussed in this report, good ni Vanuatu management is also needed to ensure the resources accessible through the MGP are well utilised. The MNCC and the Survey and Valuations areas of the DoL potentially provide good case studies of effective management in relation to the MGP. The MGP has already conducted some management training for DoL section heads with positive results.

Recommendations:

12. The MGP to explore the option of delivering a management development program for all managers whose areas are receiving support through the MGP.

4.4.2 Positioning of the program

The MGP is positioned at the front of change in the land sector and has developed a strong identity of its own. This is evidenced by how people talk. For example, the workshops in the provinces were referred to as the ‘Mama Graon’ workshops, not as the Malvatumauri workshops. This positioning and identity is contrary to the proposed role of the program which was to provide low key (almost invisible) support to national institutions to assist them to implement the VLSF³⁶. It is likely that this has come about as the program has had to fill the vacuum created by lack of GoV leadership. It may also be due to the style of program management and/or the lack of understanding of this new, emerging modality of donor support. The JR’s main concern is that this positioning has led to the perception that the MGP (a donor funded program) is driving land reform in Vanuatu. This must not continue.

Repositioning will be supported by a change in the style of delivery of the program and through a change in the design modality. The MC modality positions program management staff (particularly the PD and DPD) in high profile roles whereas the ISP model or Government managed model places GoV program management staff in the high priority role. The JR notes that as some partners are not from the GoV this may be of concern.

This issue should be addressed through the refinement process.

4.4.3 Program name

The majority of those consulted felt that the name ‘Mama Graon Program’ should be changed.

Reasons varied: the name is too provocative; it draws too much on the emotions; it makes the program sound more important than it should; it supports the positioning of the program out front instead of behind; and it suggests that the program will address all land issues in Vanuatu rather than specific parts of the VLSF. While acknowledging that changing the name will not

³⁶ Section 5.12 of the Scope of Services: *The Contractor has responsibilities for both Program-wide management functions and operational functions related to each of the Program components. In all cases, the Contractor shall operate as a facilitator and enabler of other parties for the delivery and implementation of the Program, rather than being a direct implementer of all Program outputs and activities.*

necessarily change perceptions, it is the JR's view that the issue was important enough to stakeholders to merit further consideration.

The title of the program should be reconsidered as part of the refinement process.

4.4.4 Program location

Views varied on the organisational location of the program. While most felt that the program should continue to sit under the Ministry of Lands it was acknowledged that this would only work if the Ministry took its responsibilities in relation to the program seriously. Some suggested the program be placed under the Ministry of Justice but support for this was limited. The team also explored the option of placing the program with the Prime Minister's Office (PMO) but acknowledge that program implementation does not sit with the PMO's role in strategy and policy. Another option is to split the program in two placing relevant components under Lands and Justice. At this stage it is the JR's view that the program should continue to sit within the MoL assuming that the Ministry will make every effort to improve its support and leadership of the program.

This issue should be addressed through the refinement process, taking into account the demonstrated level of commitment of the MoL.

4.4.5 Reputational risks

The perception of corruption in the DoL is impacting on the delivery of the MGP. Several partners questioned the value of being associated with a program that supports the DoL because of the risk that their own reputations will be damaged through association. The JR notes that two investigations are currently underway within the DoL.

Personal relationships, histories, styles and professional backgrounds are perceived to be influencing the program, sometimes negatively. Attacks on the MGP and on individuals involved with the program can often be traced to personal and/or philosophical differences. **This is unacceptable.** The VLGC and the PMC are the forums where complaints and concerns about the MGP and how it is being delivered should be addressed. The PA process will provide the opportunity to discuss further how complaints should be managed.

MGP fraud mitigation processes are acceptable. The MGP's finance procedures meet international standards and are in accordance with LEI's quality procedures which are audited externally every 12 months. Three signatories are required for accounts and the PD is a compulsory signatory on all cheques and approvals for expenditure. LEI responded adequately to the recent conflict of interest issue in the Land Registry. The JR notes that this matter demonstrates the problems that arise when the GoV selects and manages human resources but the contracts, salaries and risk sit with the MGP. Alternative models are being explored to place the risk where it should sit – with the organisation that selects and supervises the staff.

Recommendation:

13. GoV to ensure all cases of alleged fraud and corruption are investigated and dealt with appropriately and publicly where proven.

4.4.6 Social inclusion

The JR has concerns about how well social inclusion (including gender) is being integrated into the work being done by the MGP and particularly that with the MNCC. The JR team acknowledges the sensitivities and challenges of ensuring that the customary land work respects and supports custom but does not undermine the rights of women, youth, girls, boys and those with disabilities. This is an area where the MGP and the PMC must be vigilant.

Recommendation:

14. All partners to undergo training and awareness sessions with appropriate stakeholders on gender and the rights of women, youth, girls, boys and those with disabilities.

5 Conclusions and Options

5.1 Conclusions

The positive aspects of the MGP identified by the JR include:

- The PMC is developing into an effective decision making body that is able to provide guidance on the program's direction and priorities
- The work with the MNCC has progressed well and should contribute to program outcomes - communities are excited by the work of the MNCC.
- Some DoL partners have engaged strongly with the program and are making solid improvements (for example, in valuations and survey)
- Most advisers, national and international, have been well received and have contributed to progress in some technical areas
- Private valuers are seeing improvements in the valuations function of the DoL
- Cultural centre field workers recognise the importance of the MGP's contribution to their ongoing activities

The areas of most concern are:

- Lack of an effective VLGC and an under resourced LSCU
- Inappropriate decision making at the political and corporate levels placing financial burdens on the MoL and DoL budgets. This undermines the likelihood of sustaining positive changes achieved through MGP.
- A too broad program design that is expected to achieve too much in too short a time (this includes a lack of focus) – for example, the expectations developed through the work of the MNCC may well be greater than what can be achieved with existing MNCC and MGP resources.
- Slow progress with some partners due to lack of engagement
- Limited progress in some areas that have received costly adviser support

5.2 Recommendations

Recommendations relating to the questions specified in the TORs are documented in the relevant section and amalgamated at Attachment E. The JR also considered the future of the MGP on the premise that there are barriers to its success at a strategic level – without high level support the program will fail to achieve its potential. Options, discussed at the December workshop, were as follows.

Option 1: Continue the MGP as is, with minimal changes to program design and delivery.

Under this option, the MGP would progress as usual. Improvements in management and implementation would be made as issues or concerns arise as currently happens. The program design would remain unchanged - the PMC would continue to determine what activities were to be funded.

Advantages:

- This is the easiest option.
- Fewer people and fewer plans will be disrupted with this approach.
- Commitments already made through the annual planning process will be met.
- Partners would have the opportunity to take responsibility for considering JR findings and recommendations and take appropriate measures to improve outcomes if desired.

Disadvantages:

- The strategic issues identified through the JR are likely to remain unresolved.
- The impact of the program is likely to be less than it could be.
- There is no incentive for any partners to change their commitment or behaviour in relation to the MGP.
- The program is unlikely to achieve its desired objectives.
- Reputations continue to be at risk.

Option 2: Continue the MGP but make substantial changes to respond to the issues identified by the JR.

Under this option, the program would undergo a substantial rework to respond to the issues raised in this report. Particular attention would be paid to: governance, commitment and leadership, coordination, design, program modality, monitoring and stakeholder management.

Advantages:

- Requires all partners to deal with all of the major issues raised by the JR.
- Ensures the GoV take strategic direction to ensure that responsible ministries play more proactive role in program implementation (through introduction of Performance Management Standards and system to achieve measurable outcomes).
- Should ensure a better quality program with a greater chance of achieving sustainable outcomes.

Disadvantages:

- The process will be both disruptive and challenging, potentially delaying the progress of some activities.

- Resources will be needed to work on the changes – there will be a cost.
- There are limited incentives for any partners to change their commitment or behaviour in relation to the MGP.

Option 3: Make substantial changes to respond to the issues identified by the JR. Continue the MGP with those partners who are fully engaged. Discontinue support immediately to those partners who are not fully engaged.

Under this option, the program would undergo a substantial rework to respond to the issues raised in this report. In addition, it would ensure that program resources are only directed at partners who want to work with the program acknowledging that partners have had almost two years to demonstrate their support for the MGP. One challenge will relate to the MoL. It is likely that this would mean support to all of the MoL would be discontinued (it is unlikely that it would be workable to discontinue support to some parts and not others) thus disadvantaging the DoL Sections that are actively engaged.

Advantages:

- Ensures the MGP only works with partners who are genuinely committed to the program so reduces the resources wasted with those who are not engaged.
- Provides the opportunity to deal with all of the major issues raised by the JR.
- Should ensure a better quality program with a greater chance of achieving sustainable outcomes.

Disadvantages:

- The process will be both disruptive and challenging, potentially delaying the progress of some activities.
- Resources will be needed to work on the changes – there will be a cost.
- DoL sections that are fully engaged could be disadvantaged.
- Partners who are no longer part of the program could be aggrieved and seek to undermine its effectiveness.

Option 4: Make substantial changes to respond to the issues identified by the JR. Continue the MGP with all partners. Negotiate milestones that must be met by 30 June 2013 with partners who are not fully engaged. Discontinue support if milestones are not met.

Like Options 2 and 3, under this option the program would undergo a substantial rework to respond to the issues raised in this report. In addition, it would allow time for those who are not currently active to reconsider, and demonstrate, their commitment. It ensures that work continues as usual with those who are engaged. It does, however, build in milestones (such as regular meetings of the VLGC, engagement of the DG of Lands and resourcing of the LSGU) and a deadline (30 June 2013).

Advantages:

- The advantages of this option are the same as those for Option 2.
- In addition, this option allows partners who are not currently engaged the opportunity to actively recommit to the program.
- Engaged DoL sections will not be disadvantaged in the short term.

Disadvantages:

- The disadvantages of this option are the same as those for Option 2.

Option 5: Terminate the MGP to take effect 30 June 2013.

Advantages:

- This option clears the way for the GoV to take full control of the land sector response
- It would address the view held by some that donors should not be involved in support to the land sector.
- AusAID and the NZAP would stop being constantly criticised about the MGP.

Disadvantages:

- The challenges in the land sector are likely to remain and continued to increase.
- Likely to have negative impact on GoV and DP relations

The JR recommends Option 4 (Recommendation 15). This option acknowledges the importance of land reform in Vanuatu and continues support to those partners who are actively engaged in the program. It also provides all partners with the opportunity to demonstrate or renew their commitment to the MGP. At a minimum the following should be required by 30 June:

- a) At least one VLGC meeting has been conducted. The Committee has considered this review and its recommendations.
- b) The LSCU is fully resourced and operational (funds for two positions can be drawn from the MGP).
- c) The DG of Lands has articulated a strategy and plan to address leadership of the land sector.
- d) All partners have participated in a Partnership Workshop and the development of a Partnering Agreement (refer Attachment F).

If these requirements are not met, the JR recommends termination of the MGP at the end of 2013.

Attachment A: Reference Documents

Author	Date	Title
GoV	2006	Vanuatu Priority Action Agenda - 2006 2015
AusAID	2009	Mama Graon Vanuatu Land Program – Project Design Document 2009
GoV	2009	Vanuatu Land Sector Framework 2009-2018
New Zealand	2009	Activity Design Document February 2009 – New Zealand Aid
AusAID	2010	MGP - Scope of Service
AusAID	2011	Evaluation Capacity Building Program Monitoring Standards
AusAID	2011	Independent Review of Aid Effectiveness 2011
AusAID	2011	Australian Government response to the Independent Review of Aid Effectiveness
GoV	2011	Integrated GoV Architecture description
GoV	2011	iGov Applications Requirements Attachment 3 Agency Survey Outcomes Templates
GoV	2011	iGov Program Design
GoV	2011	iGov requirements and activity prioritization v5
MGP	2011	Risk Management Plan
MGP	2011	Information Systems Strategic Plan
MGP	2011	Valuation Interim Status Report
MGP	2011	System Requirement Specification Land Administration System
MGP	2011	Status Report GIS, Mapping and GIS User Group
MGP	2011	Cadastral Survey Legislation and Practice and Geodetic Network Assessment
MGP	2011	An initial Assessment of Delineation of Customary Land Boundaries
MGP	2011	Review of Land Surveyors Act and Land Surveyors Regulation
MGP	2011	Valuers and Professional Development in Vanuatu
MGP	Nov 2011	Report Conflict Management Analysis
MGP	2011	Vanuatu Integrated Government Initiative Office of the Chief Information Officer Program Design Briefing
MGP	2011	Inception Report
MGP	2011	Annual Plan 2011
MGP	2011	Annual Report 2011

Author	Date	Title
MGP	2012	Lease Execution and Planning and Enforcement
MGP	2012	Land Registry Office Assessment of Applications Lodged since 1 January 2012
MGP	2012	Valuation Issues and Opportunities for an Efficient and Sustainable Land Rent Management System
MGP	July 2012	Geodetic Network review and upgrade strategy
MGP	June 2012	Spatial Data Strategy for Department of Lands
MGP	2012	Annual Plan 2012
MGP	2012	Annual Plan (Draft) 2012
MGP	2012	Annual Plan 2013
MGP	2012	Summary of Program Activities (prepared for the Joint Review)
MGP	2012	Communication Strategy
MGP	2012	Draft M&E Framework
MGP	2012	Procedure for Recruitment of Advisers
MGP	2011 and 2012	Minutes of PMC Meetings (various)

Attachment B: People/Agencies Consulted

Name	Agency	Position	M	F
Anna Naupa	AusAID	Senior Program Manager	0	1
David Momcililovic	AusAID	First Secretary	1	0
Katherine Ruiz-Avila	AusAID	Councilor	0	1
Patricia Fred	AusAID	Assistant Program Manager	0	1
Simon Cramp	AusAID	Director, Governance for Growth	1	0
Catherine Sparks	Christensen Fund	Program Manager	0	1
Gordon Arnhambat	Customary Land Tribunal	Senior Lands Tribunal Officer (South)	1	0
Jean Pierre Tom	Customary Land Tribunal	Senior Lands Tribunal Officer (North)	1	0
Darren Fatu	Dept of Lands	Planning and Enforcement Officer	1	0
Florrie Tasso	Dept of Lands	Registry	1	0
George Kerbey	Dept of Lands	A/Principle Enforcement Officer	1	0
George Shem	Dept of Lands	Lands Officer, Planning	1	0
Gordon Willie	Dept of Lands	Principle Registration Officer	1	0
Harold Moli	Dept of Lands	Senior Mapping and Remote Sensing Officer	1	0
Jay Hinge	Dept of Lands	Senior Lands Officer	0	1
Jimmy Perre	Dept of Lands	Assistant Valuer	1	0
Katua Rezel	Dept of Lands	Registry Officer	1	0
Martin Sokomanu	Dept of Lands	Surveyor General	1	0
Menzies Samuel	Dept of Lands	Valuer General	1	0
Paul Gambetta	Dept of Lands	Senior Cartographer	1	0
Peter Pata	Dept of Lands	A/Director of Lands	1	0
Richard Dick	Dept of Lands	Principle Valuation Officer	1	0
Rocky Adams	Dept of Lands	Government Valuer	1	0
Stanley David	Dept of Lands	Enforcement Officer	1	0
Jeffery Kaitip	Dept of Local Affairs	Principle Physical Planning Officer	1	0
Dorosthy Kenneth	Dept of Women's Affairs	Director	0	1
Seman Dalesa	Dept of Women's Affairs	Governance Officer	0	1
Ben Kai	Epau Council of Chiefs	Chairman	1	0
Faleawia Sakey	Epau Council of Chiefs	Paramount Chief	1	0
Fulu Andrew	Epau Council of Chiefs	Assistant Chief	1	0

Name	Agency	Position	M	F
Nemal Thomas	Epau Council of Chiefs	Chief Responsible for Land	1	0
Kalman Kaltoi	Epau Village	Councillor	1	0
Martin Manses	Epau Village	Pastor	1	0
Douglas Patterson	Island Property Group	Director??	1	0
Peter Sakita	Luganville Municipal Council	Town Clerk	1	0
Pallen Arthur	Malampa Province	Planner	1	0
Numa Fred	Malekula Cultural Centre	Curator	1	0
Owen Rion	Malmetenvanu Council of Chiefs, Malekula	Chairman	1	0
Temo Saiti	Malmetenvanu Council of Chiefs, Malekula	Secretary	1	0
Alicta Vuti	Malvatumauri	A/CEO	1	0
Chief Senema	Malvatumauri	President	1	0
Georgina Faerua	Malvatumauri	Kustom Governance Partnership Project	0	1
John Pierre Tom	Malvatumauri	Custom Land Officer	1	0
Stevie Namali	Malvatumauri	Custom Land Officer	1	0
Beverly Bule	Mama Graon Program	Finance Officer	0	1
Chris Lunnay	Mama Graon Program	Program Director	1	0
Dorah Wilson	Mama Graon Program	M&E Adviser	0	1
Edson David	Mama Graon Program	Training Adviser	1	0
Garry Tavoia	Mama Graon Program	Gender Focal Point	1	0
Iain Heggarty	Mama Graon Program	Consultant, Foreshore Development Act	1	0
Irene Titek	Mama Graon Program	Office Manager	0	1
Jilda Shem	Mama Graon Program	Communications Adviser	0	1
Mark Mcloughlan	Mama Graon Program	Valuation Adviser	1	0
Paul de Villers	Mama Graon Program	M&E Adviser	1	0
Russell Nari	Mama Graon Program	Deputy Program Director/ Custom Land Adviser	1	0
Mark Bebe	Ministry of Justice	Director General	1	0
Amos Kalo	Ministry of Lands	Land Sector Unit Coordinator	1	0
Joe Ligo	Ministry of Lands	Director General	1	0
Michael Mangawai	Ministry of Lands	Section Head, Corporate Services	1	0
William Ganileo	Ministry of Lands	Section Head, ITC	1	0

Name	Agency	Position	M	F
GIS Users Group	Multi agency	Various	5	2
Jimmy Nipo	NZ Development Agency	Senior Program Manager	1	0
Mikaela Nyman	NZ Development Agency	Development Councillor	0	1
Fred Samuels	PMO	Chief Information Officer	1	0
Llewellyn Toulmin	Prime Minister's Office – Office of the Government Chief Information Officer	iGovernment Strategic Advisor	1	0
Joel Path	Sanma Provincial Government	Secretary General	1	0
Luke Shem	Sanma Provincial Government	Commissioner	1	0
Jeffrey Silas	Santo	Private Valuer	1	0
	Santo communities, Tabwemasana Council of Chiefs (Santo), Council of Chiefs (Malo)– Serete Village	Chiefs, pastors, community members	35	1
Benuel Tabi	Santo DoL	Office in Charge/Lands Officer	1	0
Celestine Delaveau	Santo DoL	Clerk/typist	0	1
Gwen Wells	Santo DoL	Enforcement Officer and Acting Tribunal	0	1
Joe Jeas	Santo DoL	Planning Officer	1	0
Josephine Antas	Santo DoL	Finance Officer	0	1
Rachel Poke	Santo DoL	Secretary/typist	0	1
Viviane Wilfred	Santo DoL	Cleaner/messenger	0	1
Jacob Kapere	Tafea Cultural Centre	Director	1	0
Jimmie Kuautongga	Tafea Cultural Centre	Curator	1	0
Teana Pierre Waka	Tafea Police Post	Sergeant	1	0
Tom Lann Daniel	Tafea Police Post	Sergeant	1	0
Ketty Napwatt	Tafea Provincial Council	Secretary General	0	1
Daniel Iafu	Tanna Nikoletan Council of Chiefs	Member	1	0
James Natongu	Tanna Nikoletan Council of Chiefs	Member	1	0
Seth Kaurua	Tanna Nikoletan Council of Chiefs	Secretary	1	0
Simo Shem	Tanna Nikoletan Council of Chiefs	President	1	0
Sarah Mecartney	UN-HABITAT	Pacific Programme Manager	0	1

Name	Agency	Position	M	F
Marcelin Abong	Vanuatu Cultural Centre	Director	1	0
Richard Barnes	Vanuatu Property Valuations	Partner	1	0
Elisabeth Graham	VBTC	Director, Radio	0	1
Totals			106	24

Attachment C: Validation Workshop Participants

	Name	Agency	Position	Contact
1.	George Kerbey	Dept of Lands	A/Principle Enforcement Officer	gkerby@vanuatu.gov.vu
2.	Gordon Willie	Dept of Lands	Principle Registration Officer	gwillie@vanuatu.gov.vu
3.	Martin Sokomanu	Dept of Lands	Surveyor General	msokomanu@vanuatu.gov.vu
4.	Jay Hinge	Dept of Lands	Senior Lands Officer	jhinge@vanuatu.gov.vu
5.	Paul Gambetta	Dept of Lands	Senior Cartographer	plgambetta@vanuatu.gov.vu
6.	Rocky Adams	Dept of Lands	Government Valuer	radams@vanuatu.gov.vu
7.	William Ganileo	Dept of Lands	SLM	wganileo@vanuatu.gov.vu
8.	Alicta Vuti	Malvatumauri	A/CEO	avuti@vanuatu.gov.vu
9.	Stevie Namali	Malvatumauri	Custom Land Officer	Stevie.namali@gmail.com
10.	Chris Lunnay	Mama Graon Program	Program Director	ChrisLunnary@landequity.com.au
11.	Russell Nari	Mama Graon Program	Deputy Program Director/ Custom Land Adviser	rnari@landequity.com.au
12.	Dora Wilson	Mama Graon Program	M&E Adviser	deejwils@gmail.com
13.	Edson David	Mama Graon Program	Training Adviser	Edavid003@gmail.com
14.	Garry Tavoia	Mama Graon Program	Gender Adviser	garylolitavoia@gmail.com
15.	Jilda Shem	Mama Graon Program	Communications Adviser	Jilda.shem@gmail.com
16.	Jean Marc Pierre	Director, Lands		jmpiere@vanuatu.gov.vu
17.	David Momcilovic	AusAID	First Secretary	David.Momcilovic@ausaid.gov.vu
18.	Mikaela Nyman	NZ Development Agency	Development Councillor	Mikaela.nyman@mfat.govt.nz
19.	Tony Burns	Mama Graon	Australian Based PD	tburns@landequity.com.au
20.	Bethuel Solomon	PMO	DSSPAC	bsolomon@vanuatu.gov.vu
21.	Irene Horai	Mama Graon Program	Program Office Manager	ihorai@landequity.com.au
22.	Darren Fatu	Lands Department	Senior Planning Officer	dfatu@vanuatu.gov.vu
23.	Michael Managwai	Ministry of Lands	Executive Officer	mjmangawai@vanuatu.gov.vu

		CSU		
24.	Jean Pierre Tom	Malvatumauri	Senior Customary Lands Tribunal Office	Ph 5663288
25.	Anna Naupa	AusAID	Senior Program Manager	anna.naupa@ausaid.gov.au
26.	Patricia Fred	AusAID	Assistant Program Manager	patricia.fred@ausaid.gov.au

Attachment D: Progress Against Design

Component Objective A1: Informed collective decisions by customary landholders

Proposed outcomes	Outputs to date	Outcomes to date	Comments
<p>(i) Improve the customary governance of land by the Malvatumauri</p>	<ul style="list-style-type: none"> • A Customary Land Workshop held in September 2011 developed 19 resolutions that provide the MNCC with a roadmap for the next five years. • Concepts notes were developed for each resolution as guides. • Workshops were conducted in five provinces (Tafea, Malampa, Panama, Shefa and Sanma) to raise awareness of the program and the 19 resolutions. Each island council of chiefs prioritised the 19 resolutions and formulated a work plan to guide implementation at the island level. Priority resolutions to date are: <ul style="list-style-type: none"> Resolution 1: Identify custom boundaries Resolution 2: Identify custom authorities and restore them to their rightful places Resolution 6: Transcribe custom rules and laws Resolution 10: Establish and clarify the chiefly titles in every area • The MNCC plans to conduct one pilot project in each of the six Provinces in 2013. • The MNCC is progressing the registration of the chiefs. The names will be managed in a database for references and appropriate use in the area of land management and development. • The Malvatumauri has developed a five years 	<ul style="list-style-type: none"> • Improved capacity within the MNCC to plan and manage strategy • Development of a structure better aligned with the MNCC's strategic agenda • Chiefs in the Provinces where workshops have been conducted have increased awareness of, and motivation for, improving the customary land processes. • Greater community awareness of the role of the chiefs in land and increased motivation to progress the identification of chiefs, customary land boundaries and custom laws and practices 	<ul style="list-style-type: none"> • Overall good progress is being made against this objective – a result of strong partner commitment to change and a willingness to work with the MGP to achieve results. • The MNCC is benefitting from solid support from the MGP funded Custom Governance Adviser, Training Adviser, Communication and Awareness Adviser and Gender Focal Point. • The JR is concerned that the priority resolutions identified by the MNCC address issues far broader than land (particularly Resolutions 2 and 6,) while acknowledging that these areas are integral to land. The challenge is to identify exactly where and how the MGP can support the land specific aspects of the MNCC agenda. The MNCC can then seek assistance from elsewhere for their broader custom agenda. • Provincial and rural Chiefs involved in MGP workshops have unrealistic expectations about what can be achieved and what can be supported through the MGP. Neither the MNCC nor the MGP has the resources to implement the MNCC's agenda/strategic plan. • There is also concern that the MNCC and the

Proposed outcomes	Outputs to date	Outcomes to date	Comments
	<p>strategic plan which is anticipated to be endorsed by the incoming MNCC members around March or April of 2013. The plan incorporates the 19 resolutions.</p> <ul style="list-style-type: none"> An organisational review was conducted of the MNCC and the CLTU. Proposed changes include an amalgamation of the two – to be presented to the MNCC in 2013. 		<p>MGP is pushing too hard, particularly in the custom components. The JR team acknowledges the tension between facilitating and driving change and allowing enough time to bring most people along with the change.</p> <ul style="list-style-type: none"> Some appear to see the program as an opportunity to benefit personally, particularly financially, rather than as a mechanism to achieve community benefits. Philosophical differences between the MNCC and VKS are undermining progress and generating negative press for the MGP and MNCC. This is an issue that must be resolved by the two parties concerned, not the MGP.
<p>(ii) Improve stakeholder and public understanding and awareness of customary land practices (including gender and familial land interests)</p>	<ul style="list-style-type: none"> A Gender Focal Point, appointed to work with the MNCC, has conducted gender sensitization training programs with the Malvatumauri and selected chiefs from Vaturisu. The MGP funded the conducted of two VKS workshops for field workers (46 attended the male workshop; 38 attended the female workshop). Each workshop was conducted in Port Vila over 2 weeks and 2 days. While the focus of the workshops was on VKS business, two days at the end of the workshop provided the opportunity for the field workers to gain exposure to the 19 Resolutions from the Customary Land Workshop and the activities of the MNCC. 	<ul style="list-style-type: none"> It is possible that some members of the MNCC have an improved understanding of gender and land related gender issues. 	<ul style="list-style-type: none"> A Customary Land Study and Research Grant Fund was to be established under the management of KVS. The fund's purpose was to provide grants to support national and local studies to improve the understanding, documentation and legal recognition of kastom land practices. This has not occurred. The JR understands that there were differences between the MGP and KVS as to how the funds were to be managed. The MNCC has now been given approval (through the annual planning process) to manage the research funds for 2012. VKS was to receive funding to conduct a Public Awareness and Information Program.

Proposed outcomes	Outputs to date	Outcomes to date	Comments
			This has not occurred.
(iii) Improve decision-making by customary landholders	<ul style="list-style-type: none"> • The function of facilitating the delivery of information, referral and networking services now sits with the new CLOs who are currently under training for their new role. (The design proposed the creation of National Kastom Land Officers – this was considered a more sustainable option.) • The Provincial Workshops have raised awareness of land issues with a small number of chiefs. • The Communication Strategy seeks to increase community awareness of customary rights to ownership and use rights (refer Objective A3.3 for more details). To date it has mainly been delivered on Efate but is gradually moving into the other islands and provinces. • Some communication material has been developed, published and distributed. 	<ul style="list-style-type: none"> • It is possible that a very small number of landowners on Efate are better informed and therefore making better decisions about land. 	<ul style="list-style-type: none"> • Feedback suggests participants in MNCC workshops struggle to share the information/lessons with a wider group on their return to their communities. This limits the potential for such activities to drive change. • Rural and Provincial chiefs were particularly emphatic about the need for more awareness activities in villages/communities about land and the role of custom in land to support decision making. • The JR notes that the current communication strategies are not reaching into the islands. The JR questions if it is reasonable/possible to have a broad reach within the period of the program. • Face to face communication supported by simply designed posters, were considered to be the best way of raising awareness with communities. Alternatives means of communicating also need to be explored further (eg. text messages).

Component Objective A2: Participatory land governance

Proposed outcomes	Outputs to date	Outcomes to date	Comments
<p>(i) Support the effective and participatory sector wide governance of land</p>	<ul style="list-style-type: none"> • Efforts have been made (albeit unsuccessfully) to support the VLGC, including the preparation of a discussion paper on how to make the forum more effective. • A draft M&E Framework for the VLSF has been prepared • The PMC, a sub-committee of the VLGC, is established and functioning. Committee members are drawn from across the sector, ensuring a sound representation of sectoral interests. Committee Guidelines and a Code of Conduct for the PMC were developed as part of the development of good governance practices. Regular meetings of the PMC have been held. The PMC is responsible for endorsing all Program activities, including the Annual Plan, Technical Assistance and providing oversight of all Program activities. • Limited and not continuous support is provided to the LSCU where requested. • Discussions have been conducted with the DG Lands re undertaking the Land Governance Assessment Framework³⁷. 	<ul style="list-style-type: none"> • The capacity of the PMC has improved to plan and monitor program progress. 	<ul style="list-style-type: none"> • Support in this area is challenged by the Minister of Lands powers which allow the Minister to bypass all governance processes. • The PMC has developed well over the life of the MGP. Its members advise that it has taken time but they are now starting to understand what is required of them and the scope of their decision making powers. For example, the annual planning process was a successful process. • The VLGC does not meet and there is little engagement with the GoV nominated Chair of the VLGC (DG, MoL). The lack of high level governance for land is of concern as is the lack of GoV engagement with the program. • The LSCU is not functioning due to lack of resources and a disconnect between it and the MGP. It also appears to operate in isolation from the DoL and MoL. • Lack of sector wide governance is a significant concern for the MGP. • The MGP seeks to work closely with other donor funded programs such as Justice Blong Everyone. Eg. by picking up on JBE support and recommendations.

³⁷ The Land Governance Assessment Framework is a comprehensive diagnostic (World Bank) tool that covers five main areas for policy intervention: Legal and institutional framework; Land use planning, management and taxation; Management of public land; Public provision of land information; and Dispute resolution and conflict management. For more information go to: http://publications.worldbank.org/index.php?main_page=product_info&products_id=24156

Proposed outcomes	Outputs to date	Outcomes to date	Comments
<p>(ii) Establish and/or improve participatory, sustainable mechanisms that will facilitate regional and local governance of land</p>	<ul style="list-style-type: none"> • Six Provincial Custom Land Officer positions have been created in the CLTU structure with PSC approval. Funding will be provided through the MGP until 2015. All six have been filled and training is underway. • Some initial support has been provided to improve public awareness and oversight of land administration processes e.g fact sheets. • Some steps have been taken to improve information sharing between the MNCC and the DoL through the development of a database of customary governance areas. • Review of Land Management and Planning Committee (LMPC) undertaken and recommendations made on how to operate more effectively e.g Negotiators Certificate. 		<ul style="list-style-type: none"> • The creation of the six positions is a good start to establishing mechanisms to support governance of land in the regional and rural areas. • Good initial work has been done by the MNCC on the database. • While the DG, JCS has given a commitment in writing to provide ongoing funding for these positions after 2015, there is still a risk that funds may not be available. (The JR is encouraged by the reappointment of the DG who gave this undertaking.) • Approval is still required from the Director and DG for more inclusive participatory processes
<p>(iii) Improve the participatory mechanisms that facilitate formal dealings in land</p>	<ul style="list-style-type: none"> • Initial steps have been taken to form the Vanuatu Land Professionals Association (VLPA). Membership will consist of those groups who are involved in land activities; surveyors, valuers, real estate, conveyancers, lawyers. A draft Constitution has been prepared - the association will have responsibility for the professional oversight of its members including enforcing a Code of Conduct. • The MGP has supported the development of fact sheets and conducted workshops to support transparency and awareness of land administration processes. 	<ul style="list-style-type: none"> • Growing understanding in the DoL of effective land administration processes and the roles of units in this. 	<ul style="list-style-type: none"> • Initial meetings have been held with representatives of the various land professional groups and further work is needed to establish the association. • The SoS asks, under this objective, that the MGP help with the establishment of processes to negotiate leases on customary land through support to the DoL. • Further work is needed at the provincial level to foster participation, further the understanding of land administration processes and reinforce good practice.

Component Objective A3: Effective and enabling services

Proposed outcomes	Outputs	Outcomes	Comments
<p>(i) Establish a functioning Land Registry and Information Service-</p>	<ul style="list-style-type: none"> • Through the hire of nine temporary land registry officers, the program has been able to progressively reduce the land registry backlog. • A review was conducted of the Land Registration Office to establish the issues and identify the strategies needed to improve its functionality/capacity. • A <i>Manual of Practice</i> has been prepared to provide detail on land registration procedures and to form the basis of ongoing education for land registry staff. • To assist with future registration and document examination activities a manual on <i>Guidelines for Dealing Examination</i> has also been prepared. • A review of the land registry systems identified issues with the use of both eRegistry and SAPERION. A decision was made to revert to the use of SAPERION which will ultimately become the hub for storing of all image data within DoL. • Guidelines have been developed for the use of SAPERION • Procedures are now being developed to scan all applications that have yet to be scanned. Scanning will recommence once some of the fundamental document filing issues have been addressed. • A workshop was held to brief the private sector on the progress in the Land Registry Office and to announce a two tiered process for registration of applications: backlog documents would continue 	<ul style="list-style-type: none"> • The land registry backlog has been reduced from approximately 6000 unregistered applications to less than 1000. • Document filing has been improved through the provision of additional shelving 	<ul style="list-style-type: none"> • Considerable MGP resources have been directed at the Registry as it is the foundation of any effective land administration system – if the Registry is not functioning then the capacity of all other aspects of the land administration process are affected. • The backlog is starting to build up again. • Barriers to progress in Registry are likely to include: lack of local leadership; the Registry’s relationship with the Registry Adviser; some (inevitable) resistance to change; and lack of capacity. Advisers can only do so much when it comes to managing change – leaders (Section Heads, Directors etc) must take responsibility for ensuring staff implement change. For example, it is apparent progress has stalled in the Registry since the departure of the adviser even though the additional resources continue to be provided. • Feedback from registry staff indicates the approach of the adviser may not have been a good fit with the Registry. For example, while training was provided there was little follow up support. • Media reports about alleged corruption in the Registry are impacting on the reputation of the MGP and the DPs as well as the DoL. These matters must be addressed.

Proposed outcomes	Outputs	Outcomes	Comments
	to be processed as quickly as possible and from 19 March all applications lodged after that date would be processed within 20 working days.		
(ii) Establish an effective land lease and development planning, assessment, permitting and enforcement service	<ul style="list-style-type: none"> In June/July of 2011 the MGP funded work on the development of a Strategic Plan for rural planning for Efate and urban zoning activities for Port Vila. This work was to be done by a Thematic Working Group (TWG) of the VLGC. The TWG has not reported on the outcomes of this activity. Reviews have been conducted of: Negotiator Certificate, Customer Owner Identification Form, the Land Management and Planning Committee, Land Rent Collection and Enforcement and Lease Audits. 		<ul style="list-style-type: none"> The MGP has had mixed success with its work with the Lease Enforcement Section. Like Registry, this could be attributed to the relationship with the adviser, resistance to change and/or leadership. The Lease Enforcement Section is yet to implement the recommendations of the reports although it has prioritized what needs to be done.
(iii) Deliver a national land awareness, knowledge and gender mainstreaming campaign	<ul style="list-style-type: none"> A Communication Strategy has been developed and is being implemented. Since early 2012 the MGP has had a 12 month contract with the VBTC to provide regular radio, radio talkback and TV programs on Program related activities. The Program has also had a regular article "Groan TOKTOK" in the Daily Post. The program has supported Program partners in the preparation of brochures and posters aimed at improved awareness and general education in relation to specific land related activities. Three editions of the Mama Graon Newsletter have been produced. In August 2012 the Program Director provided a lunch time briefing to the Media Association of 	<ul style="list-style-type: none"> The MGP profile ('brand') is strong. 	<ul style="list-style-type: none"> MGP has its own brand – this is not the intent of the design. Rather, it should sit behind and support ni Vanuatu organizations in the delivery of their own plans and strategies. The Communication Strategy is most likely reaching people in the urban area of Port Vila; there was no evidence to suggest it had reached into the islands, highlighting the need for further investigation. While the Communication Strategy is supported by a Communication Working Group, some partners provide limited support for initiatives such as radio and television activities, due to lack of resources and capacity. It also appears that some partners do not participate because of the

Proposed outcomes	Outputs	Outcomes	Comments
	<p>Vanuatu aimed at removing the misconceptions that surround the Program and to reinforce what the Program is and is not about.</p> <ul style="list-style-type: none"> • A Gender Strategy has been developed. 		<p>risks associated with negative media coverage.</p> <ul style="list-style-type: none"> • Face to face processes are needed to reach rural communities, however there is a significant cost to these strategies and limited resources/capacities available to support such a modality. • Given the mixed (often poor) feedback about the services provided by VBTC, other avenues for media delivery should be considered. • Gender is a significant issue when it comes to land. Care should be taken when supporting traditional kustom values to ensure women are not disadvantaged. This is a matter that needs to be one of the key focuses of any pilot activities. • The MGP should be supporting the implementation of the VLGC's gender strategy – there should not be separate documents (this also applies to M&E).
<p>(iv) Demonstrate effective organizational models and service delivery arrangements</p>	<ul style="list-style-type: none"> • Work has been carried out to improve customer service within DoL. A training course has been run and agreement has been reached to reorganise the public area on the ground floor to better service the public and to manage public access to the building. • Training was provided in customer service. 	<ul style="list-style-type: none"> • There may be some improvements in customer service as a result of the training and the physical reorganization. • The JR understands that since the two recent break ins this has become a high priority DoL issue. The MGP has been asked to support 	<ul style="list-style-type: none"> • There are significant management and institutional issues within DoL that need to be addressed with some priority.

Proposed outcomes	Outputs	Outcomes	Comments
		improved customer service and to control people's access to the building.	

Component Objective B1: A strengthened Customary Lands Tribunal consistent with the GoV's national plans

Proposed outcomes	Outputs to date	Outcomes to date	Comments
1.1. Legislative review			<ul style="list-style-type: none"> No activity has occurred under this objective although work is underway through other mechanisms to review land legislation.
1.2 Mediation support services	<ul style="list-style-type: none"> The MNCC has agreed to commit time and resources in 2013 to further investigate and strengthen customary mediation processes. The review of the Customary Land Tribunal Act will ensure that customary mediation in the area of land dispute is a priority. 		<ul style="list-style-type: none"> Little activity has occurred in this area.
1.3 Public awareness and training	<ul style="list-style-type: none"> Training is being carried out through the CLTU, with assistance from the MGP funded Training Adviser, on the existing CLT Act. Modules were developed and trialed in Epau, Eratap and Nguna. 85 CLT Adjudicators have been trained (2 females) in the three modules with more training planned. It is planned that the modules will eventually also be delivered to Chiefs and senior village officials throughout Vanuatu. Aspects of the Communication Strategy aim to 	<ul style="list-style-type: none"> CLT Adjudicators trained in the CLT Act are likely to be more effective in their roles A small number of custom land owners may be better informed in relation to the purpose behind and operations of the Customary land Tribunal 	<ul style="list-style-type: none"> Good progress has been made against this objective, primarily due to the commitment of the partners involved.

Proposed outcomes	Outputs to date	Outcomes to date	Comments
	raise awareness in relation to the CLT and its role.	Act.	
1.4 Capacity development of the Customary Land Unit	<ul style="list-style-type: none"> An institutional review assessment in 2011 proposed that the MNCC and the CLTU be amalgamated under one departmental structure. A submission has been prepared for the Public Service Commission to have the new structure endorsed. The MGP is supporting 6 Provincial Custom Officers to be located at each of the Provincial Headquarters. The Provincial Custom Officers will assist with the administration of the Customary Land Tribunal Act in the islands and with the 19 Malvatumauri resolutions. The Ministry of Justice had made the formal commitment to take over the six Provincial positions by 2015. 		<ul style="list-style-type: none"> The creation of a new, streamlined structure is a good first step in developing a viable organisation to support customary land. The provincial roles will ensure that support is provided outside of the urban areas. There would appear to be limited capacity within the Customary Land Tribunal Unit to manage the Provincial Customary Land Officers. The JR notes that the CLOs will be directly managed by the two Senior Customary Land Tribunal Officers.

Component Objective B2: A Land Information Management system that meets the current and future needs and supports economic development

Proposed outcomes	Outputs to date	Outcomes to date	Comments
2.1 IT strategy	<ul style="list-style-type: none"> An Information Systems Strategic Plan has been prepared. A System Requirement Specifications report has been prepared 	<ul style="list-style-type: none"> The MoL has made a commitment to the use of SAPERION for the management of document images that should ensure more efficient access to land documentation. 	<ul style="list-style-type: none"> While the foundations have been developed IT related activities in DoL are very vulnerable due to lack of staff resources. This makes it difficult to progress with IT initiatives (MoL advises it is seeking funding for 4 IT positions). The IT Section has not been seen as a priority section in DoL.
2.2 Land survey records	<ul style="list-style-type: none"> A review has been done of cadastral surveying activities and practice in Vanuatu along with an assessment of the survey legislation. A report was completed on the delineation of custom boundaries. A geodetic network review and upgrade strategy was prepared. An initial review of the DCDB and related survey records highlighted the need for an update of records and parcel data within the DCDB. Two contract staff were recruited by the SG to: undertake an initial review of the cadastral survey records; scan all of the survey coordinate sheets (estimated at 14,000 sheets) which are produced each time a new survey is submitted: and data entry into the eSurvey database. The Surveyors Directions is complete. Guidelines for private surveyors are to follow. 		<ul style="list-style-type: none"> While there is a demonstrated need and desire to update the geodetic network in Vanuatu the funding and resources required to undertake the update need to be assessed. Although the SG is committed to updating the cadastral survey system in Vanuatu, there is limited commitment from the private sector. The SG will need to undertake intensive training activities to ensure a high level of acceptance. Limited IT support from MoL makes it difficult to progress the systems required to support new initiatives in mapping, GIS and surveying.

Proposed outcomes	Outputs to date	Outcomes to date	Comments
2.3 Mapping and imagery	<ul style="list-style-type: none"> • An initial review of the GIS and mapping activities in DoL identified major issues in relation to equipment, software and data management. • Followup actions to the review include: repair or replacement of critical equipment; replacement of unlicensed or out-dated software with low cost alternative GIS software (Manifold). • A GIS and Mapping Status Report has been prepared. • A comprehensive Spatial Data Strategy has been prepared for the Department of Lands. • There has been a complete review and reorganisation of all spatial data records in DoL. • The GIS Users Group has been revived and has held 4 (bi-monthly) meetings over the past 12 months. Membership now exceeds 60 registered GIS users throughout the government, NGOs and private sector with most meetings being attended by between 12 to 20 members. • The iGov initiative now considers the GIS Users Group as a Technical Working Group on spatial matters within Vanuatu. • A training course in Manifold GIS was held over four days in mid-June at the Datec Training Centre in Port Vila. There were a total of 15 participants, 10 from the Department of Lands, Survey Section (including an Officer from Santo) and five from other key agencies (National Statistics Office, Ministry of Education, Geology and Mines, and the Ministry of Health) 	<ul style="list-style-type: none"> • DOL is now using licensed GIS software that is cheap and relatively easy to use to undertake all of the mapping requirements in DoL. This is a sustainable solution to a significant problem. • The review and reorganisation of DoL spatial data records has assisted with the more efficient use of data and also enables data to be more readily located. 	<ul style="list-style-type: none"> • Support to the Survey area is progressing well. This is due to strong local ownership of proposed changes and a good relationship and respect for the adviser.

Proposed outcomes	Outputs to date	Outcomes to date	Comments
2.4 Valuation services	<ul style="list-style-type: none"> A full review of valuation activities has been done. Four valuation data collectors were contracted to collect property data for the estimated 4,300 properties in the Port Vila Municipality. Field data collection was undertaken using digital tablets with data downloaded in the office. This work is complete. Valuation staff has completed preparation of a draft Valuation Zone Map and Rate Tables for Port Vila. 	<ul style="list-style-type: none"> The Valuation Zone Map and Rate Tables can assist in ensuring that there is equitable and consistent property rating figures available. 	<ul style="list-style-type: none"> Although a Valuation Zone Map and Rate Tables have been prepared for Port Vila there needs to be government commitment to implement. Current indications are that there is a reluctance to implement.

Component Objective C1: Effective consultation and coordination between stakeholders of the Vanuatu Land Program

Outputs to date	Outcomes to date	Issues
<ul style="list-style-type: none"> Regular PMC meetings have been held. Close collaboration with programs such as the World Bank Jastis Blong Evriwan research on land leasing, has informed Mama Graon's support to the Department of Lands. 	<ul style="list-style-type: none"> PMC meetings are developing management and ownership of Program activities. The adviser selection process is resulting in greater ownership and commitment by work areas. 	<ul style="list-style-type: none"> There is a need for more regular and meaningful partnership discussions on strategic direction and coordination between AusAID, NZAP and the DG Lands. The adviser selection process, while inefficient, does result in the selection of advisers that meet partner needs and builds ownership and commitment to the adviser's outcomes. . It is possible to maintain the benefits while streamlining the process.

Component Objective C2: Effective and efficient management of all resources provided to deliver services including personnel, funds, services and equipment

Outputs to date	Outcomes to date	Issues
<ul style="list-style-type: none"> • The MGP Program Office is resourced and functioning effectively. • Financial reporting has been timely and accurate. • An adviser recruitment strategy was developed (prioritising national recruitment). • The Imprest Account is managed according to AusAID requirements. 	<ul style="list-style-type: none"> • The budget is underspent. 	<ul style="list-style-type: none"> • The MC advises that the under expenditure is due to delays in the appointment of advisers, non use of planned advisers and slowness from some partners in providing the paperwork needed for procurement. • Use of the Imprest Account should be reviewed.

Objective C3: Effective and efficient reporting and monitoring and evaluation of Program activities and deliverable

Outputs to date	Outcomes to date	Issues
<ul style="list-style-type: none"> • An Inception Report was completed covering the period from Program commencement through to October 2011. • Annual Plans were completed for 2012 and 2013. • Annual Reports were completed for 2011 and 2012. • Six monthly reports have been produced mid-point through the years. • Regular monthly reports are provided to the donors and government (not a contractual 	<ul style="list-style-type: none"> • All reports required as a commitment under the milestone payments have been completed. 	<ul style="list-style-type: none"> • The quality of reporting is very high. • The M&E Plan is coming far too late in the program (for a range of reasons, most of which have been outside of the control of the MC). • Reports are perceived to be too long and burdensome to read. Authors need to consider the audience and purpose of all reports.

Outputs to date	Outcomes to date	Issues
<p>requirement).</p> <ul style="list-style-type: none"> • A range of technical reports have been produced (refer reference list). • A draft M&E Plan has been developed and is currently being finalized. • A Gender Strategy and work plan have been developed. 		

Objective C4: Identification and management of risks to the Program in order to minimise their impacts on the achievements of Program Goals and Objectives.

Outputs to date	Outcomes to date	Issues
<ul style="list-style-type: none"> • A Risk Management Plan was prepared with the Inception Plan and a revised version produced in October 2012. • A Conflict Management Strategy/Plan was prepared in January 2012. 		<ul style="list-style-type: none"> • The JR questions some of the ratings applied to risks, particularly those relating to Objectives A2, suggesting that the risk of these events occurring is higher than the assessment in the risk management plan. • The strategies to address risk are, in the main, sound although those that require engagement with the DG of Lands may be problematic. • The conflict management work has not met the needs of the donors and further work is required to ensure the document is useful. Importantly, greater attention needs to be paid to the management of conflict/differences between the partners of the MGP.

Attachment E: Recommendations

	Recommendation	Report Reference (Section No.)	Primary Responsibility	Suggested Process	Cost Estimates
Relevance					
1.	GoV and AusAID to agree if land is to be a development priority through the partnership discussions (the NZAP has decided that land is not a priority for their program). If not, support to the sector should end at the completion of the MGP.	4.1.1	AusAID Counsellor AusAID SPM Director, DSPPAC DG, PMO	Through <i>Partnership for Development</i> and other high level development partner discussions.	No additional resources required.
2.	GoV to raise the profile of the VLGC and VLSF and strengthen its role in shaping the land policy. As part of this process, the GoV to review the membership of the VLGC to ensure that members are those that are genuinely committed to providing leadership in the land sector and that the number involved is workable.	4.1.1	DG, Lands Mgr, LSCU	DG Lands to put forward a proposal at the next VLGC meeting. Proposal to be prepared by the Manager of the LSCU. Assistance can be provided by the MGP if requested.	No additional resources required.
3.	GoV and DPs to refine the design of the	4.1.1	SPM	a) Establish team - a 3-4 person subset	<u>Facilitator</u> ³⁸

³⁸ All costings assume facilitators/advisers will be locally sourced so there will be no travel expenses.

	Recommendation	Report Reference (Section No.)	Primary Responsibility	Suggested Process	Cost Estimates
	MGP, taking into account the findings of this review and the impact of the completion of the NZ component.		DG Lands Mgr, LSCU	<p>of the PMC</p> <p>b) Appoint a facilitator with program design expertise</p> <p>c) Develop the first draft of the refined design through a two day workshop with the sub team only.</p> <p>d) Document proposed changes and distribute for comment to stakeholders</p> <p>e) Conduct two day workshop with the PMC (and possibly other stakeholders) to review feedback and agree changes</p> <p>f) Revise documentation</p> <p>g) Put proposal to VLGC for approval</p>	<p>Up to 20 days (includes 2 days preparation; facilitation of 2 x 2 day workshops; preparation of draft and final documentation). ARF C4. \$760 a day.</p> <p style="text-align: right;"><u>AUD15,200</u></p> <p><u>Workshops</u></p> <p>Two day, small group workshop \$1000</p> <p>Two day, large group workshop \$2500</p> <p style="text-align: right;"><u>AUD3,500</u></p>
4.	<p>Develop a Partnership Agreement (PA) with all partners. This to be done through a partnering workshop and should address:</p> <ul style="list-style-type: none"> • roles and responsibilities • principles • mechanisms to monitor partner commitment and identify and discuss issues (the JR suggests that the PA agreement include quarterly meetings between AusAID, NZAP, DG and Director Lands to discuss strategic direction.) 	4.1.3	All partners: SPM, AusAID, SPM NZDP, DG's of Land, J&CS and LA (or their senior nominees) CEO, MNCC Director, VKS	<p>a) Conduct brief (one hour) education session with partners to explain purpose and process for the development of the PA</p> <p>b) Conduct a facilitated, one day workshop to develop the PA</p> <p>c) Draft PA for further consultation and review</p> <p>d) Meeting with partners to finalise PA</p> <p>e) Finalise document</p> <p>f) Official signing ceremony to celebrate the PA</p>	<p><u>Facilitator</u></p> <p>3 days (one day's preparation; one day workshop; one day to document agreement). \$760 a day.</p> <p style="text-align: right;"><u>AUD2,280</u></p> <p><u>Official Signing Ceremony</u></p> <p>Catering for 50 people.</p> <p style="text-align: right;"><u>AUD500</u></p>

	Recommendation	Report Reference (Section No.)	Primary Responsibility	Suggested Process	Cost Estimates
	<ul style="list-style-type: none"> conflict resolution processes and complaints procedures (that should exclude direct complaints to the SPM unless they are of a strategic nature). Refer Attachment F. 				
Effectiveness					
5.	MoL to make resourcing of the IT unit a priority to support ongoing technical work across the DoL.	4.2.1	MoL	MoL to follow GoV processes to resource the unit.	No additional resources required.
6.	<p>The MGP to develop a CD Strategy to guide advisers and partners on the processes for the identification and selection of the most appropriate CD strategies. The strategy should be used to induct all resources funded through the MGP into its approach to CD. The strategy should include direction that:</p> <ul style="list-style-type: none"> all adviser selection criteria clearly states both the technical and interpersonal qualities required (interpersonal and communication skills, CD capacity including change management expertise and ni Vanuatu cultural awareness). all adviser TORs clearly specify both technical and CD deliverables. These 	4.2.2	MGP Head, Corporate Services, MoL	<ul style="list-style-type: none"> a) MGP to appoint a CD Advisor b) Establish a small reference group (sub set of the PMC) c) Advisor and Head, Corporate Services, MoL to work with reference group to develop draft CD Strategy d) Conduct 3 hour Validation Workshop with PMC e) Finalise strategy 	<p><u>CD Adviser</u> 3 days preparation, 3 days to develop draft strategy, 1 day to prepare and deliver workshop, 1 day to finalise strategy. ARF C4. \$760 a day. Total 8 days.</p> <p style="text-align: right;"><u>AUD6,080</u></p>

	Recommendation	Report Reference (Section No.)	Primary Responsibility	Suggested Process	Cost Estimates
	<p>deliverables to be reaffirmed and restated in an adviser action plan, prepared soon after adviser mobilization.</p> <ul style="list-style-type: none"> • If necessary, the MGP to appoint a mentor to international advisers to provide them with support/guidance in working within ni Vanuatu organisations 				
Efficiency					
7.	<p>The MGP to improve its efficiency by:</p> <ul style="list-style-type: none"> • Streamlining the recruitment process, adopting a one stage process. • Reviewing the appropriateness of the Imprest Account • Developing and implementing a strategy to devolve most aspects of the procurement process to partners (potentially in line with the findings of a Fiduciary Review). 	4.3.4	D, MGP	MGP to implement recommendations in close consultation and cooperation with the PMC where relevant.	No additional resources required.
8.	<p>MoL to ensure the LSCU is properly resourced with permanent appointment of staff for better execution and management of the coordination unit. Its role should be strengthened in liaison and coordination to promote effective communication and activity</p>	4.3.5	MoL (D, Corp Services) PD, MGP	<p>MoL to follow GoV processes to resource the unit.</p> <p>For MGP approved positions, assistance with the selection process to be supported by the D, MGP.</p>	No additional resources required other than those already approved/allocated.

	Recommendation	Report Reference (Section No.)	Primary Responsibility	Suggested Process	Cost Estimates
	harmonization.				
9.	Active involvement is required of the DG and Director of Land and delegated officers with high responsibility for the program to be successful.	4.3.5	DG Land D Land	Discussions between AusAID's Counsellor and DG, Lands re level of involvement. DG to participate in PA process.	No additional resources required other than those already identified above.
10.	The PD and AusAID SPM to meet regularly (quarterly?) with the PDs for AusAID's <i>Governance for Growth</i> and the World Bank's <i>Jastis Blong Evriwan - Justice for the Poor in Vanuatu</i> to ensure communication lines are open and effective.	4.3.6	PD, MGP SPM	SPM to agree set dates for ongoing meetings with PDs from all three programs.	No additional resources required.
11.	The LSCU to examine the option of having only one M&E Framework with the MGP M&E Framework a subset of the VLSF M&E Framework.	4.3.7	Mgr, LSCU PD, MGP M&E Advisor	a) Meeting of MGP, DG Land, D Land and LSCU to discuss issue b) Mgr, LSCU to prepare draft proposal for VLGC c) Proposal to VLGC for their endorsement	No additional resources required.
General Issues					
12.	The MGP to explore the option of delivering a management development program for all managers whose areas are receiving support through the MGP.	4.4.1	CD Adviser, MGP Mgr, Corp Services	To be considered as part of the CD Strategy development process. Proposal to be prepared by the CD Adviser for the PMC (if considered an good option).	<u>CD Adviser</u> 3 days to develop draft management development program proposal. <u>AUD2280</u>
13.	GoV to ensure all cases of alleged corruption and fraud are investigated and dealt with appropriately and publicly where proven.	4.4.4	DG Lands DG JCS	MoL to follow GoV processes.	No additional program resources required.

	Recommendation	Report Reference (Section No.)	Primary Responsibility	Suggested Process	Cost Estimates
14.	All partners to undergo training and awareness sessions with appropriate stakeholders on gender and the rights of women, youth, girls, boys and those with disabilities.	4.4.5	MGP Gender Focal Point	PD, MGP and Gender Focal Point to arrange and deliver land related gender awareness sessions for the PMC and key stakeholders (and possibly the VLGC)	<u>3 half day workshops</u> Accommodation and catering only <u>AUD1500</u>
Program future					
15.	Option 4: Make substantial changes to respond to the issues identified by the JR. Continue the MGP with all partners. Negotiate milestones that must be met by 30 June 2013 with partners who are not fully engaged. Discontinue support if milestones are not met. At a minimum: <ul style="list-style-type: none"> (i) At least one VLGC meeting has been conducted. The Committee has considered this review and its recommendations. (ii) The LSCU is fully resourced and operational (funds for two positions can be drawn from the MGP). (iii) The DG of Lands has articulated a strategy and plan to address leadership of the land sector. (iv) All partners have participated in a Partnership Workshop and the development of a Partnering Agreement (refer Attachment F). 	5.2	AusAID SPM DG Land D Land	PMC meeting to agree on how the four milestones are to be met. Followup meeting with the DG Land to ensure he is on board with the agreements reached at the PMC.	No additional program resources required.
TOTAL ESTIMATED COST: AUD\$31,340					

Attachment F: Partnership Agreements

1. What is a partnership agreement?

A partnership agreement is the documentation that describes the nature of a partnership, the agreed outcomes and how the parties will work together.

2. What makes a successful partnership?

Experience shows that most of the following need to be in place for a partnership to work³⁹:

- (i) Partnerships must be based on trust.
- (ii) Partnerships must have a clear focus.
- (iii) Partnerships must have enthusiastic leaders/champions.
- (iv) Partnerships must be planned with sustainability in mind from the very beginning.
- (v) Partnerships must have benefits for all parties.
- (vi) Partnerships must invest time in the relationship.
- (vii) Partnerships must be founded on transparency and a sound ethical basis.

Partnership agreements document the position of the partners on each of the above. In preparing the agreement, each issue needs to be discussed and a common understanding reached before the partnership commences.

3. How is a partnership agreement established?

To establish a partnership agreement the following steps are necessary:

- (i) CEOs or equivalents agree to establish a partnership.
- (ii) Parties identify the benefits they are seeking from the partnership and what they have to offer their potential partner.
- (iii) The anticipated benefits and expectations of the partnership should be discussed between the parties (ideally this would be through a joint face to face process such as a partnerships workshop) and agreement reached about what each will give and receive from the partnership.
- (iv) Parties should also discuss and agree the principles that will underpin their partnership.
- (v) Parties should discuss and agree how concerns will be addressed.

³⁹ Adapted from *Partnerships in Development Practice: Evidence from multi-stakeholder ICT4D partnership practice in Africa*. UNICEF. (2005) Authored by Tim Unwin. Accessed at <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/partnerships-in-development-practice-evidence-from-multi-stakeholder-ict4d-partnership-practice-in-africa/> on 28 May 2012.

- (vi) Parties should agree the form the written agreement will take (MOU, ROU, contract), who will prepare the first draft and timeframes.
- (vii) The first draft should be prepared based on the agreements reached re benefits, processes etc.
- (viii) The first draft should be reviewed and feedback provided to the drafting party.
- (ix) Areas of difference should be discussed and agreement reached.
- (x) Changes/agreements should be documented in a second draft.
- (xi) The second draft should be reviewed by all parties (it may be that legal areas will be involved at this stage to ensure that any partnership agreement does not cross legal boundaries).
- (xii) Final changes should be discussed and a final partnership agreement prepared for signature of all parties.
- (xiii) The signing ceremony is an important event and should, if possible, be celebrated. It is an opportunity to bring the partners together.

4. What happens after the partnership agreement is signed?

A signed agreement does not create a successful partnership. What is important is:

- › The processes used to develop the agreement, particularly the discussions around expectations, benefits and principles
- › The planning by all partners to establish how they will deliver on their commitments to the agreement
- › Implementation of the plans
- › The processes used to address issues as they (inevitably) arise
- › The ongoing commitment of the leaders of partners to maintain the partnerships

5. What happens when there are problems in a partnership?

It is inevitable that issues will arise in a partnership, just as they do in any relationship. That is not a problem IF there is commitment on all sides to resolve issues as they arise. The sorts of issues that arise in development partnerships include:

- › Lack of responsiveness on the part of one partner to meet their obligations under the partnership agreement
- › Unrealistic expectations about what a partner can provide, particularly financially
- › Interpersonal conflict between individuals from the partners

Every partnership agreement needs to have clauses that relate to the management of conflict and concerns. Progressive options are:

- › Informal discussion between the primary points of contact in each organization to resolve the issue. Important elements of that discussion include a willingness to genuinely listen to the concern raised, not to respond defensively and to seek a way forward that suits both partners.
- › If the informal approach does not work, the next step is a formal exchange of letters between CEOs that seeks to raise and deal with the issue/s.
- › If that does not produce results a third party could be used to conciliate.

The process and associated mechanisms (including specifying the third party to be used for conciliation) should be documented in the partnership agreement.

Every partnership agreement also needs to have an exit clause that details how a partnership can be ended if the situation becomes untenable for any partner. This will usually involve written advice to terminate the partnership agreement on a given date.

6. How long do partnerships last?

The length of the partnership will be determined by its purpose. It is not unusual for partnership agreements to be in place but not active. This is acceptable if it is in the interests of both partners. However, it is probably best (tidier) if partnerships that are no longer viable are terminated.

7. How are partnerships monitored and evaluated?

The monitoring and evaluation processes to be used for the partnership should be recorded in the partnership agreement. Options for monitoring processes include:

- › Annual or bi annual meetings between partners to review progress (also a useful networking process to keep the partnership alive)
- › Regular reports/communication (for example, a quarterly newsletter) on activities carried out under the partnership to all stakeholders including staff in both partner organizations
- › Independent review on an as needs basis (perhaps when there are unresolved concerns)
- › Formal reporting requirements of the AAPF

An evaluation is best conducted after the partnership has been in place for a good number of years or is drawing to a close. Process options include:

- › An evaluation workshop
- › A formal evaluation by the partners using a small team drawn from both partners
- › An independent evaluation