

# TECHNICAL ASSISTANCE COMPLETION REPORT<sup>1</sup>

Division: PARD/SPSO

TA No. Country and Name			Amount Approved: \$300,000	
TA4712-SAM: Promoting Economic Use of Customary Land			Revised Amount:	
Executing Agency Ministry of Finance		Source of Funding Japan Special Fund	Amount Undisbursed: \$6,007.83	Amount Utilized: \$293,992.17
TA Approval Date: 5 Dec 2005	TA Signing Date: 12 Jan 2006	Fielding of First Consultant(s): 15 August 2006	TA Completion Date Original: 30 June 2008    Actual: 28 Feb 2009	
			Account Closing Date Original: 30 June 2008    Actual: 16 July 2009	
<p><b>Description:</b> The technical assistance (TA) to promote the economic use of customary land<sup>2</sup> was agreed upon by ADB and the Government during programming discussions in 2003 and was listed in the Samoa Country Strategy and Program Update 2004–2006.<sup>3</sup> It follows on from exploratory work prepared under component 4 of the ADB Small Business Development Project (the Project),<sup>4</sup> and the associated technical assistance for capacity building of financial and business advisory intermediaries<sup>5</sup> which aimed to "improve the policy and legislative environment for small business development". The Project established and supported a working group on the economic use of customary land with representatives of Government, the private sector, and the community which submitted a report to Cabinet recommending activities to promote the economic use of customary land. The main role of the TA was to assist the Government to implement Cabinet's decisions in approving the report.</p> <p>During TA inception, it was confirmed that the TA outputs needed revision due to the limited project resources to support the proposed TA activities, in particular the process of public consultations that was necessary to enable the landowners and the general public to be informed of the proposed customary land reforms. Consequently, the TA was divided into two phases – (i) design and consultation phase to be carried out under TA4712, and (ii) an implementation phase to be considered under follow on support.</p>				
<p><b>Expected Impact, Outcome and Outputs:</b> The intended impact of the TA was to increase levels of economic activity (investment and production) on customary land. The outcome of the TA was to increase the efficiency and effectiveness with which landowners and investors (domestic and foreign) implement agreements to utilize customary land for economic purposes. The approved revised outputs for the TA were: (i) preparatory phase for the leasing of customary land for economic use and amendments to the Alienation of Customary Land Act 1965, (ii) streamlined administration and technical processes supporting the leasing of customary land (iii) development of a comprehensive communications strategy for public information and education, (iv) implementation of institutional arrangements, (v) preparation of a program implementation plan for follow on TA support.</p>				
<p><b>Delivery of Inputs and Conduct of Activities:</b> The TA included 7 person-months of International consulting services comprising of a public administration specialist, a land information management specialist and a public communication specialist. The 31 persons month of national consultants included a team leader and project coordinator, a legal advisor, a database development advisor, a public communication advisor, public administration/ capacity development advisor and a geographic information system advisor.. The TA supported stakeholders consultations, drafting of amendments to legislation relating to customary lands, supported the streamlining of all processes needed to encourage the economic use of customary land in Samoa, developed and supported the implementation of a public information and education campaign to encourage landowners to lease customary land for economic uses, supported the development and implementation of a nationally coordinated policy and strategy to encourage economic use of customary land in Samoa and prepared a program implementation plan to guide follow on work on customary land reforms.</p>				

<sup>1</sup> In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

<sup>2</sup> ADB. 2005. *Technical Assistance to Samoa for Promoting Economic Use of Customary Land*. Manila. (TA4712) SAM approved in December for \$300,000).

<sup>3</sup> ADB. 2003. *Country Strategy and Program Update (2004–2006): Samoa*. Manila.

<sup>4</sup> ADB. 2000. *Report and Recommendation of the President to the Board of Directors on Proposed Loan and Technical Assistance Grant to the Independent State of Samoa for the Small Business Development Project and Proposed Equity Investment in a Venture Capital Fund*. Manila.

<sup>5</sup> ADB. 2000. *Technical Assistance to the Independent State of Samoa for Capacity Building of Financial and Business Advisory Intermediaries*. Manila.

The Government supported the TA activities and engaged fully with the TA through the establishment of a Cabinet appointed Task Force to oversee implementation. Through consultation with Government, the TA provided consultants (international and national) that met the client's expectations. The performance of both ADB and the Ministry of Finance in monitoring and supporting the implementation of the TA were rated as highly successful.

**Evaluation of Outputs and Achievement of Outcome:** Below is a summary of outputs achieved.

**Output 1 - Amendments to the Alienation of Customary Land Act 1965 to further promote appropriate economic use of customary land:** The draft amendments bill has been approved by Cabinet. It was envisaged that the amendments bill will be tabled in Parliament for first reading during the June 2009 session with second and third reading expected in October/November 2009. In the next phase, monitoring of the application of the reformed legislation will be needed to ensure the intended outcomes are achieved.

**Output 2 - Streamlined administration processes for entering into leases on customary land:** Progress has been made with more changes planned in parallel with other donor activities in the two key line ministries – the Ministry of Natural Resources, Environment and Meteorology (MNREM) and the Ministry of Justice and Courts Administration (MJCA). It is vital that a national lead agency to facilitate the economic development of customary land and provide development partners with a consistent guidance of where the reforms should be targeted. The program implementation plan recommended the establishment of a one stop shop for all customary land issues.

**Output 3 - Public information materials disseminated and public education processes conducted:** While much has been achieved in stimulating debate on many issues concerning increasing economic use of customary lands, more must be done to advance the agenda and provide support for those who share the view that this is necessary for the social and economic development of Samoa. As the Government plans for changes are clarified, the public need to be informed of these changes and landholders and investors made aware of the opportunities that open up by developing customary lands. One of the priority recommendations of the program implementation plan is for effective and continuing community advocacy.

**Output 4 - Improved registration, mapping and availability of information on customary land titles and boundaries:** This output was deferred to the follow on TA. The program implementation plan makes detail recommendations on the activities to implement this.

**Output 5 - Implementation of institutional arrangements for appropriate government involvement in matters related to economic use of customary land:** The fragmented arrangements that exist today continue to frustrate those keen to develop customary land. Under the next phase, a whole of Government approach would be taken with an aim to deliver improved systems, organizational structures and service to the public. The program implementation plan recommended the establishment of a Customary Land Advisory Commission and Secretariat to facilitate this.

**Output 6 - Preparation of a Program Implementation Plan:** This output was added when the outputs of the TA were revised during Inception. The TA used the consultation process to put together a program of implementation to support customary land reforms. Cabinet have endorsed six of the priority areas identified in the program implementation plan which include; (i) national coordination of customary land stakeholders, (ii) financing development on customary land, (iii) legislative reforms, (iv) capacity building to support customary land administration reforms, (v) effective community advocacy, and (vi) monitoring and evaluation.

The TA, made good progress and achieved its intended outcome largely as a result of having an effective community stakeholder consultation strategy in place. This, despite the difficulty of dealing with land issues in Samoa. Moreover, the TA has generated a momentum in customary land reforms which the Government is committed to continue to promote economic development while keeping the cultural basis of customary land system intact. The reports generated were of high quality and very comprehensive.

**Overall Assessment and Rating:** The TA is rated partly successful.

**Major Lessons** Some key lessons include (i) an appreciation of the sensitivity of land issues, requiring a gradual approach, (ii) the need for ongoing and effective community advocacy, and (iii) better clarity in the roles of the lead consulting firm, international and national consultants to ensure coordinated support

**Recommendations and Follow-Up Actions:** Given that the project focused only on the design and consultation phase, it is vital that a new TA is put in place to follow through with the implementation stage. The TA prepared a Program Implementation Plan for customary land reforms which Cabinet has endorsed. ADB is committed to supporting the Government in advancing the momentum on promoting the economic use of customary land through a follow on TA currently being prepared. It is envisaged that the follow on TA will begin in November 2009 and will be for a period of three years.