ADB ASIAN DEVELOPMENT BANK

Samoa: Promoting Economic Use of Customary Land, Phase III

Project Name	Promoting Economic Use of Customary Land, Phase III
Project Number	46512-001
Country	Samoa
Project Status	Active
Project Type / Modality of Assistance	Technical Assistance
Source of Funding / Amount	**TA 8481-SAM: Promoting Economic Use of Customary Land, Phase III** Technical Assistance Special Fund — US$ 400,000.00 **TA 8481-SAM: Promoting Economic Use of Customary Land, Phase III (Supplementary)** Technical Assistance Special Fund — US$ 150,000.00
Strategic Agendas	Inclusive economic growth
Drivers of Change	Governance and capacity development Private sector development
Sector / Subsector	**Public sector management** - Economic affairs management
Gender Equity and Mainstreaming	No gender elements
Description	
Project Rationale and Linkage to Country/Regional Strategy	The proposed TA will directly respond to key outcome 5 of the Strategy for the Development of Samoa(SDS) 2012-2016 which focuses on improving the enabling environment for business development. One of the strategic areas identified under this outcome is raising the efficiency and effectiveness of the public service to support the private sector and the community. ADB's Country Partnership Strategy (CPS) 2008-2012 supports SDS 2012-2016 by targeting (i) improved delivery of public services including the removal of infrastructure constraints and (ii) promotion of private sector development which directly links to key outcome 5 of the SDS
Impact	Improved access to credit for business investment

Project Outcome

Description of Outcome	Use of customary land as collateral and organization of customary landowners into legal entities
Progress Toward Outcome	The Legal Working Group (LWG) has been formed to begin the discussions on the proposed institutional fframework that will allow (i) the use of leasehold as collateral and (ii) enable commercial banks to use those leasehold as collateral.
Implementation Progress	
Description of Project Outputs	1. Establishment of inclusive and consultative process for developing customary land policy 2. Customary Land Security bill 3. Registration process to formalize landowning groups

Status of Implementation Progress (Outputs, Activities, and Issues)	The TA in consultation with the LWG has agreed to put together the legal framework, The TA will discuss this further with the stakeholders. Further, the TA has been put on hold while the Office of the Special Project Facilitator investigate a complaint raised by four matais on the lack of consultations undertaken by the government with the stakeholders. On OSPF reccomendation, a consultation specialist is being recruited to assist in developing a conultation process that will include all the different stakeholders. On 21 February 2014, after consulting with government, ADB responded to the complainants via letter to explain that the project was being led by government on behalf of the Samoan people and that the decision to pursue the project was reached after extensive public consultations undertaken by the government with ADB assistance. ADB also encouraged the complainants to approach the CLAC, an independent body set up by the government with the specific purpose of addressing the type of issues they raised in their letter to ADB. Following this, ADB undertook 3 missions to Samoa to mutually agree with government and the complainants a plan of action that would help to address the issues they raised. The core focus of the plan is a wide-ranging community consultation strategy. ADB has since appointed Mr. Papalii Malietoa Malietau as the project coordinator. Mr. Papalii has been a part of the land reform project as a result of his previous employment with the Attorney General's office and is appropriately qualified to lead the next phase. The CLAC has had a change in leadership and has a new commissioner appointed by the Minister for Natural Resources and Environment. The latest mission from 25 to 28 January 2016 introduced Ms. Leitumai (Mai) Malaulau, a Samoan national, as the consultation design specialist. At the meeting of all stakeholders, including the complainants, it was agreed that (i) cabinet approved policy statements on land reforms; (ii) other land reform issues papers; and (iii) the record of issues raised by the complainants, guide the development of a consultation strategy and consultation materials. All stakeholders agreed to work in a collaborative manner in the interest of the people of Samoa. The government and CLAC agreed to share all information pertaining to land reforms as requested by the complainants. The project has the potential to benefit from the close scrutiny afforded by the complainants. The OSPF was satisfied with the progress made by the project team in ensuring that their recommendations were followed in response to the complaint. The government and ADB intend to keep the complainants engaged through regular consultations and intend the CLAC to maintain a lead role during the forward looking consultations. The complainants maintain their emphasis on the consultation process that it should follow traditional Samoan protocols and that consultation should cover issues that have been considered under Phases I and II of the project.
Geographical Location	

Summary of Environmental and Social Aspects

Environmental Aspects	
Involuntary Resettlement	
Indigenous Peoples	
Stakeholder Communication, Participation, and Consultation	
During Project Design	This is the last phase and builds upon the success and the work undertaken under phases I & II. Comprehensive stakeholder consultation was undertaken in phases I & II. The design of this last phase was based on those consultations and further discussions with the government and various stakeholders during the country consultations to develop Samoa' Country Operation Business Plan (COBP) and the during factfinding mission.
During Project Implementation	During project implementation, ADB will undertake review missions to consult with the major stakeholders progress of the TA. The review missions will discuss the issues faced during implementation and ways to resolve those issues.

Business Opportunities

Consulting Services	Consulting Services will support the outputs of the TA and include individual consultants: i) Program Coordinator (national, 10 person-months); ii) Legal Specialist (international, 8 person-months); and iii) Legal Specialist (national, 4 person-months). Under additional finance: Engage independent experts to design and implement a consultation/ communication strategy and review foreclosure issues: (i) A Consultation Design Specialist (3 person-months) which will cost $40,000. (ii) Banking Specialist (International; 3 person-months) which will cost $40,000. (iii) Consultation Facilitation Specialist (6 person-months) which will cost $50,000. Other additional costs include $10,000 for reports and consultation materials; $5,000 for training seminars and workshops; and $5,000 for miscellaneous and administration cost.
Procurement	Financed by ADB TASF V - US$400,000 Additional finance by ADB TASF V - US$150,000

Responsible Staff

Responsible ADB Officer	Shiu Singh
Responsible ADB Department	Pacific Department
Responsible ADB Division	Pacific Subregional Office in Suva, Fiji
Executing Agencies	*Ministry of Finance* *Ministry of Finance* *Government of Samoa* *Private Bag, Apia, Samoa*

Timetable

Concept Clearance	11 Jul 2013
Fact Finding	23 Jul 2013 to 26 Jul 2013
MRM	-
Approval	-
Last Review Mission	-
Last PDS Update	31 Mar 2016

TA 8481-SAM

Milestones					
Approval	Signing Date	Effectivity Date	Closing		
			Original	Revised	Actual
10 Oct 2013	29 Oct 2013	29 Oct 2013	31 Dec 2016	31 Dec 2017	-

Financing Plan/TA Utilization							Cumulative Disbursements	
ADB	Cofinancing	Counterpart				Total	Date	Amount
		Gov	Beneficiaries	Project Sponsor	Others			
550,000.00	0.00	80,000.00	0.00	0.00	0.00	630,000.00	10 Oct 2013	308,862.07

Project Page	http://www.adb.org/projects/46512-001/main
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