Technical Assistance Report

Project Number: 41173-01
Capacity Development Technical Assistance (CDTA)
November 2009

Independent State of Samoa: Promoting Economic Use of Customary Land, Phase II
CURRENCY EQUIVALENTS
(as of 6 November 2009)

Currency Unit  –  tala (ST)
ST1.00       =  $0.4035
$1.00        =  ST2.4783

ABBREVIATIONS

ADB – Asian Development Bank
AWG – ad hoc working group
CLAC – Customary Land Advisory Commission
NGO – nongovernment organization
PIP – program implementation plan
SDS – Strategy for the Development of Samoa
TA – technical assistance
WG – working group

TECHNICAL ASSISTANCE CLASSIFICATION

Type – Capacity development technical assistance (CDTA)
Targeting classification – General intervention
Sector (subsectors) – Public sector management (public administration, economic and public affairs management)
Themes (subthemes) – Economic growth (promoting economic efficiency and enabling business environment), private sector development (policy reforms), capacity development (institutional development)
Location impact – National (high)

NOTE
In this report, "$" refers to US dollars unless otherwise stated.

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice-President</td>
<td>C. Lawrence Greenwood, Jr., Operations 2</td>
</tr>
<tr>
<td>Director General</td>
<td>S. H. Rahman, Pacific Department (PARD)</td>
</tr>
<tr>
<td>Director</td>
<td>R. K. Leonard, South Pacific Subregional Office, PARD</td>
</tr>
<tr>
<td>Team leader</td>
<td>M. Melei, Country Specialist, PARD</td>
</tr>
<tr>
<td>Team members</td>
<td>M. Lototele, Project Implementation Officer, PARD</td>
</tr>
<tr>
<td></td>
<td>A. Pala, Assistant Project Analyst, PARD</td>
</tr>
</tbody>
</table>

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.
I. INTRODUCTION

1. The support of the Asian Development Bank (ADB) in promoting the economic use of customary land in Samoa began with exploratory work under component 4 of the Small Business Development Project (the Project) and the associated technical assistance (TA) for Capacity Building of Financial and Business Advisory Intermediaries. The Project explored ways to improve the micro- and small enterprise sector’s access to credit, including through streamlining leasehold on customary land. The subsequent standalone TA for Promoting Economic Use of Customary Land prepared a program implementation plan (PIP) for customary land reforms. Cabinet endorsed the six priority areas identified in the PIP and the Government requested further support from ADB and other development partners to implement these reforms. ADB’s support was initially programmed as a component of the proposed private sector development cluster TA listed in the Samoa country partnership strategy 2008–2012. Subsequently, the Government requested that ADB’s continuing support for customary land reforms be a standalone TA project.

2. An ADB Fact-Finding Mission was conducted in June 2009 to reach an understanding with the Government on the objectives and scope of the TA, cost estimates, financing plan, implementation arrangements, and the detailed terms of reference for consulting services of the TA. The proposed TA has been included in the country program for 2009 in the forthcoming country operations business plan 2009–2011 and is consistent with the strategic objectives of A Pacific Strategy for the Asian Development Bank 2005–2009. The design and monitoring framework is in Appendix 1.

II. ISSUES

3. ADB’s country partnership strategy for Samoa is aligned with the Strategy for the Development of Samoa (SDS) 2008–2012 and supports its goals through interventions targeting (i) improved delivery of public services, including the removal of infrastructure constraints; and (ii) promotion of private sector development. The need for reform to promote the economic use of customary land has been, and continues to be, a high priority for the Government.

4. The SDS provides strong evidence of the important role that customary land reform and the reform of public administration generally play in the economic and social development of Samoa. According to the SDS,

   There is a very limited economic use of customary land because property rights cannot be mortgaged, the status of leases as collateral for securing loans is

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6 The TA first appeared in the business opportunities section of ADB’s website on 29 July 2009.
unclear, and security of tenure may not be guaranteed even when leasehold title is obtained. Also, the approval process for a lease is cumbersome and prolonged, taking up to 12 months. Means of increasing access to customary land for development purposes will continue to be investigated in light of the deliberations of the Lease of Customary Land Task Force, which was formed in mid-2007; and registration of customary land for leasing will be encouraged.

5. ADB’s Private Sector Assessment in 2007\(^8\) highlighted that one of the remaining constraints to private sector development is problematic property rights, in part because of uncertainties surrounding customary land issues. The findings of ADB’s TA projects for Capacity Building of Financial and Business Intermediaries and for Promoting Economic Use of Customary Land confirmed the above analysis. Issues and concerns highlighted during the consultations undertaken under the TA projects include (i) fears of alienation of customary ownership of lands, (ii) the rights of titleholders and heirs, (iii) mortgaging of leaseholds, (iv) rights of access to leaseholds, (v) the role of the Government in the negotiation of leases, and (vi) the establishment of family trusts to either develop or lease the lands. The TA findings also confirmed that the Government is fully committed to its policy of achieving greater economic use of customary land by providing the enabling environment to facilitate leasing of such land. High priority and emphasis are also placed on community consultations to engage stakeholders in the reform process. The findings further confirmed that the issues surrounding the leasing of customary land for economic use have particular importance in Samoan culture, and thus there is a serious concern among stakeholders that they may not make the right changes. It is therefore not surprising that, while many proposals have been made in recent years, the process through which these need to be considered and then, if accepted, implemented, must provide sufficient time for careful and wide discussion with all stakeholders.

6. The PIP, prepared under the TA for Promoting Economic Use of Customary Land and endorsed by Cabinet, recommended six priority areas for customary land reforms:

(i) **National coordination of customary land stakeholders.** Through the establishment of a CLAC, a new government approach to customary land will be developed and implemented.

(ii) **Financing development on customary land.** Options will be established for financing development on customary lands and landholders will be encouraged to take up those options.

(iii) **Legislative reforms.** Legislative reforms aim to assist the Government and the CLAC in making the necessary legislative changes to allow the implementation of the reforms.

(iv) **Capacity building to support customary land administration reforms.** This will support the streamlining of processes and strengthen the capacity of the staff of the key Government agencies to make the changes effectively and efficiently.

(v) **Effective community advocacy.** An ongoing public information and education campaign will raise public awareness and facilitate community participation in the implementation of the reforms.

(vi) **Monitoring and evaluation.** An approach to economic and financial analysis will be developed to monitor and evaluate the impact of the changes to the economy, particularly benefits derived from leasing customary land.

7. A number of key factors contributed to the success of the TA for Promoting Economic Use of Customary Land including (i) high level political commitment, (ii) a balanced

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representation on the task force and the effective leading role it played in implementing the TA project, (iii) the extensive use of national consultants, (iv) the engagement of a national consultant as the team leader, and (v) the flexibility by ADB to allow necessary changes in design and scope. 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. All key success factors and lessons have been incorporated in the design of this TA project.

III. THE TECHNICAL ASSISTANCE

A. Impact and Outcome

8. The intended impact of the TA is private sector led economic growth that is both equitable and sustainable, as prioritized in Samoa’s SDS objectives. The impact will be monitored through real gross domestic product growth and relevant SDS performance indicators. The expected TA outcome is an improved customary land leasing framework. The achievement of the expected outcome will be reflected in an expansion in the types of collateral available, and the increase in the number of leases awarded and the amount of leasable customary land available to be utilized for economic purposes.

B. Methodology and Key Activities

9. The TA will support the economic development of customary land with a continued emphasis on leasing and exploring options for customary land development by landowners. The TA will support the implementation of three priority areas identified in the PIP: (i) national coordination of customary land stakeholders, (ii) capacity building to support customary land administration reforms, and (iii) effective community advocacy. The Government will implement reforms in the remaining PIP areas, either through budget support or in collaboration with other development partners.

10. The specific TA outputs and activities will be:
   (i) The establishment of the CLAC through preparing the terms of reference, selecting commission members, preparing an operational strategy and providing initial technical support. The TA will also help the CLAC select appropriate members of the various working groups as required to advance the proposed reforms.
   (ii) The establishment of the CLAC secretariat, through selecting secretariat staff, preparing the secretariat budget rules, preparing the annual work plans and reports, and supporting the customary land forums and WGs.
   (iii) The establishment of the one-stop shop to improve services to the community on customary land matters and to be the primary source of information on options for economic development. As part of setting up the one-stop shop, appropriate resources will be allocated and support will be given to staff to develop an operational strategy for the unit.
   (iv) The establishment of a functional database of leased and leasable land, through developing a registry of customary land, collecting baseline data to populate the database, establishing a depository for Lands and Titles Court documents and records, and training staff.
   (v) Effective community advocacy through implementation of the communications strategy already developed to raise awareness and understanding of the reform
program. The strategy will include the preparation and distribution of materials, continuing with awareness programs and undertaking regular public consultations with key stakeholders, including nongovernment organizations (NGOs) and civil society.

11. The establishment of an effective CLAC is a necessary condition to achieving the outcome of the reforms. In April 2009, Cabinet approved the establishment of a CLAC to (i) advise the Government on customary land reforms, (ii) lead the implementation of activities that promote the economic use of customary land, and (iii) coordinate all customary land stakeholders. While the CLAC will be supported by a secretariat that is yet to be established, the details on how the CLAC will become operational are set out in the PIP. The PIP also recommends the setting up of working groups, which will identify ways to address customary land matters on behalf of the CLAC. The proposed working groups will address various customary land issues relating to (i) financing and development, (ii) legislative reforms, (iii) information management, (iv) a one-stop-shop for customary land development, (v) capacity building, (vi) community advocacy, (vii) economic and finance analysis, and (viii) gender analysis and framework. Details of the operations of CLAC are in Supplementary Appendix A.

12. The Government’s commitment and willingness to undertake and implement necessary reform measures and proposals in the face of possible adverse reactions is essential. The possibility that the Government may fail to do so is a risk. Policy dialogue between ADB and the Government, an effective communication strategy and community participation will help mitigate this risk. Another major risk to customary land reforms in general, as previously experienced, can be public opposition to proposed changes. The TA for Promoting Economic Use of Customary Land prepared and implemented a successful communications strategy that focused on continuing and widening community consultations throughout the whole process. Political commitment to reforms can also be affected by domestic and global events like the current financial and economic crisis and the September 2009 tsunami which may require a change in immediate priorities. Another identified risk would be the reluctance of financial institutions to accept leasehold mortgages. The Samoa Housing Corporation and the Development Bank of Samoa have expressed interest in piloting this initiative. It is hoped that commercial banks and other financial institutions will follow suit should the pilot prove successful.

13. Given the sensitive nature of customary land, it is envisaged that civil society and NGOs will continue to have an interest in the proposed reforms as shown in their opposition to the Land Registrations Act. This highlights the need for continuing public awareness and community advocacy. The Land Registrations Act proposes the use of the Torrens system to register land. Although the intention is for freehold land, the Act does not exclude customary land. Some 80% of land in Samoa is family-owned customary land under the stewardship of the matai or family chief. Many fear that if the land is registered under the name of the matai of the day, the rest of the family risk losing their rights over the said land. The Government has continually assured the public that customary land will not be registered under the Torrens system as required by the Act. However, the Government should either incorporate such assurances through an amendment of the legislation, or propose an alternative registration mechanism like through a family trust arrangement. It is critical therefore that civil society and NGOs be engaged in discussions and consultations. It is also essential that the communications strategy convey the message that mobilizing customary land for economic purposes is designed to deliver benefits to customary landowners and will not deprive them of their rights.

14. The TA project will be coordinated very closely with relevant line ministries responsible for customary land issues, particularly the Ministry of Natural Resources, Environment and
Meteorology, the Ministry of Justice and Courts Administration, the Ministry of Commerce, Industry and Labour, and the Ministry of Women, Community Affairs and Social Development. There is also a need for effective coordination through regular dialogue and information sharing with other major development partners. The establishment of the joint ADB and World Bank focal office in Samoa will help to further improve coordination among development partners and with the Government.

C. Cost and Financing

15. The total cost of the TA is estimated at the equivalent of $625,000 of which ADB will finance $500,000 equivalent. The TA will be financed on a grant basis by ADB’s TA funding program (Technical Assistance Special Fund-IV). The Government will finance the equivalent of $125,000 in kind through the provision of counterpart staff, office accommodation, and local communication services. Details of the cost estimates and financing plan are in Appendix 2.

D. Implementation Arrangements

16. The Ministry of Finance will be the Executing Agency for the TA and will ensure that TA activities are closely coordinated with the implementing agencies like the Ministry of Natural Resources, Environment and Meteorology and the Ministry of Justice and Courts Administration as well as other key stakeholders. The CLAC will act as the steering committee for the TA and the conduit to Cabinet when decisions require higher level endorsement. The CLAC will be supported by a secretariat as well as a technical working committee selected from its own membership.

17. The TA will be implemented over a period of 3 years, from January 2010 to December 2012. The longer time frame will allow for proper reporting back and consideration by the CLAC, and in some cases Cabinet, of progress at various stages of implementation. ADB will engage international and domestic consultants through a firm using a quality- and-cost-based selection method, after seeking simplified technical proposals. The consultants will be engaged according to ADB’s Guidelines on the Use of Consultants (2007, as amended from time to time). Central to the consulting inputs will be the program coordinator/team leader, a national consultant position for 15 person-months, intermittent, to work with the executing agency and the CLAC and support the agreed coordination process to ensure full implementation and careful monitoring of the TA. This will be supplemented by a pool of short-term international and national experts in land information management, capacity building, and public administration. The proposed pool of consultants will provide 42 person-months of consulting services comprising 6 person-months of international and 21 person-months of national consultants (in addition to the 15 person-months for the team leader), to carry out the activities as defined in the terms of reference (Appendix 3). The proceeds of the TA will be disbursed in line with ADB’s Technical Assistance Disbursement Handbook.9

18. The team leader will produce a concise inception report outlining the work program and milestones for the duration of the TA, and a final report summarizing the achievements, issues, lessons learned, and next steps. Throughout the TA, the team leader will submit (by e-mail) brief monthly progress reports summarizing TA activities, progress, issues, and constraints. Team members will produce outputs (reports) on their respective activities for the team leader’s progress and final reports. The team leader’s final report will be submitted in draft form at least 5

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weeks prior to the end of the assignment, and the final report within 2 weeks of receipt of comments by the Government and ADB.

IV. THE PRESIDENT’S DECISION

19. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of $500,000 on a grant basis to the Government of Samoa for Promoting Economic Use of Customary Land, Phase II, and hereby reports this action to the Board.
## DESIGN AND MONITORING FRAMEWORK

<table>
<thead>
<tr>
<th>Design Summary</th>
<th>Performance Targets and/or Indicators</th>
<th>Data Sources and/or Reporting Mechanisms</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impact</strong></td>
<td>Private sector led economic growth that is more equitable and sustainable</td>
<td>Real gross domestic product growth targets achieved as per SDS indicators of 3%-4% per annum</td>
<td>SDS midterm review in 2010&lt;br&gt;Central Bank of Samoa and Economic Planning and Policy Division quarterly economic reports</td>
</tr>
<tr>
<td><strong>Outcome</strong></td>
<td>An improved land leasing framework</td>
<td>Expansion in types of collateral available in the financial sector to include leasehold customary land. (baseline to be established)&lt;br&gt;Increase in volume of land leased and land available for lease (baseline to be established)</td>
<td>Reports from banks&lt;br&gt;Customary Land Support Unit database</td>
</tr>
<tr>
<td><strong>Outputs</strong></td>
<td>1. Customary Land Advisory Commission established and operational&lt;br&gt;2. CLAC secretariat effectively coordinates and manages project implementation</td>
<td>CLAC holding regular meetings by July 2010&lt;br&gt;Number of public requests for CLAC support resulting from public information campaigns&lt;br&gt;Cabinet approval of reform recommendations made by CLAC&lt;br&gt;Reports provided as scheduled&lt;br&gt;Services contracted in accordance with ADB and Government procedures and time frames</td>
<td>Minutes of meetings&lt;br&gt;CLAC’s quarterly reports&lt;br&gt;Cabinet approval&lt;br&gt;CLAC’s quarterly reports</td>
</tr>
<tr>
<td>Design Summary</td>
<td>Performance Targets and/or Indicators</td>
<td>Data Sources and/or Reporting Mechanisms</td>
<td>Assumptions and Risks</td>
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</table>
| 3. One-stop shop established and operational | Audit confirms funds managed in accordance with ADB/Government procedures  
One-stop shop opened by July 2010 and fully functional by September 2010  
Increase in the number of requests for services and information (baseline to be established)  
Improved client satisfaction (baseline to be established) | Audit reports  
MNREM annual report  
Client database  
Client satisfaction survey | |
| 4. Database of leasable land functioning and used widely | Database in existence and used by the public by December 2010  
100% of leasable land in database by 2012  
Database updated within 1 month of leasable land becoming available | MNRE registry | |
| 5. Effective community advocacy | Increased number of requests from the public for information per month (baseline to be established) | Database  
Media | |
<table>
<thead>
<tr>
<th>Activities with Milestones</th>
<th>Inputs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. Prepare draft terms of reference and select CLAC members</td>
<td>ADB $500,000</td>
</tr>
<tr>
<td>1.2. Prepare an operational strategy for CLAC</td>
<td>Government $125,000</td>
</tr>
<tr>
<td>1.3. Provide initial technical support to CLAC</td>
<td>(in kind)</td>
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<tr>
<td>2.1. Assist with appointment of secretariat staff</td>
<td></td>
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<tr>
<td>2.2. Assist with preparation of secretariat budget rules for approval</td>
<td></td>
</tr>
<tr>
<td>2.3. Assist in preparation of annual work plans and reports</td>
<td></td>
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<tr>
<td>2.4. Assist secretariat in providing support to the forum and working groups</td>
<td></td>
</tr>
<tr>
<td>3.1. Assist in the set-up and allocate resources for the one-stop shop (unit)</td>
<td></td>
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<tr>
<td>3.2. Support in preparing an operational strategy for the unit</td>
<td></td>
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<tr>
<td>3.3. Assist the unit in preparing a simple client satisfaction survey to be conducted on a regular basis</td>
<td></td>
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<tr>
<td>3.4. Train unit staff as necessary</td>
<td></td>
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<tr>
<td>4.1. Develop a registry of leased and leasable land</td>
<td></td>
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<tr>
<td>4.2. Assist in collecting baseline data to populate the database</td>
<td></td>
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<tr>
<td>4.3. Assist in establishing a depository for Lands and Titles Court documents and records</td>
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<td>4.4. Conduct relevant staff training</td>
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<tr>
<td>5.1. Implement communications strategy developed under phase I</td>
<td></td>
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<tr>
<td>5.2. Prepare and distribute educational materials</td>
<td></td>
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<tr>
<td>5.3. Support staff in ongoing awareness programs and public consultations</td>
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ADB = Asian Development Bank; CLAC = Customary Land Advisory Commission; EPPD = Economic Policy and Planning Division; MNREM = Ministry of Natural Resources, Environment and Meteorology; SDS = Strategy for the Development of Samoa
## COST ESTIMATES AND FINANCING PLAN
($'000)

<table>
<thead>
<tr>
<th>Item</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Asian Development Bank Financing</strong>&lt;sup&gt;a&lt;/sup&gt;</td>
<td>500.00</td>
</tr>
<tr>
<td>Consultants</td>
<td>160.00</td>
</tr>
<tr>
<td>a. Remuneration and Per Diem</td>
<td>190.00</td>
</tr>
<tr>
<td>i. International Consultants</td>
<td>160.00</td>
</tr>
<tr>
<td>ii. National Consultants</td>
<td>190.00</td>
</tr>
<tr>
<td>b. International and Local Travel</td>
<td>50.00</td>
</tr>
<tr>
<td>c. Reports and Communications</td>
<td>5.00</td>
</tr>
<tr>
<td>2. Equipment</td>
<td>25.00</td>
</tr>
<tr>
<td>3. Training, Seminars, and Conferences</td>
<td>5.00</td>
</tr>
<tr>
<td>a. Training Program</td>
<td>5.00</td>
</tr>
<tr>
<td>4. Community Advocacy</td>
<td>10.00</td>
</tr>
<tr>
<td>5. Miscellaneous Administration and Support Costs</td>
<td>5.00</td>
</tr>
<tr>
<td>6. Contingencies</td>
<td>50.00</td>
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<tr>
<td><strong>Subtotal (A)</strong></td>
<td>500.00</td>
</tr>
<tr>
<td><strong>B. Government Financing</strong>&lt;sup&gt;b&lt;/sup&gt;</td>
<td>125.00</td>
</tr>
<tr>
<td>1. Office Accommodation and Transport</td>
<td>45.00</td>
</tr>
<tr>
<td>2. Remuneration and Per Diem of Counterpart Staff</td>
<td>55.00</td>
</tr>
<tr>
<td>3. Others</td>
<td>25.00</td>
</tr>
<tr>
<td><strong>Subtotal (B)</strong></td>
<td>125.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>625.00</td>
</tr>
</tbody>
</table>

<sup>a</sup> Financed by the Asian Development Bank’s technical assistance funding program (Technical Assistance Special Fund-IV).

<sup>b</sup> Computer equipment to support lease registration database and geographic information system.

<sup>b</sup> Financed by in-kind contributions by the Government of Samoa.

Source: Asian Development Bank estimates.
OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

A. Program Coordinator – Team Leader (national, 15 person-months)

1. The program coordinator will have at least 10 years experience in the public and/or private sectors, including demonstrated experience with managing reform processes. The consultant will have a sound knowledge of traditional Samoan land tenure arrangements, of the requirements for a conducive business environment and of Government processes. He or she will have a demonstrated capacity to coordinate and communicate effectively among diverse groups and interests. Effective oral and written communication skills in both Samoan and English will be essential, with media skills an advantage. Project management, monitoring, and reporting skills will also be a distinct advantage. Demonstrated ability to supervise consultants is essential.

2. The consultant will work closely with the nominated representative of the Executing Agency toward the achievement of project outputs and outcomes. Tasks will include, but not be limited to, monitoring, updating, and reporting on implementation of the agreed action plans. Reporting should focus on achievement of outputs and outcomes, measured in terms of indicators and targets set out in the action plans.

3. The consultant will assist in making the Customary Land Advisory Commission (CLAC) operational and sustainable and will actively support and work closely with the CLAC to manage the reform process and the series of working groups (WGs). The head of the CLAC secretariat will be the counterpart to the consultant and will continue in this role upon completion of the consultant’s contract.

4. The program coordinator will contribute to the delivery of nontechnical technical assistance outputs. These are expected to include the drafting of administrative instructions, public information and educational materials. The program coordinator will actively cooperate with his or her Executing Agency counterpart in promoting awareness of the relevant issues and reforms to the broader public. The consultant will support capacity development among staff of the Government agencies involved in customary land administration as appropriate, and will actively ensure that short-term consultants also pay attention to strengthening the technical capacity of relevant government agencies.

5. As program coordinator, the consultant will work closely with the consulting firm to ensure that consultant inputs are well coordinated and appropriately timed. He or she will ensure that all consultants have clear and appropriate terms of reference and are briefed on their responsibilities and on progress and outstanding issues for the reforms and the progress of the TA. The program coordinator will compile reports from short-term consultants, will be responsible for quarterly progress reports, and will draft project inception and draft and final reports.

B. Short-Term International Consultants

6. Capacity building specialist (2 person-months, two visits). Working with the capacity development adviser, the WG on customary land capacity building (WG 5), the public administration reform specialist and adviser and under the guidance of the program coordinator, the specialist will:
(i) support the chair of WG 5 by assisting in planning the work of the working group to effectively and efficiently achieve its objectives;
(ii) devise a program to build management capacity to better manage their human resources;
(iii) support a new program for training and development of all staff involved in customary land administration;
(iv) develop and implement a program of targeted training and other capacity development activities in response to the changes being introduced; and
(v) with the secretariat, monitor, and assess the success of the CLAC concept against agreed performance indicators.

7. **Land information specialist** (2 person-months, two visits). Working with the land information adviser, the WG for customary land information management (WG 3) and WG on the customary land one-stop-shop (WG 4) and under the guidance of the program coordinator, the specialist will:

   (i) support the chair of WG 3 by assisting in planning the work of the working group to effectively and efficiently achieve its objectives;
   (ii) oversee an activity to develop a records management system for the Lands and Titles Court (LTC);
   (iii) oversee the establishment of a document scanning capability in each of the LTC offices taking into account equipment, training, storage, and display requirements;
   (iv) oversee an activity to scan all of the files in the offices of the Ministry of Justice and Courts Administration;
   (v) recommend policies and procedures for providing local and remote access to scanned images of LTC files;
   (vi) oversee an activity to re-develop the Customary Land Lease Register for the proposed one-stop shop or the Customary Land Support Unit (CLSU);
   (vii) oversee an activity to develop a register of available customary land for the CLSU; and
   (viii) assess the level of information and communication technology support required for the LTC and CLSU, and prepare a plan to provide the required level of information and communication technology services.

8. **Public administration reform specialist** (2 person-months, two visits). Working with the public administration reform adviser, capacity building specialist and adviser and working closely with the CLAC chair and staff of the CLAC secretariat, and under the guidance of the program coordinator, the specialist will:

   (i) support the chair of the CLAC and the staff of secretariat by assisting in planning the work of the CLAC to effectively and efficiently achieve its objectives,
   (ii) assist the CLAC in preparing a detailed action plan for implementing the reform policy and practices across all agencies involved in customary land administration, and
   (iii) assist with the monitoring and evaluation of the work of the CLAC.

C. **Short-Term National Consultants**

9. **Capacity building adviser** (6 person-months, intermittent). Working with the capacity building and public administration specialists and under the guidance of the program coordinator, the adviser will:
(i) work closely with the customary land capacity building WG (WG 5), the secretariat, other consultants and other working groups to assess the capacity building needs arising from the recommended changes being introduced;

(ii) support the chair of WG 5 by providing technical and professional assistance to ensure that the working group operates effectively and efficiently and achieves its objectives;

(iii) in conjunction with human resources personnel in the relevant Government agencies and other organizations, arrange a training needs analysis in line with Public Service Commission policies and procedures to determine staff training priorities;

(iv) assist agencies in conducting the training required, and with the delivery of specialized training, if necessary, in relation to customary land matters;

(v) liaise with other donors’ projects, e.g., Law and Justice Sector Plan, Samoa Infrastructure Asset Management 2, Ministry of Justice and Courts Administration Institutional Strengthening Project (Ministry of Justice and Courts Administration ISP), the Pacific Judicial Development Programme, the Samoa Public Sector Improvement Facility, Samoa in-country training, and Samoa short-term training awards, to monitor opportunities for training members of the target group and avoid duplication of effort; and

(vi) in conjunction with the in-house human resources personnel of the relevant Government agencies, monitor and evaluate the training given to staff and ensure that the performance standards required are met by the end of the training.

10. **Community information adviser** (6 person-months, intermittent). Working with the community advocacy working group (WG 6), and under the guidance of the program coordinator, the adviser will:

   (i) support the chair of WG 6 by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives;

   (ii) develop the messages that need to be communicated;

   (iii) select the best options available for delivering the messages, when they should be delivered, and implement them;

   (iv) decide how success can be assessed; and

   (v) consult widely with key stakeholders to address issues raised by them or by the CLAC.

11. **Land information adviser** (6 person-months, intermittent). Working with the land information specialist, the WG for customary land information management (WG 3) and WG on the customary land one-stop-shop (WG 4) and under the guidance of the program coordinator, the adviser will:

   (i) support the chairs of WG 3 and WG 4 by providing technical and professional assistance to ensure that the WG operates effectively and efficiently and achieves its objectives;

   (ii) undertake stakeholder consultations to gauge the requirements for a Customary Land Services Unit (CLSU);

   (iii) define the requirements for the creation of a CLSU in terms of organizational structure, role, staffing, skills, location, and services provided;

   (iv) determine accommodation (Upolu and Savaii), equipment, promotional material, technical charts, and information required to support CLSU operations;
(v) determine and establish links to relevant ministries, nongovernment organizations, and businesses;
(vi) oversee the implementation of recommendations in the midterm report to improve procedures for leasing customary land;
(vii) determine key performance indicators and a methodology for measuring the success of the CLSU on an ongoing basis;
(viii) ensure that the CLSU becomes the prominent source of information on options for land holders and investors on economic development of customary land; and
(ix) devise a strategy that ensures the CLSU supports the CLAC’s national leadership in promoting the economic use of customary land and that it has the support of all Government and other agencies involved in customary land management and administration.

12. **Public administration reform adviser** (3 person-months, intermittent). Working with the public administration reform specialist, the capacity building specialist and adviser, and working closely with the CLAC chair and staff of the secretariat, and under the guidance of the program coordinator, the adviser will:

   (i) support the chair of the CLAC and the staff of the secretariat by providing technical and professional assistance to ensure that the commission and secretariat operate effectively and efficiently and achieve their objectives,

   (ii) support changes introduced into institutional arrangements for customary land administration, and

   (iii) assist the CLAC to prepare a detailed action plan for implementing the reform policy and practices across all agencies involved in customary land administration.