

**MAMA GRAON VANUATU LAND PROGRAM, INDUSTRY BRIEFING,
CHIEFS' NAKAMAL, PORT VILA, VANUATU, 11th MARCH 2010**

BACKGROUNDO

- Early 1900s - saw the arrival of planters and missionaries with the objectives to convert ni-Vanuatu into Christianity but also develop the land. Most best agricultural land was taken over by planters or missions at ridiculous deals.
- With the establishment of the Condominium by the British and the French the deals were then formalised by registration.
- In the early 1970s - ni-Vanuatu who were educated in the likes of Late Fr Walter Hyde Lini and others saw that it was not fair for our people to be used as labourers in our own land. It was at this stage that ni-Vanuatu mobilised and demand independence from the two colonial powers. Land was one of the key factors to the struggle for independence.
- In 1980 Vanuatu pronounced its independence from France and Britain under a new national constitution.

NATIONAL CONSTITUTION

- Chapter 12 - Article 73 - declared that all land in Vanuatu belongs to the indigenous custom owners and their descendants. This is a total revolution. It also establishes the basis of ownership and use of land (Article 74), perpetual ownership only by indigenous citizens (Article 75).
- Article 79 - it provides for land transactions between indigenous citizens and non-citizens through a lease system.

CHALLENGES AFTER 1980

- Lack of clarity in the customary ownership of land (Article 73) and lack of clarity in the rules of custom over ownership and use of land (Article 74) which creates a lot of land disputes.
- More land is being sold cheaply due to lack of knowledge and support mechanisms to facilitate land dealings - resulting in growing unfair deals.
- The population of Vanuatu demanded some interventions by the Government.

NATIONAL LAND SUMMIT, NOVEMBER 2006

- 20 resolutions under the three categories of ownership, fair dealings and sustainable development.

- The 20 resolutions were endorsed by the Council of Ministers in late 2006 which paved way for the national land program.

MAMA GRAON LAND PROGRAM

- Informed decision-making
- Participatory land governance
- Effective and efficient enabling services

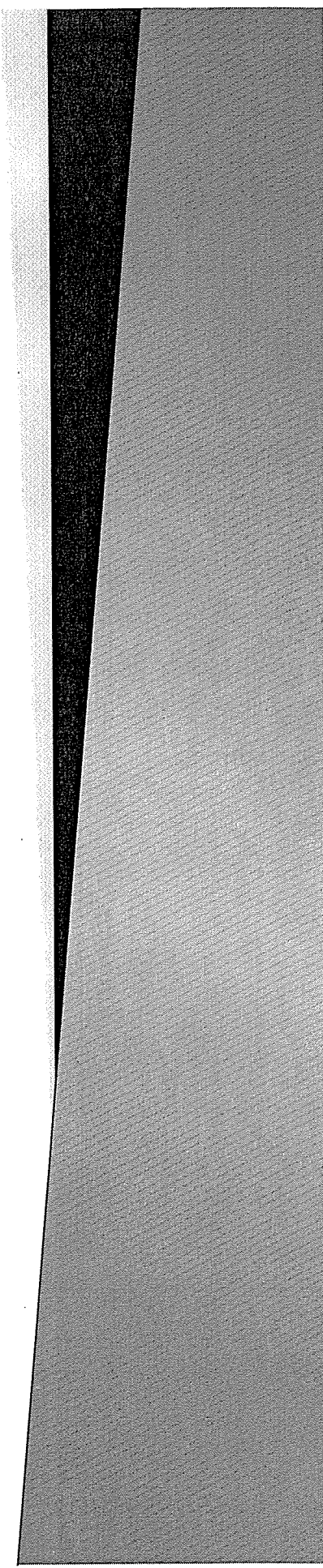
CONCLUSION

- Mama graon land program must be driven by ni-Vanuatu
- Management contractor will only play the facilitation role and so is the donor partners.

Thank you.

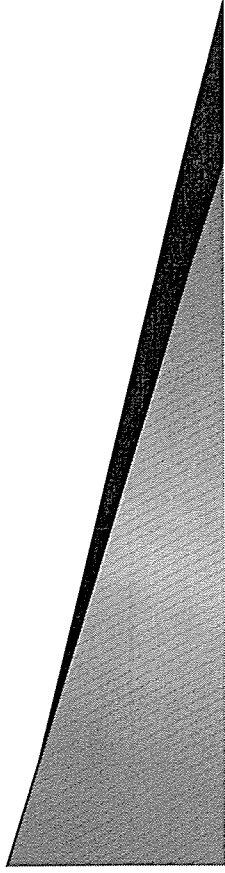
2008 COUNCIL DECISIONS

The Malvatumauri National Council of Chiefs decision of 2008 resolved unanimously that there should be a freeze or total ban on the registration of all remaining customary owned land in Vanuatu.



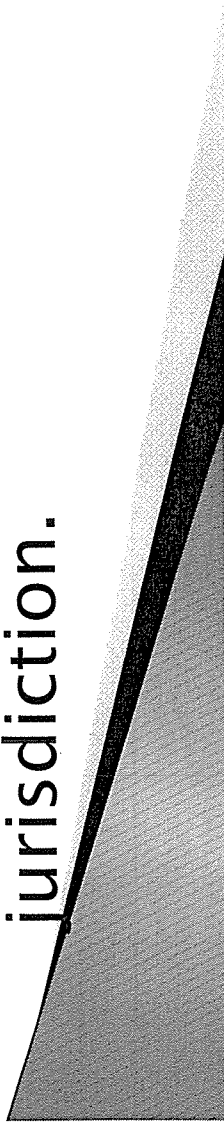
A SERIOUS UNDERSTANDING OF CUSTOM CALLS FOR SOME ANSWERS

- ▶ How many custom exists in Vanuatu?
- ▶ What are the rules of each of these custom in relation to land. [Art 74 of Constitution]
- ▶ What are custom laws for people living in these custom jurisdiction?
- ▶ What is the custom for establishing the custom authority for each of these custom jurisdiction?



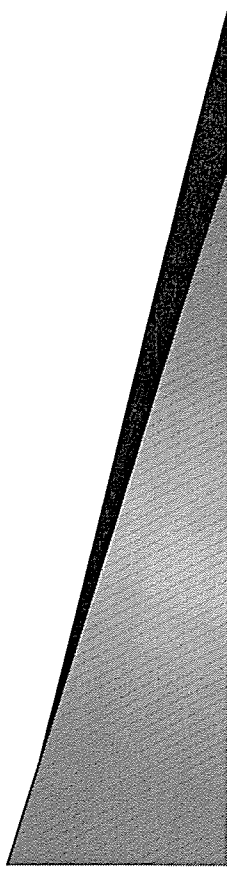
Custom Ownership

- ▶ We should only be interested in the ownership question after we have answers to the more important issues as raised in the previous slide.
- ▶ Individual ownership is non existent in custom. This is why relationships is quite extensive and important in custom.
- ▶ What are the custom procedures for each custom jurisdiction for the transfer of custom land between parties within a custom jurisdiction.



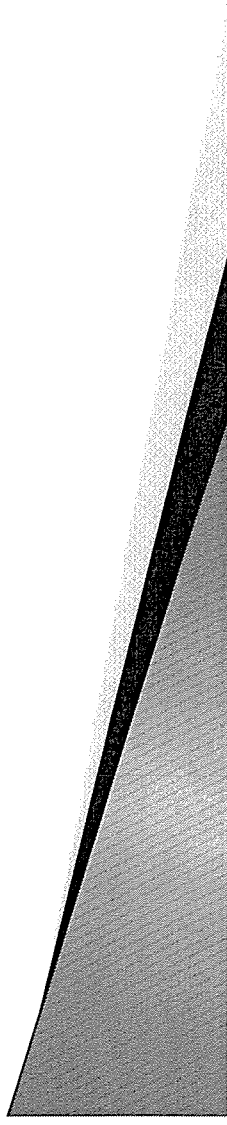
Development

- ▶ With a deeper understanding of how the Vanuatu custom works we can then ask the question whether or not custom can be accommodating to our development needs.
- ▶ The common approach today is to say that custom is not accommodating enough yet in truth we do not know enough ourselves.
- ▶ The result is that we allow custom to bear the sacrifice of forgoing itself to the introduced system ie. The Land Lease Act (Exactly a repeat of the missionaries methodology)



LANDS TRIBUNAL

- ▶ This should be a last resort.
- ▶ Customary processes should be encouraged every time. The Malvatumauri structure should be utilized to assist with the customary processes of land conflict. When all is exhausted then and only then should the Lands Tribunal be called to assist.
- ▶ The risk with Land Tribunal is that Land Tribunals can overtake customary processes and undermine custom.



Mama Graon – Vanuatu Land Program

Industry Briefing

Chief's Nakamal, Port Vila, 11 March
2010

Background

- Wok blong Vanuatu Cultural Senta hemi blong preservem, promotem mo developem ol kastom, kajija mo tradisen mo tu envaeromen blong ol man Vanuatu. Mo bikfala wok blong mifala nao hemi blong helpem ol pipol blong Vanuatu blong oli mas holem taet ol graon blong olgeta, from VKS I bilif se graon hemi stamba samting we evri samting we yumi stap mekem, o kaikai long laef blong yumi I sidaon nao long graon. Vks I wok wetem wan stamba biliv blong ol man Ples we hemi talem se Graon hemi olsem wan mama. I wok tu folem spiritual biliv blong yumi we hemi link wetem graon. Vks I bin wok plenti wetem Ministry mo DoL, mo tu wetem Ausaid we hemi bin help plenti blong fandem ol workshops blong ol filwoka blong vks mo wan bikfala workshops we hemi bin fandem nao hemi abaot Land, women mo Land tenure system in Vanuatu. Mo noia mifala I gat wan seksen we mifala I kolek Land Desk we Christesen Fund nao hemi fundem projek ia blong mifala I mas mekem fulap awaness blong helpem ol pipol blong Vanuatu blong oli mas undestanem ol loa abaot graon, olgeta lease agrimen mo bikfala wok blong mifala nao hemi blong talem long ol pipol blong Vanuatu se yufala I no mas salem ol graon blong yufala. Mifala I wantem talem long ol pipol se sapos yu salem graon blong yumi hemi wan sotkat way blong yu save kam wan poa man.

Mama Graon Land Program

- Vanuatu Kaljoral Senta I wantem mekem yumi evriwan I mas save se Graon hemi wan samting we yumi no mas pleiplei long hem. From we once we kavman o whoever we I stat blong tokbaot isiu blong graon pipol hemi reak kwikli. Vks I wantem talem olsem se Isiu blong graon hemi wan sensitive isiu we yumi mas tingting gud bifo yumi tokbaot graon. MO taem yu tajem isiu blong graon yu tajem laef blong ol man Vanuatu. Yufala I mas undestanem se ol pipol blong Vanuatu oli gat wan strong spiritual relationship wetem graon mo hemia hemi wan impoten samting we yumi mas tingtung strong long hem

Component 1: Informed Decision-Making by Customowners

- VKS I traem blong askem Kavman blong hemi mas luksave impoten blong graon. Mifala I wantem se bifo yumi tokbaot graon ,yumi evriwan I mas save abaot sosaeti blong yumi. Hemi wok olsem wanem, yumi , tradisenali yumi stap oganaesem yumi olsem wanem. Wanem nao spiritual link blong yumi wetem raon, yumi mas save abaot wok blong yumi wetem graon bifo yumi toktok baot olsem wanem nao yumi save traem blong implementem wan niufala program we hemi save destabilaesem ol pipol blong yumi we oli gat link ia wetem graon longtaem finis I kam thousands of years I pass I kam kasem tedei. MO yumi save se fulap graon long vanuatu oli stap under long kastom loa iet mo oli gat ol famili we oli gat raet long hem be hemi no wan man nomo I gat raet long hem. So hemia nao mifala I wantem mekem blong ol pipol oli mas save hemia. So I minim se long Vanuatu I no gat kastom owna be yumi gat ol man blong graon ia. Yumi mas involvem evriam man blong oli mas save olgeta loa blong graon

Component 2: Participatory Land Governance

- Toktok blong mifala l sot nomo. Yumi no mas help blong facilitetem Land spekulesen

Component 3: Effective enabling services

- Mifala I traem evri best way blong mifala blong askem olgeta blong Land Depatmen blong oli kam wokbaot wetem mifala long ol bikfala awanes kampain blong mifala long 2007,2008, 2009, be I nogat wan I kam blong mifala I wokbaot blong mitim ol pipol blong tokbaot ol loa blong graon, be iet mifala I wok wetem olgeta blong land blong oli mas understandem tufala system ia Kastomary system mo wanem we yufala I koleme fomal system. Mifala I wantem se VKS, MCC, MOL, DOL, Mofj mo MOE oli mas wok tugeta blong ranem ol awanes blong helpem ol man oli save abaot ol kastom raet blong olgeta ova long ol kastom graon. Hemia hemi veri impoten mo yumi no mas undermionem

Component 4: Customary Land Tribunals

- Long saed blong Land Traebunal we kavman tru long ol ol Aid Agency olsem Ausaid mo NZAID oli traem blong mekem foelem model blong new Zelan hemi wan samting we yumi mas lukluk carefully long hem. From wanem, from we long Vanuatu stat long Torres kasem Aneytjom, evri man oli gat famili link. So long saed ia yumi save gat tu konflik insaed long wan decision blong Land Tribunal.

Eni nara samting

- Vanuatu Kaljoral Senta I wantem se yumi evriwan (MOL, DoL, Malvatumauri, Ministry blong Justice, Ministry blong Edukesen) I mas wok tugeta blong mekem se pipol I mas save raet blong olgeta fastaem long saed blong ownasip blong garaon. So yumi nidim blong mekem ol joint awaness tugeta blong go bak long ol pipol mo toktok wetem olgeta. Mi no save talem abaot sapot blong NZ mo Australia long saed blong Land program from mi biliv se tufala kantri ia, even tufala I stap kivim bikfala sapot I kam long kantri blong yumi, be tufala I no understadem society blong Vanuatu iet. So mi biliv se ol man we oli expert long saed blong graon blong Vanuatu hemi ol jif, ol pipol, ol mama, mo tyu ol jif blong ol nasara nao oli ol exper blong graon we yumi sud wok klosli wetem olgeta long saed blong isiu blong graon. Tedi yumi klem se yumi save abaot kastom blong yumi be yumi no save iet. So I mas gat wan awanes tu long saed ia. Tru long ol funding we Ausaid I kivim I kam blong ranem ol wokshop blong VKS I mekem se yumi save gat wan wokshop we I bin trekem ples long 2008 we hemi helpem ymi blong yumi undestandem relationship blong Graon wetem ol mama.

Translation of VKS Presentation at Land Tender Briefing
Thursday 11 March 2010
Chief's Nakamal, Port Vila

Page 1 – Background

The Vanuatu Cultural Centre's mandate is to “preserve, promote and develop Vanuatu's customs, cultures and traditions” including the environment. A big part of our work is to help the people of Vanuatu protect their land. The VCC believes that land is at the heart of everything we do, our food comes from it and our entire livelihood is sustained by the land. VCC works within this belief that the land is like a mother. We emphasise the spiritual links to the land.

The VCC has worked closely with the Ministry and Department of Lands, as well as AusAID who has funded many fieldworker workshops, some of which have been about land, women and land tenure systems in Vanuatu. At present, we have a Land Desk that is funded with the support of The Christensen Fund, which provides awareness to people around Vanuatu to help them better understand land laws, lease agreements as well as the pros and cons of land development. Our main message is to tell the people of Vanuatu to not sell their land. Selling the land is only a short-cut to becoming poor.

Page 2 – Mama Graon Land Program

The Vanuatu Cultural Centre wants to make it clear to everyone that land is not to be played with. Once the government, or anyone, starts to talk about land, people will react quickly. VCC wants people to think carefully about the land issues before they start to talk about them – once you touch on land issues in Vanuatu, you are touching on life issues also. The people of Vanuatu have a strong spiritual relationship with land and it is so important we have to handle it carefully.

Page 3 – Component 1: Informed Decision-Making by Customowners

The VCC asks the Vanuatu Government to see the importance of land. Before we can talk about land we need to know about our society, how it works, how we are organised traditional. What are our spiritual links with the land? We need to know all of this before we try to implement a new land program that could potentially destabilise traditional systems that have been in existence for thousands of years. We know that today, most of Vanuatu's land operates under customary law, where families manage the land rights, not individuals. This is what we want people to be clear about. We don't have land *owners* in Vanuatu, rather we have groups, and all these groups need to be involved in land matters.

Page 4 – Component 2: Participatory Land Governance

The only thing I have to say here is that we do not want a program that will facilitate land speculation.

Page 5 – Component 3: Effective and Enabling Services

We have been inviting the Land Department to participate in the VCC land awareness campaign in 2007, 2008 and 2009, but to date no-one has come with us to talk with the grassroots about land laws. We have continued with awareness nonetheless, and tried to explain to people the two systems: the customary system and the formal system.

We would like to see VCC, the Malvatumauri, the Ministry and Department of Lands, the Ministry of Justice and the Ministry of Education working together on awareness to help people understand their custom rights over custom land. This is very important and the program should support this.

Page 6 – Component 4: Customary Land Tribunals

It appears that the Customary Land Tribunal work has the government and aid agencies like AusAID and NZAID trying to follow a NZ model, which we need to be very careful about. In Vanuatu, from the Torres islands to Aneityum, every person and family is linked. So there can be a conflict of interest within the decisions of a land tribunal.

Page 7 – Other comments

The Vanuatu Cultural Centre wants everyone (MoL, DoL, Malvatumauri, Ministry of Justice, Ministry of Education) to work together to help people know their customary land rights. Awareness needs to be done jointly with the people. I can't say much about the support of NZ and Australia in relation to the land program, even though they are funding a lot of money for the program, they still do not understand Vanuatu society enough. I believe that the land experts in Vanuatu are the chiefs, the people, the women and the *nasara* chiefs - and we should be working closely with these people on land issues. Today we claim to know our customs but we don't know enough. So we need to have awareness on this too. For example, in 2008 AusAID funded a workshop with the fieldworkers on women and land to help us build our understanding of this.

Mama Graon – Vanuatu Land Program

Industry Briefing
Chief's Nakamal, Port Vila, 11 March
2010

Australia's Support to the Vanuatu Land Sector

- ❑ In 2006, Australia established a Pacific land initiative to support land reform in the region.
 - ❑ The emphasis is on a country-driven approach to assistance – this means working to national government priorities and timeframes, guided by partner governments.
 - ❑ In Vanuatu, Australia regularly seeks direction from the government and the National Land Steering Committee.
 - ❑ Responds to the 2006 National Land Summit resolutions.
 - ❑ Interim support to the Department of Lands through the Vanuatu Short-Term Land Reform Initiatives, managed by GHD Hassall (Jan 2008- June 2010) is in line with Vanuatu's land reform agenda.
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Australia's interim assistance

- VSTLRI has assisted the Vanuatu Government in commencing work on 9 of the 20 summit resolutions in the areas of:
 - public awareness
 - land lease compliance/audit
 - zoning and planning
 - review of strata title legislation
 - subdivision policy
 - human resources strategy for the Ministry of Lands
 - land sector framework
 - Malvatumauri Council of Chiefs (since Jan 2010)
 - Emphasis has been on a capacity-building approach
 - It is essential that support to land remain flexible and can be adjusted accordingly with Vanuatu's timeframes and emerging priorities.
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Principles of Australia's engagement

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

- The Mama Graon Vanuatu Land Program was designed by a team including representatives from the Ministry of Lands, the Malvatumauri, the Vanuatu Cultural Centre and AusAID.
 - The Mama Graon Program is guided by the Vanuatu Land Sector Framework and addresses 19 of the 20 summit resolutions both directly and indirectly.
 - The AusAID component of Mama Graon works with three key stakeholders (MoL, MNCC mo VKS) under three themes:
 1. Informed decision-making by Customary Landholders
 2. Participatory Land Governance
 3. Effective Enabling Services
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Component 1: Informed Decision-Making by Customary Landholders

- ❑ It is essential that the Malvatumauri, as mandated by the Vanuatu Constitution, lead and guide activities under this component.
 - ❑ Mama Graon program management will only *support* the Malvatumauri in achieving its objectives. It will not make decisions for the Malvatumauri; it will ensure direct engagement of Malvatumauri in selection of any technical assistance.
 - ❑ Similarly, the Mama Graon program will only *support* the work of the Vanuatu Cultural Centre under this component, engaging only as directed by the VCC on specific activities.
 - ❑ The Mama Graon program will provide financial management of funds allocated to this component.
 - ❑ Activities in this component will be subject to Malvatumauri and VCC timeframes.
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Component 2: Participatory Land Governance

- The Mama Graon program office will support a participatory land governance unit to manage and monitor the Vanuatu Land Sector Framework.
 - The Vanuatu Land Governance Committee (to be appointed later this year) will have oversight of this component.
 - The Mama Graon program Team Leader will regularly engage with the VLGC to obtain guidance on this activity.
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Component 3: Effective and Enabling services

- The Mama Graon program will support the Department of Lands to manage this activity.
 - Key processes and partnerships for implementation include:
 - 1. Establish a functioning Land Registry and Information Service.
 - 2. Establish an effective land lease and development planning, assessment, permitting and enforcement service.
 - 3. Deliver a national land awareness, knowledge and gender mainstreaming campaign.
 - 4. Demonstrate effective organisational models and service delivery arrangements.
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Program Management Approach

- ❑ Management of the Mama Graon program should emphasize a facilitative/supportive role it plays – activities must be led by program partners who will direct *when* and *how* activities will occur.
 - ❑ A country-driven approach to supporting the Vanuatu lands sector means allowing the time and space for partners to provide direction without imposing unnecessary TA or risking the view that AusAID is imposing an agenda.
 - ❑ Where TA are warranted, the preference is to use national TA whenever possible.
 - ❑ If relevant expertise is not available in-country, then it may be sourced regionally, and always in close collaboration with country partners.
 - ❑ Strong financial management of program funds is essential.
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**MAMA GRAON – VANUATU LAND
PROGRAM**
(NZ Funded Component)

Industry Briefing, Port Vila
11 March 2010

 NEW ZEALAND MINISTRY OF
FOREIGN AFFAIRS & TRADE
MANATU AOPERE


nzaid

NZAID PROGRAMME

NZAID Programme:

The NZAID programme is managed by New Zealand's Ministry of Foreign Affairs and Trade. The programme is responsible for managing New Zealand's official development assistance and providing policy advice on international development issues

Strategic objective:

Sustainable development in developing countries in order to reduce poverty and contribute to a more secure, equitable and prosperous world

- The NZAID programme is managed by New Zealand's Ministry of Foreign Affairs and Trade. The programme is responsible for New Zealand's official development assistance and providing policy advice on international development issues

- Our strategic objective is focused on sustainable development. This is about working with partner countries to help them meet communities' economic, social, and environmental needs today without compromising the ability of future generations to meet their own needs.

- Sustainable economic development is the NZAID programme's core focus which recognises that reducing poverty is inherently linked to economic growth and trade and vice versa.

- There are strong linkages between sustainable economic development, human development, safe and just societies and poverty reduction. Sustainable economic development is necessary to address poverty, and is itself necessarily underpinned by: health; education; environmental considerations; accountable governments with capable public services; a regulatory environment and infrastructure that assists private sector development; and robust, transparent and equitable resource - and land - management systems.

WHERE THE NZAID PROGRAMME WORKS

More than half New Zealand's aid is spent in the Pacific



- Currently the Pacific is at the forefront of our efforts. Much of the Pacific still faces challenges to improve the lives of its people. Economic growth remains slow, and the global economic crisis, natural disasters and conflict are testing the region's ability to make progress towards improved economic and human development indicators.
- Over half of the NZAID programme's expenditure is spent in the Pacific [\$253.3 million NZ dollars]. It is a part of the world where New Zealand has the scale, resources, experience, people and relationships that can bring about positive and real change, and make lasting differences in people's lives.
- The challenge is to: Address basic needs; Support the rule of law and access to justice - which is essential for increased economic activity and poverty reduction; and to Accelerate economic growth – which in many instances lag behind population growth.
- Key sectors or areas that we provide support to are private sector development, infrastructure, education, law and justice, health and resource management.
- With focussed and accountable support, many Pacific countries have a real chance of turning around poor social indicators and years of stagnant real growth.

AID EFFECTIVENESS

The NZAID programme is committed to aid effectiveness –

- Ownership
- Alignment
- Harmonisation
- Managing for results
- Mutual Accountability

-The NZAID programme is committed to aid effectiveness principles. We consider that the most effective and sustainable development outcomes are achieved when principles such as Ownership, Alignment, Harmonisation, Managing for results and Mutual Accountability are threaded through the programmes that we support.

-In programmes as comprehensive, complex and far reaching as the Mama Graon Programme we consider that ensuring country ownership and effective leadership over the development policies, strategies and outcomes is critical to ensuring the effectiveness and longevity of each of the development outcomes of the programme.

[Ownership – partner countries exercise effective leadership over their development policies, and strategies and coordinate development actions

Alignment – donors base their overall support on partner countries' national development strategies, institutions and procedures

Harmonisation – donors' actions are more harmonised, transparent and collectively effective

Managing for results – managing resources and improving decision making for results

Mutual accountability – donors and partners are accountable for development results]

CROSSCUTTING ISSUES

In all its activities, the NZAID programme considers ways to maximise positive and minimise negative effects on the following issues:

- **Gender**
- **Environment**
- **Human rights**
- **HIV and AIDS**
- **Conflict prevention and peace building**



-In all its activities, the NZAID programme considers ways to maximise positive and minimise negative effects on cross cutting issues.

-We consider that Land sector programmes have a particular impact on, or relationship to ,gender, the environment, human rights, as well as conflict prevention and peace building. How each of these issues intersect with the Mama Graon Programme and how these intersections will be managed to will need to be taken in consideration during implementation.

NZAID PROGRAMME IN VANUATU

Vanuatu Development Programme Strategy (2006-10)

- Aim: to reduce poverty and hardship, particularly in rural areas and to support a more stable and prosperous Vanuatu
- Priority areas:
 - Education**
 - Governance**
 - Economic Development**
- Alignment with GoV development priorities –
Priority Action Agenda & Planning Long Acting Short

-New Zealand work in close cooperation with the Government of Vanuatu in each of the sectors that we are engaged in. We are currently in the final year of a 5 year strategy with a new strategy to commence next year.

-Our key priority areas at present are Education, Governance, Economic Development. Both Governance and Economic Development have clear links to our support to the land sector.

-The development of the existing and future NZAID Programme strategy involves extensive consultations with the GoV, communities, and other key stakeholders such as NGOs, donors. NZ's development priorities as set out in the bilateral strategy are aligned to the GoV's Priorities Action Agenda and the 4-year matrix – Planning Long Acting Short.

NZAID PROGRAMME IN VANUATU

- Inclusive & consultative approach to foster local ownership & leadership for sustainable outcomes
- Recognising partner capacity constraints
- Harmonisation and coordination with other donors for efficient and effective delivery of assistance

-We recognise the importance of local leadership & ownership in order to achieve sustainable development outcomes. Therefore taking an inclusive and consultative approach is critical.

-In Vanuatu most partners are constrained by capacity therefore things do not progress as fast as they can in a developed world environment. This can have implications on planning and timeframes and as partner donors on the Mama Graon Programme we recognise the need for a degree of flexibility in order to achieve planned outcomes. In this environment it can be tempting for advisors to provide quick fix solutions to problems that are encountered and essentially supplement the capacity of partners. However, in our experience the most successful and sustainable programmes are those that have provided partners with systems, support and advice so that they are engaged in the development of solutions and so that their capacity is developed. This means that capacity building of local institutions, systems, processes & staff need to be emphasised in the deployment of technical advisors, and activities need to move at a pace that key stakeholders are comfortable with.

-New Zealand works closely with other donors coordinating our efforts and aligning our support where possible. We recognise the resource constraints faced by the government of Vanuatu and stakeholders and the importance of streamlining and coordinating our engagement with partners. We have developed a strong partnership with AusAID in a number of areas in Vanuatu and consider the joined up approach of the mama graon programme will reduce the burden of duplication and poor alignment for our partners.

NZ SUPPORT TO LAND SECTOR

- ☐ **Drafting of the *Customary Land Tribunals Act 2001*;**
- ☐ **Awareness workshops with rural communities and Malvatumauri on the Act;**
- ☐ **Joint GoV/NZ scoping study & “Conference on the Management and use of Customary Land - Challenges and Issues”;**
- ☐ **Vanuatu group tri-nations study tour; and**
- ☐ **Study to inform a review and amendment of the Customary Land Tribunal Act**

-NZ has been providing support to the land sector in Vanuatu since 2001. Our experience has consistently reinforced the need to understand the values and the "kastoms" around land. We consider that improvements in the clarity and security of land ownership and use rights can reduce conflict, enhance local investment opportunities and, when desired, can enable controlled, transparent and manageable external investment.

-The most recent activity that we have been involved in - the study and review of the Customary Land Tribunal Act - was undertaken in late 2009 and a draft report is now with the Ministry of Lands for their consideration. The study and review was initially part of the design for strengthening the Customary Land Tribunal - which is an element of the NZ funded component of the Mama graon Programme. However in agreement with the Ministry of Lands this was undertaken as a discrete piece of work. The findings and recommendations of this review, once finalised and endorsed will lead to an amendment of the CLTA and will inform the strengthening of the CLT.

MAMA GRAON – NZ SUPPORT

Goal – *Poverty reduced through sustainable development of customary lands & supporting land information systems*

Objectives:

- 1. A strengthened Customary Land Tribunal consistent with GoV's national plans; and***
- 2. A Land Information Management system that meets current and future needs and supports economic development***

The NZ supported component of Mama Graon was designed in late 2008 and finalised in early 2009. The timing of the fieldwork coincided with the presence of the AusAID design team in Vanuatu so both teams had valuable interactions to share findings and ideas. Efforts have been made both during and following the design phases to maximise coherence and minimise duplication, however, our expectation is that the successful contractor will ensure that the AusAID and NZ components are linked coherently. The duration of the NZ component of Mama Graon is 3-years, support beyond that will be determined following a review in Year 3.

The two strands or objectives of NZ's support are strengthening the Customary Land Tribunal and developing a Land Information Management system that improves integrity and access to land information.

Both strands of work were identified as priorities by participants of the National Land Summit 2006 and included in the 20 Summit resolutions endorsed by the Council of Ministers.

MAMA GRAON – NZ SUPPORT

Strengthening the Customary Land Tribunal

- ☐ Activities and priorities to be informed by 2009 Study and aligned to any amendment to CLT Act 2001
- ☐ Areas of work identified by design:
 - Mediation support services
 - Public awareness and training
 - CLTU capacity building

-The findings of the 2009 CLT study will be a useful reference for strengthening the CLT. The draft findings affirm that activities would fall within three areas: mediation support services, public awareness and training and Customary Land tribunal unit capacity building

-The strategies for implementation include a combination of approaches:– working with and linking into the work of key stakeholders and other components of Mama Graon; Use of technical advisors; training & awareness campaigns; and working with Dept of Lands (and if necessary the Min of Justice) staff to build their capacity, extend outreach and coverage and strengthen their functions.

-Due to NZ's prior support to the Customary Land Tribunal our expectation is that implementation of this component would be a priority and that work with the Land Information Management component would be phased in based on the department of land's readiness.

-We are conscious of the current constraints on resources and capacity in the Dept of Lands. According to the design team only 23 of the 68 designated positions within the Dept are currently filled. These positions are vacant due to a lack of GoV appropriation. In order to fill these positions strong cases will need to be made to obtain additional funding from the Government of Vanuatu. As a practice NZ do not fund line positions therefore programme funds will not be available for these positions.

MAMA GRAON – NZ SUPPORT

Land Information Management System

Areas of work identified by design:

- Develop an IT Strategy for Dept of Lands
- Land survey records
- Mapping and imagery
- Valuation services

Coordinated implementation with *Effective & Enabling*

Services activities is **essential**

-The development of an IT Strategy for the Dept of Lands is an important pre-requisite to building on its existing LIMS. It is important to ensure alignment with the GoV's direction for e-Government and the Land Sector Framework. Our expectation is that the Strategy will provide guidelines for the purchase of hardware and software that is fit-for-purpose.

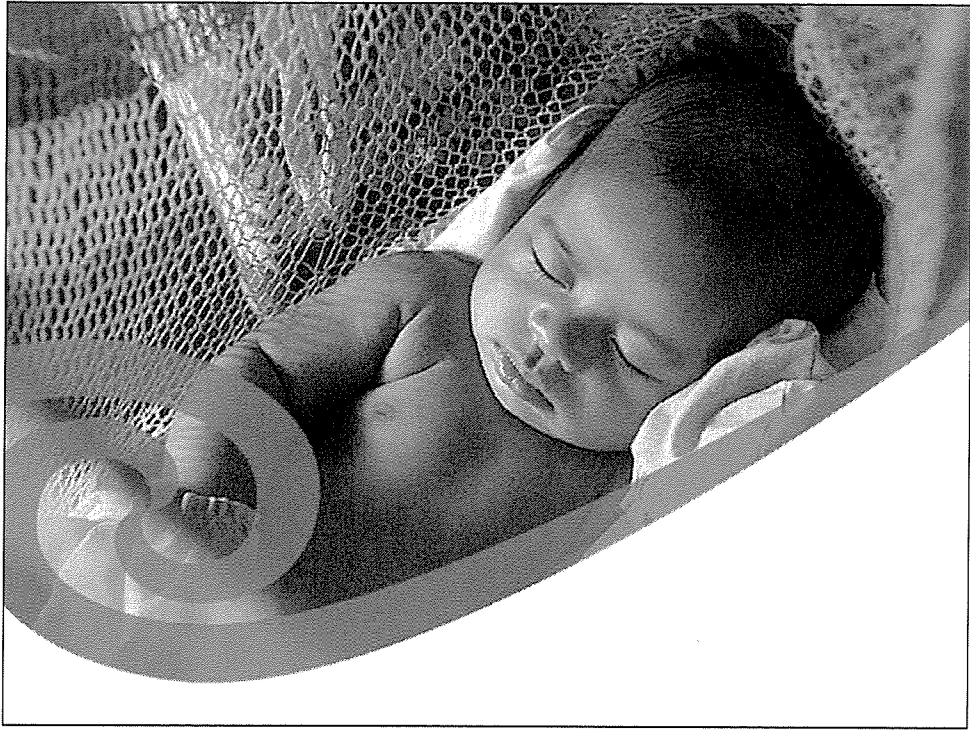
-Improvements to land survey records will provide more effective management, custodianship and security of core land survey records in the areas of:

- Survey management and practices
- Cadastral record maps
- Survey plans and
- Geodactic database

•Improvements to Mapping & Imagery will provide efficient custodianship, maintenance and supply mapping data and services

•While Valuation services will provide for effective and consistent set of valuations to support land and property taxation and owner to pursue investment opportunities.

-Once again a coordinated and flexible approach to implementation will be necessary. The work on LIMS will need to complement work undertaken under the effective and enabling services component of the broader programme, and the timing of implementation will need to recognise and cater for resource and capacity constraints in the department



Mama Graon Vanuatu Land Program

Tender Briefing

Port Vila, Thursday, 11 March 2010

Toni Dougan and Mel Warburton,
Procurement and Agreement Services
AusAID

Mama Graon Vanuatu Land Program

Managing a Good Procurement Process

Elements of Procurement Probity and Ethics

Concepts of Ethics and Probity

- ethical Behaviour;
- encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency;
- is critical to government procurement as it involves the expenditure of public money, and is subject to public scrutiny;
- supports openness and accountability in procurement processes and gives suppliers confidence in the Government marketplace; and
- can also reduce the cost of managing risks associated with fraud, theft, corruption and other improper behaviour, and enhance public confidence in public administration.

Mama Graon Vanuatu Land Program

Probity

- Probity is the evidence of ethical behaviour in a particular process;
- It is defined as complete and defined integrity, uprightness and honesty;
- Contributes to sound procurement processes that accord equal opportunities for all participants;
- Probative procurement is one that involves largely common sense, clarity, openness, clear understanding and application equally to all parties to the process;
- It is integrated into all procurement planning, and should not be a separate consideration; and
- Probity excludes suppliers whose practices are objectionable, dishonest, unethical or unsafe.

Mama Graon Vanuatu Land Program

Probity Guiding Principles

Guidance to establishing probity in the tendering process is contained in a variety of instruments:

- *Commonwealth Legislation Financial Management and Accountability (FMA) Act;*
- *Commonwealth Procurement Guidelines and the Commonwealth Grant Guidelines;*
- APS Values in the *Commonwealth Public Service Act*; and
- Other Commonwealth and AusAID procurement policy and guidelines.

Structure of the RFT

Section 1

- **Part 1 - Tender Specific Conditions**
- **Part 2 - Project Specific Contract Conditions**
 - Becomes Part A of the Contract
- **Part 3 - Draft Scope of Services**
 - Becomes Schedule 1 of the Contract
- **Part 4 - Draft Basis of Payment**
 - Becomes Schedule 2 of the Contract

Section 2

- Part 5 - Standard Tender Conditions
- Part 6 - Standard Contract Conditions
 - Becomes Part B of the Contract

- **Tender close**
 - 2.00 pm, Tuesday, 13 April 2010
- **Mode of submission**
 - Electronically, via AusTender at <http://tenders.gov.au> before RFT Closing Time.
 - PDF (note file size limit – Part 5, Annex D, Clause 4.5-4.7)
 - Tenderer's Declaration (One electronic copy)
 - Tender Schedule A – Technical Proposal (One electronic copy)
 - Tender Schedule B – Specified Personnel (One electronic copy)
 - Tender Schedule C - Financial Proposal (One electronic copy)
 - Tender Schedule D - Financial Assessment (One electronic copy)

- Hard copy, by depositing in the Tender Box before Tender Closing Time

Ground Floor, 255 London Circuit
Canberra ACT 2600

- Original
 - Tenderer's Declaration (One original)
 - Tenderer's Checklist (One original)
 - Tender Schedule A - Technical Proposal (One original & six copies)
 - Tender Schedule B - Specified Personnel (One original)
 - Tender Schedule C - Financial Proposal (One original)
 - Tender Schedule D - Financial Assessment (One original)
- One CD
 - containing the files specified as for electronic lodgement.

The Request for Tender (RFT)

- Queries related to the RFT:
 - should be considered/prepared and asked after this presentation;
 - We will register interested Tenderers for individual sessions of 15 minutes per organisation; or by (this will be an opportunity to provide us with the prepared questions)
 - forwarding questions no later than 14 days prior to the RFT closing – 30 March 2010 to vanuatulandprogram@ausaid.gov.au
- Responses:
 - will be issued by public Addendum via AusTender (www.tender.gov.au) as soon as practical.
 - last issue of addendum will be close of business 6 April 2010.

Tender Schedule A: Technical Proposal

- Response to Selection Criteria - 12 pages
- Annex 1 – Past Experience Form
- Annex 2 – Work Plan
- Annex 3 – Inception Plan
- Annex 4 – Letters of Association
- Annex 5 – Commonwealth Government Policies Compliance (if required)

Tender Schedule B: Specified Personnel

- Table of proposed team members
 - International Staff
 - National Staff
- CVs for headquarters based key project staff (RFT Part 1 Clause 6.3)

Tender Schedule C: Financial Proposal

Attachment 1 – Part 1 -

- Table 1 – Long Term Technical Assistance (LTTA) Costs – International Staff
 - A breakdown of costs associated with long term personnel
- Table 2 – Long Term Technical Assistance (LTTA) Costs – National Staff
 - A breakdown of costs associated with long term personnel
- Table 3 – Procurement A
 - A breakdown of costs associated with Laptop/Computer suite and Vehicles
- Table 4 - Procurement B
 - A breakdown of costs associated with Sub-Component 1.3 and Component 2
- Table 5 – LTTA Program related international travel costs
 - A breakdown of costs associated with travel costs
- Table 6 – Summary of Project Costs

Tender Schedule D: Financial Assessment

Two options – see Part 1, Clause 9

- AusAID may contact the nominated company accountant to obtain further information if required.
- Financial information is treated as commercial-in-confidence by AusAID. Distribution is limited to AusAID's Procurement and Agreement Services area and the firm contracted to report on the tenderer's financial capacity to implement the contract.

Selection Criteria		Weighting
A.	Organisational Capacity and Experience	20%
1A	Demonstrated capacity to manage Programs of a similar scope , cost and complexity.	
2A.	Demonstrated and relevant experience in working with partner government systems	
3A	Demonstrated experience in managing training programs, workshops and awareness campaigns.	
B.	Approach	40%
1B.	Analysis of weaknesses, limitations and significant risks to implementation drawn from the designs supporting the Program.	
2B.	Analysis of strengths from the designs supporting the Program and situation in country which can be used to create opportunities for successful implementation.	
3B.	Bidders approach to implementation and management arrangements to ensure success.	
C	Key Management and Project Staff	25%
1C.	Nominated Program Director	
2C	Managing Contractor Manager and key management team members (refer also to Clause 6. below regarding CVs for Key Management personnel)	3
3C	Specified Personnel (as listed in Specified Personnel table at Clause 7. 11 below)	
D.	Project Personnel Recruitment	15%
1D	Strategy for recruitment of international and national staff.	
2D	Demonstrated experience in staff recruitment and access to relevant technical networks.	
3D.	Demonstrated program management capacity and ability to support and performance manage a multi-national team in the field including in remote locations	
	Total	100%

Questions on RFT or Mama Graon Vanuatu Land Program

- To be submitted via email to vanuatulandprogram@ausaid.gov.au or fax +61 2 6206 4885
- Can be submitted anytime prior to close of business (AEDST) Tuesday, 30 March 2010
- Will be answered by issuing an addendum via AusTender before close of business 7 days prior to the RFT closing, Tuesday, 6 April 2010

Assessment of Tenders

- Technical Assessment Panel (TAP) consists of at least at least 4 and up to 6 voting members including AusAID and NZAID staff, up to two partner Government representatives and up to two external independent consultants.
- TAP members assess and score all bids against the selection criteria. The highest technical scores will determine which tenderer's will be invited to interview.
- TAP Meeting, including interviews (Adjustment of technical scores as required).

Assessment of Tenders

- Technical assessment = 80% of total score
- Financial assessment = 20% of total score
- Final scores calculated

Mama Graon Vanuatu Land Program

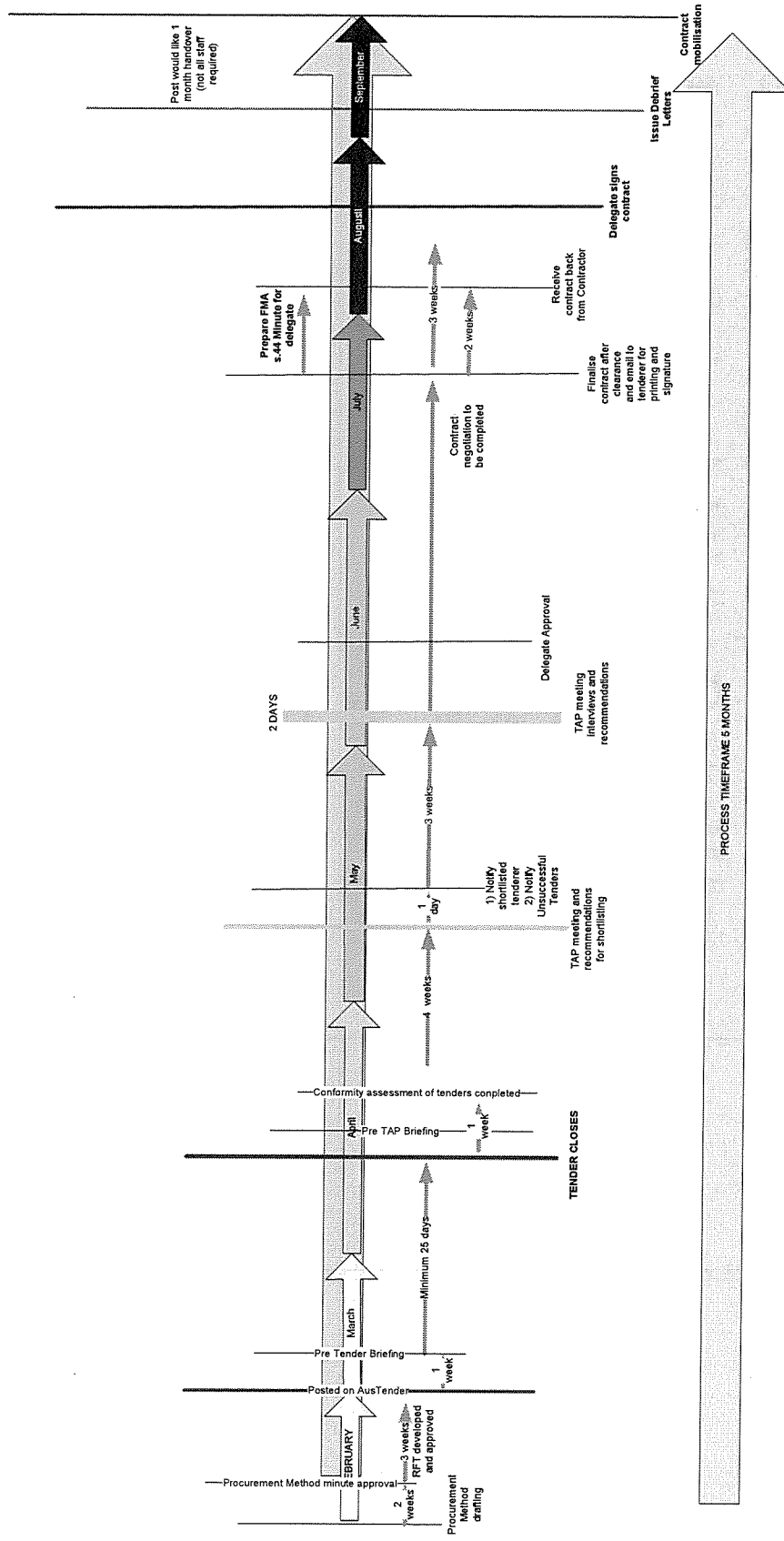
- Assessment Process

- Check bids for conformity to tender requirements
- Assess bids against Selection Criteria
- Conduct referee checks
- Interviews
- Finalise technical scores
- Conduct like-for-like assessment
- Confirm financial capacity
- Make recommendation to delegate
- Negotiate contract with successful tenderer
- Notify unsuccessful bidders
- Distribute debriefs

Important Dates

30 March 2010	Final date for questions to AusAID on RFT and Mama Graon (14 days before tender close)
6 April 2010	Final date for AusAID to issue addenda/respond to tenderer questions (7 days before tender close)
13 April 2010	RFT closing date
Late April 2010	Short listing of tenders
May/June 2010	TAP meeting and interviews
June 2010	If delegate approves TAP recommendation, commence contract negotiation
July 2010	Contractor mobilisation

EXAMPLE PROCUREMENT TIMELINE





Australian Government

AusAID

The Australian Government's
Overseas Aid Program

HINTS FOR NEW PLAYERS

An information session for new
tenderers wishing to participate in
Australia's overseas aid program

The following hints have been prepared to assist new players:

- Take advantage of early warning of tenders on AusAID's website
- AusAID publishes its **Annual Procurement Plan** on Austender (www.tenders.gov.au). It highlights up-coming procurements.
- Read how AusAID conducts its business and contracts out on AusAID's website at www.ausaid.gov.au and go to the "Business and Tenders" link.

- Target specific projects and opportunities where your organisation has expertise
- Understanding AusAID is important. You are always welcome to meet with Country Program Managers and Contracts staff.
- Network with other consultants and organisations; consider bidding in association with other companies.

- After a tender process (whether successful or not), ask AusAID for a debrief.
- Bidding is a highly competitive process and bidders should be prepared for a medium to long term view about doing business with AusAID rather than expecting to win vast amounts of work in the short term
- Liaise with Managing Contractors who have been awarded AusAID contracts before

Hints on Proposal Writing

- Read the documentation carefully to ensure your bid meets all requirements
- Directly address the selection criteria and substantiate your claims strongly
 - ◆ Note weightings attached to selection criteria, and ensure that the emphasis in your submission reflects the weightings on the selection criteria
- If you are unsure of something, ask questions. Contact details are supplied in each request for tender.

Management Arrangements

- Clearly identify management inputs (who will do what, and with what level of input) as well as your proposed management framework. This is particularly necessary when a joint venture or consortium bid is submitted

Approach and Methodology

- Bidders need to demonstrate original thought and say what they bring to the project that contributes to success. Do not just repeat what AusAID has already provided in the tender document or the design document.
- Bidders need to show that they understand what the activity is about.
- Specifically identify project risks and how you propose to manage them.

- If bidders are considering an alternative methodology they must submit a conforming bid in the first instance and include the alternative approach as a separate annex. Bidders must win the project on the conforming tender in the first instance before an alternative can be considered.

Key Personnel

- Provide CVs for all Key Personnel nominated.
The CVs should be focused towards skills required and clearly outline the duration and extent of the nominee's involvement in activities
- Provide referees who can comment on the nominee's experience and their claims against the selection criteria. AusAID can identify and contact referees of its choosing if it considers that it is not getting a complete picture

Pricing of Bids

- Prices submitted with bids must reflect the whole of life costs of undertaking the activity.
- AusAID is not interested in proposals from bidders that do not adequately resource the task.

Quality Control

- Check your bid before you submit it – an independent review to assist in editorial and logical consistency is recommended.
- Don't make claims that cannot be substantiated.
- Check that your bid is formatted according to the instructions in the RFT.
- Leave enough time before the tender closing time to do your quality control.

If invited to interview ...

- Bidders may be invited to meet with the Technical Assessment Panel to make a brief presentation and/or for interview.
 - The TAP process allows bidders to send an observer to the interview.
- AusAID recommends the following:
 - Keep the presentation focused and within the allocated time limit
 - Ensure the team is fully informed about the proposal
 - Be prepared to respond to any questions about claims made in the proposal.

- Ensure the presentation is engaging and relevant. Your presentation is one of several that the assessment panel will see.
 - Elaborate on what is in your bid
 - There is no need to repeat or recap on your proposal.
- Avoid complicated diagrams.
- Let team members answer questions posed to them.

