



WATCH

Action on Aid, Trade and Debt

***Hijacking Development
Futures: “Land Development” &
Reform in Vanuatu***

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“There is a lands process that is going on, that to me technocrats have once again hijacked the whole process, taking it away from what the people really wanted to see and made sure that it has become a bureaucratic nightmare and nobody is going to be able to work with it”.

NGO land advocate, Port Vila, Vanuatu (April 2009)

Introduction

Ni-Vanuatuⁱ have a strong history of fighting for their rights to their lands and to determine their own development futures. Australian debates about land and development in the Pacific region, as well as donor programs emphasising growth-led development have consistently been at odds with the Ni-Vanuatu interests in supporting and strengthening their customary systems of land and traditional economy.

This briefing provides an overview of the land situation in Vanuatu from pre-independence to today. It shows that Australian interests and aid relationships are often in opposition to the needs and aspirations of the majority of Ni-Vanuatu and risk hijacking their development futures.

What is Customary Land?

Australians know very little of their close Melanesian neighbours and their diverse customary land systems, which differ greatly from many Western Australian conceptions of land ownership and institutionalised property rights.

In Vanuatu, as in other Melanesian countries (e.g. Papua New Guinea, Solomon Islands, Fiji), land is life and is integral to social relations and cohesion, culture, food security and environmental management. Joel Simo in his report on the National review of the Customary land Tribunal Program in Vanuatuⁱⁱ states that:

Land is something that Ni-Vanuatu cannot separate from their lives. Land is always linked to people and to communities.

Land is part of the web of life that holds together custom, culture, history and the beliefs of each person in a community.

Customary systems of land tenure refer to diverse traditional systems of land management and land rights which have developed over hundreds of years and are minimally incorporated into formal legal and economic systems. The general land management in customary systems is based on clan leadership, through which families are allocated land. Melanesia has systems where land rights are inherited through women (matrilineal) and men (patrilineal); and importantly land systems are flexible to ensure everyone in the community has a place to live and grow food.

Given that up to 80% of people in Vanuatu rely on the traditional economyⁱⁱⁱ (subsistence production and traditional exchange) based on customary land, the true value, economic and otherwise of land is difficult to determine in monetary terms.



Old Mission Plantation, South Malekula: After independence, lands that had been expropriated were returned to their custom owners.

History: Land and Independence

“The struggle for independence was mainly to do with lands because most of our lands were alienated in the first place, all throughout the country in fact. This promoted us to establish the cultural association up in Santo, which led up to becoming Vanuatu National Party and then VANUAKU Party....and we started that movement in order to get back our lands. Then we thought the best thing to do was to fight the two colonial powers and become independent country so that we can have all our lands back. This is what led to independence in 1980. When we became independent all the lands were reverted back to the original owners the custom owners that is.”

Community member, West Tanna, Vanuatu (April 2009)

The loss of lands during the French-British Condominium sparked the political consciousness that led to the rise of Vanuatu’s independence movement and independence in 1980. After independence all lost or alienated land was returned to the rightful custom owners as dictated by the Constitution, which stated that: “All land in the republic of Vanuatu belongs to the indigenous custom owners and their descendants” and importantly that “The rules of custom shall form the basis of ownership and use of the land in the Republic of Vanuatu”; and “that only indigenous citizens of the republic of Vanuatu who have acquired their land in accordance with a recognised system of land tenure shall have perpetual ownership of their land.”^{iv}

However, a series of laws were also introduced following independence, which facilitated the protection of European and foreign interests. Whilst some European planters were driven from the land, the majority were granted long-term leases, and existing titles within the Port Vila municipal area were protected by an urban leasehold system.^v

Land booms resulting in the alienation of customary owners from their lands have been a key feature of Vanuatu’s historical and

ongoing interactions with foreign powers. The first was in the 1860s with the establishment of European cotton plantations on the islands of Efate and Epi. By 1972 over a third of the country’s land had been seized for agricultural purposes^{vi} alienating people from their land and livelihoods. Even where customary landowners had not yet been evicted, the ground was literally sold or stolen from underneath their feet. Most recently the foreign controlled real-estate sector has fuelled a land boom resulting in 90% of coastal land on the main island, Efate being alienated and developers moving further afield to Santo and Epi^{vii}.

Leasehold Loopholes and Land Alienation

“Paradise for sale...around \$NZ150,000 (\$AUD120,000) will secure you 10,000sqm of virgin ocean front rainforest, coconut palms and tranquillity on Aore, Island, 1km off the coast of Santo in Vanuatu”

First National Real Estate Advertisement
“Island Spirit” Air Vanuatu Inflight Magazine
2009^{viii}

Since independence the continued evolution of land and land related laws has further served the interests of investors, whether or not this has been the intention. Land laws have been created in order for Vanuatu to develop economically and be attractive to investors, which can be seen as a clear departure from customary laws and the Constitution (see appendix 1).^{ix} The current model of “land development” driven by foreign investment is not benefiting Ni-Vanuatu and hijacks their control over their lands and development futures.

Whilst the lease system is not technically or legally synonymous with the “sale” of land, such as in the freehold system, it is in practice facilitating rampant land alienation. Land leases are generally granted for 75 years (the life of a coconut palm) for a single payment rather than annual rent, with leases normally dictating that customary owners – if they wish to reclaim their own land at the end of a lease - compensate the leaseholder for any improvements to the land. This is something

that is far out of reach for the majority of Ni-Vanuatu.^x

Such agreements are often entered into where custom owners possess little understanding of the commercial value of their land^{xi} and have limited opportunities to turn any cash payment received from the land into a viable source of alternate livelihood. In addition, the use of the Strata Titles Act to subdivide rural land beyond its intended application for buildings,^{xii} the alleged abuse of the power of the Minister of Lands to intervene on land dealings where a dispute exists,^{xiii} as well as community level confusion or abuse over legitimate authority to enter into land transactions have all further removed control over land from community hands.

The National Land Summit

In response to Indigenous landholders again losing control of their lands, the national government with involvement from the Vanuatu Cultural Centre, a national cultural heritage management and statutory body, held a National Land Summit in September 2006. The Summit was preceded by a series of consultations at the Provincial level and addressed the following themes: (i) ownership of land, (ii) fair dealings in land, and (iii) sustainable land development.^{xiv}

Between 500 and 600 people attended the Summit with 20 resolutions being adopted from over 1000 that were put forward,^{xv} the intention being that these resolutions would form the basis of a national land policy. Whilst the *Malvatumauri* (Council of Chiefs) had requested through the summit a moratorium on *all* land leases, the government for fear of driving away investors adopted a weaker position. They implemented a temporary moratorium on all new subdivisions and applications to convert existing agricultural leases into residential subdivisions^{xvi} as well as a partial curbing of the power of the Minister of Lands when land is disputed.^{xvii}

Similarly, the resolutions which purport to form the basis of current land initiatives were weakened on key points when approved by the Council of Ministers in November 2006. Resolution 1 from the summit, which clearly stated that land in Vanuatu is owned by groups (tribes, clans or families) not individuals, and

that all members of a traditional owning group (male and female) must be involved in decision-making about their land, was altered to read: “that all custom land in Vanuatu is owned in accordance with the traditional land tenure system of each island.”^{xviii} Whilst the resolution might still be applied in the spirit of the original, its wording leaves it open to interpretations that undermine community control. Other resolutions were also altered in a way which allows group ownership to be questioned, undermining the essence of customary land and leading to the strong possibility of land ownership and use being privatised to individuals should that suit the interests of particular parties in land dealings.

The Land Debate

The case of land in Vanuatu forms part of region-wide debates around land and development in the Pacific that inform donor programs. Located within a broader disconnect between “indigenous recognition of the wider value of customary land and the western insistence on commercial reductionism”^{xix} the land debate has primarily been concerned with the claim that customary systems of land tenure are an impediment to development.^{xx}

In their approach to customary land and development both those arguing for the privatisation of customary land and those in defence of “group ownership” have the tendency to view growth and sustainable development as their goals.^{xxi} The key questions of ‘who controls and determines this development?’ and ‘what kind of growth is appropriate?’ do not feature.

Whilst the current wave of donor land reform momentum reflects a growing recognition of group ownership through and a shift away from the outright privatisation of customary land^{xxii} it has done so on a basis which emphasises recognising incorporating customary land into the formal legal and economic systems, with contradictory commercialisation, to generate “growth based” development. Such an emphasis threatens to undermine customary land use and the traditional economies which depend upon it and are the strength of Melanesian communities.

Land Reform and Australian Aid

“I’m very much against the idea of leasing out the lands to, I’m sorry to say, to foreigners. I think we should develop our own lands and be the master and boy of our own destiny. We don’t want to sell out all our lands, we’d just become slaves or employees in our own country”.

Community member, West Tanna, Vanuatu (April 2009)

"The ownership of land is a subject of significant debate in Pacific countries. Collective ownership of property is important in many cultures, but the economic costs of joint ownership needs to be weighed against cultural benefits."

Australian Chamber of Commerce and Industry in their submission to the Australian Department of Foreign Affairs and Trade (DFAT) Inquiry into the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific February 2009)

In the 2008 Australian aid budget AusAID announced a \$54 million Pacific Land Program, which aims to support land reform in the Pacific with the dual purpose of protecting customary land rights whilst making land available for private investment. Put another way, the Pacific Land Program would like to make traditional systems of land tenure “work” alongside commercialisation of land to attract investment and generate revenue. This contradiction has been called the ‘middle way’.^{xxiii}

Aid donor interest in land reform and development in the Asia-Pacific is not new and stems from the view that “land development” is key to economic and social development. AusAID has financed and co-financed land projects across the Asia-Pacific including, Laos, the Philippines, Indonesia, Thailand, Vietnam, and some Pacific Island countries.^{xxiv}

AusAID’s current support for Pacific land reform can be traced to the 2006 White Paper on the Australian government’s overseas aid program. This paper set out the strategic framework for Australian aid for the next ten

years and identified four priority areas in “assisting developing countries to reduce poverty and achieve sustainable development, in line with the national interest.”^{xxv} These areas were:

- accelerating economic growth;
- fostering functioning and effective states;
- investing in people; and
- promoting regional stability and cooperation.

It was identified in the White paper that “generating shared and sustainable economic growth (was) the single most important objective for the Asia-Pacific region over the next ten years.”^{xxvi} Pertaining to this objective the Australian aid program would encourage growth by:

Improving the policy environment for private sector growth. Initiatives include a collaborative and demand-driven **Pacific land mobilisation program** to explore ways to overcome the major land tenure constraints to growth in the region.^{xxvii}

This approach to development in the Pacific is echoed by the current government’s Pacific Development Partnerships, which are bilateral aid agreements being negotiated throughout the Pacific, and the broader context of Australia’s heated pursuit of PACER Plus, a standard regional trade agreement masquerading as a development deal. In the free market model of trade customary land ownership is interpreted as a barrier to trade and as such a barrier to growth.^{xxviii}

The intersection of land reform agendas and strategies for economic-growth based on foreign investment is dangerous territory, particularly where donors have strong influence and clear trade and commercial interests in the region. The conflicts of interest are poorly recognised. OXFAM New Zealand in its comments on the NZAID Pacific Strategy Consultation Draft raised similar concerns stating “The inclusion of land tenure reform in the section that relates to economic growth indicates that New Zealand’s interests are also driven by economic considerations... the solution is not just to shift land tenure into another section of the strategy, but to question why NZAID should be involved”.^{xxix}

However, it is not only the Australian government and other aid donors who risk prioritising investment and growth when dealing with customary land. As Vanuatu MP Ralph Regenvanu notes, in his paper on pressing land reform issues in Vanuatu, “determining customary land ownership has become an obsession of government, reflecting its own obsession with promoting capitalist development.”^{xxx} The role of national elites in determining government policy as well as pressure from donors to adopt particular strategies are both factors which may limit the extent to which National development strategies and priorities can be seen as wholly reflecting the development aspirations of Melanesian peoples.

But if not economic growth then what?: when the cash economy hijacks the spotlight

“If you really look at what has been the boom in this country for the last five or six years, it has supposedly been construction and supposedly been tourism but all of that is on the liquidation of land. So you will see that boom contained in only two places, in Luganville, Santo and in Port Vila, Efate. Why? Because the boom is not from foreigners bringing money, the boom is from liquidating assets from the base of this country. So if economic growth is about liquidation, then let’s just sell the whole country.”

NGO land advocate, Port Vila, Vanuatu (April 2006)

According to a Pacific Institute of Public Policy briefing, growth in Vanuatu has accelerated in recent years with the economy growing at an annual average rate of 6.6% between 2003 and 2008.^{xxxi} However, growth has primarily been driven by foreign investment in tourism and land, tourism being overwhelmingly expatriate-controlled, and profits from land transactions captured by expatriate speculators.^{xxxii} There is low participation by Ni-Vanuatu in the formal sector, and whilst in 2002 tourism made up 12%^{xxxiii} of employment, it is of critical importance to note that approximately 80% of the population is supported by the main economy of Vanuatu, the traditional economy.

Recently, civil society groups, aid donors, and the government in Vanuatu have attempted to reorient the spotlight to the traditional economy and shifting political and community support to safeguarding and strengthening it.

An AusAID economic fact finding mission in 2006 included in its finding that “many of the functions of modern growth – well-being, stability, equity, social cohesion and sustainable livelihoods for an expanded population - are also well provided for through Vanuatu’s strong and deeply held customary values including its custom economy.”^{xxxiv}

Even more striking is the proven capacity of the traditional economy to cope with population increases, which have been a key argument for the need to alter land tenure systems.

[Vanuatu’s] most understated productive-sector is the massive response within its traditional (island) economy to a rapidly growing population. ... Although growth of Vanuatu’s GDP has not been spectacular, it’s traditional, largely non-monetarised, rural economy has successfully supported a 90% increase in the rural population in the 26 years since independence (from about 95,000 in 1980 to an estimated 180,000 now)^{xxxv}

Despite the productive capacity and ability to meet the needs of communities the traditional economy is continually side-lined in the promotion of economic growth.

The success of economic growth, particularly through increased liberalisation and trade in achieving the development aspirations of countries has been strongly refuted, particularly in the case of Least Developed Countries. The 2009 United Nations Conference on Trade and Development Least Developed Countries Report stated:

By and large, Least Developed Countries have benefited little from the global economy, and the progress they made during the boom years at the start of the new Millennium has proved mostly ephemeral. That is because LDCs exported mostly basic farm goods and raw

materials and increased their reliance on them during the boom.^{xxxvi}

Clearly there is a danger in pursuing growth oriented land reforms, which undermine the centrality of customary land systems. Such systems form the basis of a strong traditional economy; the provision of food security; housing; as well as peoples' control over their work, livelihoods and importantly development futures.

The “Making Land Work” Approach

In June 2008 AusAID released a publication entitled *Making Land Work* at a regional land conference in Port Vila, Vanuatu of the same name. *Making Land Work* is said to be an “information resource for countries undertaking land policy reform.”^{xxxvii} The report positions itself as useful to Pacific governments seeking to:

- Increase the amount of customary land that can be used for social and economic development;
- Create social and economic benefits for customary land owners and the wider public;
- Strengthen the legal rights and tenure security of landowners and land users; and
- Reduce the number of land disputes and the time taken to resolve them.

It is stated that the publication does not seek to advocate any particular “policy options or models”^{xxxviii} however, its creation under the banner “making land work” suggests that customary systems of land tenure are primarily viewed to not be working and continue to be interpreted as an impediment to development in their current form.

To initiate a regional Pacific Land Program under such a name is a grave error. As far as Melanesians are concerned land is very much “working” and to begin from such an assumption is an insult to the Melanesian way of life. What doesn't work with customary land, is insisting that land should conform to

particular development models and policy prescriptions.

The current framing of the approach as the “middle way” recognises the continued relevance and importance of customary systems of land tenure, but seeks to link these to formal legal and economic systems to increase tenure security. This is promoted in *Making Land Work* as the reasonable position between “two extremes - do nothing (the Minimalist Approach – maintaining existing institutions) or make radical changes (The Privatisation Approach – removing customary Institutions).^{xxxix}

This framing positions those seeking to critically engage with the “middle way” from outside of this approach as extremists, delegitimising their concerns and prescribing the area for debate. This coupled with the broader context of regional economic integration through PACER Plus also gives priority to embracing the modern economy by effectively suggesting traditional systems meet the modern half-way and that the differing interests of investors, governments and communities are ultimately compatible when meeting on these terms.

Considering *Making Land Work* makes reference to the fact that “in most places customary land tenure systems still meet the needs and aspirations of many people”,^{xl} implying that land is working for people, this seems an overly prescriptive position to take. Asserting that the “middle way” is an inevitable and long-term approach is effectively marginalising the voices those most affected by the changes.

Making Land Work also states that development assistance will support reforms that are demand-driven, coming from Pacific governments and communities.^{xli} However, the idea that communities are overwhelmingly demanding land reform for growth-based development seems unlikely considering the report's own acknowledgment that customary systems of land tenure are meeting the needs and aspirations of most.

The Vanuatu Land Program: The bureaucratisation of a peoples' process

“The issue is with how it’s done, is the bureaucratic way it’s done and ...that whole process is inaccessible to even people like me who are well educated... So it’s very hard to understand for a start what’s been said. Then they have, you know, the way they format their stuff and the way they do these evaluations, and then they do a design and then they do an evaluation of it and then there’s some peer review and this whole process is...I would say _ Australian citizens all the time in all of these processes. There’s always some Ni-Vanuatu but less than a quarter. And those people, I don’t know if they know what’s going on”

Government/civil society land
advocate, Port Vila (April 2009)

AusAID has assisted in funding a number of land initiatives in Vanuatu, the latest is the Vanuatu Land Program worth \$AUD8-9million^{xliii} currently earmarked to go to tender. Whilst the program may be well intentioned in many respects it cannot be separated from the broader land, development and trade interests at play. There are a number of issues and potential risks arising from AusAID’s involvement in land reform, even where AusAID’s primary role appears to be that of a “cash cow”. Important questions vital to the program’s effectiveness in reflecting the needs and aspirations of Ni Vanuatu remain unaddressed: on whose terms the aid funding is disbursed and managed? Upon whose terms is the process based? Who sets the overarching objectives of the broader land reform agenda?

A number of interviews conducted by AID/WATCH with key people involved in the land reform process highlighted a number of issues around the level of democratic ownership over the program which indicate that the claim that the AusAID assistance is community-driven as well as government-driven is still far from the case.

Reform Process: The Summit Resolutions and aid agendas

The 2006 National land Summit provided clear resolutions and an interim way forward for reforms relating to land. It is questionable whether the current lands process adequately reflects the intent of the resolutions, which were an attempt to return control to customary landholders and limit the control of foreign investors in land. Altering the resolutions through the government approval process and opting out of a continued broad-based participatory approach for a program design process are major issues. Program design is still dominated by Australian personnel. This undermines trust and it also risks distorting program priorities in favour of those which fit more neatly into bureaucratic processes or the overall “development” agenda. The Vanuatu Government draft Land Sector Framework^{xliii} also includes scope for the registration of customary lands, an initiative squarely outside of the land summit mandate, which prioritises access to new customary land for “development” over dealing with current leased lands.

One interviewee^{xliiv} when asked about the current direction of the land program stated:

As far as we’re concerned the resolutions are sufficient. When a Chief speaks, everybody knows what they’ve said. But here’s what they’ve done. They want to take it and put it into some aid language. That aid language is completely incomprehensible to the Ni-Vanuatu. The aid language is able to source money from Australia but is not going to meet our needs. Our needs are very clear. It was clearly articulated in the resolutions. Take it or leave it but don’t come and repackage it in the way that AusAID wants to be able to swallow it and then bring something that is completely different from what we had said.

The impacts of facilitating a land program design process on the terms of donor aid-speak, frameworks and timeframes, indicates that donors are ultimately in control of the process. This indicates that there are few opportunities for genuine community participation. Ni- Vanuatu interviewed, who are engaged to varying degrees with the land process through civil society and government forums have indicated a lack of understanding

of the Vanuatu Land Program design that suggests the process is far from community-driven or participatory, being consultative at best. In an area as sensitive and vital to life as land, to institute “consultation” and “stakeholder engagement” risk reducing the role of “community” to a rubber stamp on land initiatives, legitimising a process where no real community control exists.

This also has the potential to be exacerbated by an inability of the program to reflect the Melanesian way of doing things, which avoids confrontation and communicates dissent in other ways. A culturally biased process of engagement could assume consent where there is actually clear disagreement. Another hurdle for AusAID is how it will keep to its intentions to be flexible on issues such as the pace of the program and timeframes when the money is clearly tied to a 4-5 year program.^{xlv}

Lasting and appropriate reforms will be ensured in part through programming which genuinely reflects the culture, needs, and aspirations of Ni-Vanuatu through honouring the land Summit resolutions and actively engaging people at the community level.

Reform management: inappropriate aid delivery

Another key concern regarding the control of the program is its delivery. AusAID is planning to make the Vanuatu Land Program available for tender by an international company, which will most likely be an Australian company, whose advisors will be responsible for the overall management of the program, holding positions of seniority. This is both a costly way to deliver aid, with contractors being paid a base salary upward of 180K per annum^{xlvi} and also threatens to undervalue local control and expertise. An additional complicating factor in this mode of delivery is the actual conflict of interest, as many contractors have a wide portfolio of development and commercial interests. Major contractors in the lands sector include:

Coffey International an engineering company that boasts being one of the top 300 companies on the Australian Stock Exchange. It operates in over 80 countries through several “specialist companies,” with one of its listed companies dealing in international development affairs as just another related sector.^{xlvii}

Hassal and Associates a “wholly owned subsidiary of GHD”^{xlviii} following a merger in 2008. GHD deals with engineering and architecture, manufacturing, and resource industries such as energy, oil, gas, mining, metals, water, and geotechnical areas.^{xlix}

Land Equity formed in 2001 by key members of a land titling team from another company, Hatch Associates Pty Ltd, formerly BHP Engineering Pty Ltd. Land Equity specialises in land titling and administration development programs.ⁱ BHP Billiton is a billion dollar corporation involved heavily in mining and oil industries.ⁱⁱ

Corporate entities that have conflicting commercial and humanitarian interests, be they direct or indirect, are clearly compromised as an ethical deliverer of aid, particularly in an area as sensitive as land.

Conclusion

The urgent problems with Australian involvement in Vanuatu’s land are less the specific short-term objectives of the program but rather the program’s alienating bureaucratic process and its collusion with a wider development agenda and trade interests, which are counter to Ni-Vanuatu control over land and development.

What’s needed is a more sophisticated way of measuring development than economic growth, one which can account for the real world in which the majority of Ni-Vanuatu live. Less confusion between the humanitarian and democratic development aims and Australia’s commercial interests would be aided by removing AusAID from the Department of Foreign Affairs and Trade and would also assist in building trust in Melanesia.

It is vital that Australia’s aid program be able to account for the strengths and needs of developing countries and see the opportunities to learn from these strengths – such as customary land – and to build upon, rather than undermine them. Aid whether focused on problems or strengths must allow autonomy for governments and communities to take control of their own development futures and support grassroots processes rather than replace them.

Appendices

Appendix 1: Land and Land Related Laws in Vanuatu

Law	Year	Purpose
Land Reform Act	1980	To return alienated lands during the Condominium to the rightful custom landholder.
Alienated Lands Act	1982	To assist the aims of the Land Reform Act in providing an option for custom landholders to either create a new lease with the alienator or to gradually pay compensation for improvements to the property made by the alienator
Lands Referee Act	c.1982	To assist the aims of the Alienated Lands Act by creating a Lands Referee office to determine the value of improvements made by the alienator.
Land Lease Act	1983 (Amended 1988)	To support both the Land Reform Act and the Alienated Lands Act by defining the procedure for lease agreements between custom landholders and those wanting to use their land. Leases are for a maximum of 75 years. Established Land Records Office.
Land Reform Act	1988	Allows the Minister of Lands to act on behalf of the custom landholders where the rightful landholder is not known or there is a land dispute.
Land Acquisition Act	1992	To define the process for the Government in compensating custom landholders for land acquired for public purposes (whether to relocate communities or to acquire urban land).
Urban Lands Act	1993	To define the Government process in declaring urban land in Vanuatu. It introduced a Land Tax and Dweller's Tax for urban leaseholders to pay.
Freehold Title Act	1994	To enable indigenous ni-Vanuatu to purchase land outright in urban areas. This Act was repealed in 1997
Customary Land Tribunal Act	2001	To promote the use of custom land tribunals in settling land disputes. This Act established the Customary Land Tribunal Office.
Strata Title Act	2000	To enable lessees to have title to a part of a larger property. This Act has been applied horizontally for peri-urban subdivisions and is responsible for the current land grab on Efate.
Other relevant legislation		
Environment Act	2003	This Act establishes the need for proposed developments to complete environmental impact assessments prior to receiving government approval.

(Adapted from After Naupa and Lightner 2005 in Naupa and Simo 2008; and Simo 2005)

Appendix 2: Lamap Declaration 2009

We are the chiefs, representing the indigenous population and the participants representing the women and youth of Vanuatu from six provinces who have attended the National Land Workshop in Dravail Village, Lamap South Malekula from 27 April to 1 May 2009.

We have come together to voice our deep concerns over the rapid alienation of land in the country by foreign investors and those with cash.

Considering Ni- Vanuatu beliefs that are rooted in land, understood as a mother and source of life, we make the following declaration:

1. We adopt the first resolution of the land summit which states that 'land belongs to a family, tribe or clan and not an individual.
2. The Vanuatu Government Land Reform program must concentrate only on leased lands, allowing the chiefs to take care of the customary lands in the Republic.
3. That land in Vanuatu has no commercial value.
4. That any development that takes place on land in Vanuatu requires the indigenous or custodians of the land have to have control over that development and a fair share of the takings.
5. That a network is set up in the six provinces to address the issues of land in Vanuatu.
6. We have mandated the Vanuatu Cultural Centre to provide awareness on land issues on the 83 plus islands in Vanuatu.
7. We strongly reject the land registration program in Vanuatu in order to safeguard future generations and the indigenous population.
8. The government and the appropriate authorities should scrutinise the work of the real Estates in the country.

This declaration is made to bring to the attention of the government, corporate bodies and NGOs the critical issues concerning land in Vanuatu.

Dated: 1 May 2009

Endnotes

- ⁱ Ni-Vanuatu is a term which refers to the indigenous peoples of Vanuatu.
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- ^{iv} Articles 73, 74 and 75 in Simo, Joel (2005) *Report of the National Review of the Customary Land Tribunal Program in Vanuatu*, Vanuatu National Cultural Council
- ^v AusAID (2007) *The Unfinished State: Drivers of Change in Vanuatu*
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- ^{vii} ibid
- ^{viii} Issue 45 January - March
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- ^{xi} Ibid.
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- ^{xiii} AusAID (2007) *The Unfinished State: Drivers of Change in Vanuatu*
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- ^{xv} Oxfam New Zealand (2006) *Vanuatu: The 2006 Land Summit Briefing Note* Online http://www.oxfam.org.nz/imgs/pdf/onz_vanuatuland_14feb07.pdf accessed 10/08/09
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