

Land Policy and Reform to Support Sustainable Use of Land

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1.0 INTRODUCTION

For a nation to become economically independent, it needs a radical land reform that will assist to drive sound and effective land uses and policies to drive allocation and distribution of rural land for uses in turn to drive market flows, build industrial growth, boost jobs thus balancing the import syndrome in the country. After 35 years of independence, the national parliament of Vanuatu has enacted legislations to manage the process of leasing land for development, prepared national policies, guidelines and even signed Multilateral Environment Agreements (MEA) and UN conventions to assist manage land and its natural resources. These policies, legislations, MEA's and conventions is the door way to economic independence but there are still limitations to put these into action to prove our desire after all these agreements, policies, laws and MEA's have been gazetted to become the action agenda for the country.

These national policies have been agreed on as national plans for the government that corresponds to the national Priority Action Agenda (PAA) and the Planning Long and Action Short (PLAS) Plans which are the guiding national plans for the country. In all, these policies are specific oriented which should be implemented to allow the process to function. This means that these policies are designed for a purpose to achieve something that will enable the specific arm of the government to achieve the aims and objectives desired by that department. But most times, these policies are not harmonised with other sectors to ensure that there is a drive for economic sustenance but are driven to full fill the objectives of a particular section of the government alone. By creating sectoral institutions to oversee the linkages, it is a wish of the government that any policies designed should lead to parts of a land reform process that will suit the aspirations and in turn produce the outcomes that may well be positively in producing a market oriented atmosphere that could drive an economy that is effective. Slowly, this is happening to overcome the situation under the PLAS and PAA.

The paper explores the national plans (PAA and PLAS) along with the legal frameworks, MEA's and Conventions and tries to link them to the topic of this paper that is *Land Policy and Reform to Support Sustainable Use of Land*. We are trying to see if there is a need for change in policies to drive a land reform program. The program will need to link to the plan of action by the national government where this will change the current arrangements under the customary land management act to have access to land for farming throughout the country especially the prime agriculture lands without going through the lengthy processes. The aim of the paper really is to design a policy for a creating a sustainable land use policy that will drive land reform thus allowing a room for a series of land policies that will be linked to a national framework and allow land to be used whether on a customary somewhere but will link the government plans to boost economic development in Vanuatu.

There is a limitation for a National Land Strategy for land developments. For the specifics, there are no programs dedicated for the best prime agriculture lands in the country that could be dedicated for a special program dedicated specifically for practical farming to ensure that the policies and regulations we have developed do gear towards maximising the land use to generate the demands that could assist to balance the imports of processed goods into the country.

2.0 THE CONSTITUTION

Vanuatu become a country after it signed her constitution telling the world that on the day of independence¹, she will no longer be dependent on any country to manage her affairs but will be a country to have a national government to manage her people and her resources. Beginning with the Pre-Amble and the articles, it describes what this nation is and what it will do.

Under Chapter 12, there are sections 73-80. In section 73, it says that "all land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants"². In section 74, 'it says that the basis of ownership relies on 'the rules of custom and use of land'³. While section 75 states that 'only indigenous citizens of the Republic of Vanuatu who have acquired their land in accordance with a recognized system of land tenure shall have perpetual ownership of their land'⁴ is valid for all land in Vanuatu. It continues to say under section 76, for 'Parliament, after consultation with the National Council of Chiefs, shall provide for the implementation of Articles 73, 74 and 75 in a national land law and may make different provision for different categories of land, one of which shall be urban land'⁵. In section '77 its looks at how land compensation will be made by stating that 'Parliament shall prescribe such criteria for the assessment of compensation and the manner of its payment as it deems appropriate to persons whose interests are adversely affected by legislation under this Chapter'⁶. There is section 78 that discusses ways to resolve disputes, where (1) consequent on the provisions of this Chapter, there is a dispute concerning the ownership of alienated land, the Government shall hold such land until the dispute is resolved. and (2) that 'the Government shall arrange for the appropriate customary institutions or procedures to resolve disputes concerning the ownership of custom land'. Section 79 Land transaction which states that '(1) Notwithstanding Articles 73, 74 and 75 land transactions between an indigenous citizen and either a non-indigenous citizen or a non-citizen shall only be permitted with the consent of the Government.(2) The consent required under sub article (1) shall be given unless the transaction is prejudicial to the interests of – (a) the custom owner or owners of the land; (b) the indigenous citizen where he is not the custom owner; (c) the community in whose locality the land is situated; or (d) the Republic of Vanuatu'⁷. In section 80. 'Government may own land; states that , 'Notwithstanding Articles 73 and 74 the Government may own land acquired by it in the public

¹ July 30th 1980

² Ibid p.23

³ Ibid p.23

⁴ Ibid p.23

⁵ ibid p.23

⁶ ibid p 23

⁷ ibid p 23

interest⁸.

To enable the above section of the constitution for a land reform within the legal frameworks with policies for sustainable land use, there are currently different acts of parliament that have been passed by parliament to ensure land reform in Vanuatu is inevitable. Some things to note under the constitution for proper interpretation are, “custom owners” of land in Vanuatu are groups, not individuals. This means that for any decision for a use of a piece of land through application should all be agreed by the tribe and benefits shared for all members of the tribe. Secondly, the general maximum for lease periods in rural areas would be 30 years, and would only be 75 years for major development projects, and only if the investor was prepared to enter into a joint venture with the custom owners. This issue is one that has to be recognized by land owners where, the use of the land should be negotiated based on the type of project with an open mind of the inputs by the developer. Where a need to negotiate under the 12 months negotiation period is eminent, the land owner and the developer should agree on the terms of the negotiations on what need to be agreed on under the conditions of the lease. A project that will make profits after 20 years can be negotiated for a term of 40 years while others could be shorter depending on the business type.

It is also clear yet why a National Land Law has never been prepared that would determine the destiny of the Land Reform Regulation which was intended to be an “interim” measure, until such time as this was prepared as required by Article 76 of the Constitution

3.0 THE PRIORITY ACTION AGENDA (PAA) AND PLAS

The Priority Action Agenda and the PLAS are two National Government documents. The PAA is a 10 years plan with broad objectives and indicators, While the PLAS is the document that is more achievable by the government executed during a term of the Government. The PLAS a more comprehensive plan that details the activities designed to be completed by years when a government is in power. If I may take some of the priorities under the PAA, I can list the most appropriate for this topic as follows. 1. Private Sector Development and Employment Creation, 2. Macroeconomic Stability and Equitable Growth, 4. Primary sector development, environment, climate change, and disaster risk management, 6. Education and human resource development and 7. Economic Infrastructure and Support Services⁹

From this broad goals, strategies have been developed to ensure that there are achievable outcomes at the end. An example from the PAA is a policy activity for the primary sector. The strategy is "Increased production and productivity in the primary sector to sustainably increase incomes and livelihoods". The indicators are - Production of copra; Production of cocoa; - Production of coffee; - Agricultural incomes (HIES every 5 years); - % share of Agriculture in GDP

A Strategy states to "Identify and protect prime agricultural land for agriculture. It list the indicators as "Number of hectares zoned under “Agriculture Land”; - Number of leases (and lease area) under

⁸ ibid p 23

⁹ Government of the Republic of Vanuatu Priorities & Action Agenda. Vanuatu

agriculture". Another strategy entitles "Develop an overarching Primary sector strategy to guide policy development and implementation"¹⁰

By aligning the activities to ensure that we are in meeting our goals and objectives, the Vanuatu Government has recently commenced a major land reform initiative (Mama Graon project) aimed at improving decision making on land issues. The Vanuatu Land Program aimed to improving land management procedures and practices, and minimizing the potential for conflict over land. This follows activities that have strengthened the administration and operational systems in the Department of Lands with the e-Land Registry and a creation of a Title Information System. With the process of ensuring that the systems are on a straight path, the government has moved the office of the Land Tribunal to the Ministry of Justice and Community Services. With the introduction of these reforms and initiatives its has improved investor confidence in the security of land leases¹¹. There are still some gray areas that needs to be improved on.

4.0 THE PLAS

The PLAS is a working document of a term of a government. Under this plan, a 100 action plan is carried out based on the approved plans by the current government. This is the 11th legislature of the government. Under the 10th legislature, the following are the agreed plans that were agreed for the execution of the government plans. While this paper was written, the 11th legislature was sworn in on the 11th of February 2016. This makes it impossible to present the activities which will be carried out by the government during this 11th legislature.

5.0 THE UN CONVENTIONS

Vanuatu signed had some UN conventions to become party to them. This means that Vanuatu has voting powers on issues that will affect the resources within the country and other issues of security, maritime and more together with other foreign countries.

On the issue of land, one such convention is the United Nations Convention to combat Land Degradation (UNCCD). Though Vanuatu lies in the tropics, there are areas that pressure has been very high to the extent that land has continued to loss its fertility. Pressures on the land is a direct attribute to heavy land use. The direct causes are shifting cultivation where the periods of fallow has fallen short due to high population growth. Areas of garden lands are becoming shorter this putting pressure on land uses.

Other issues of degradation are unsustainable logging practices, the conversion of prime forest lands for cattle farms and unsustainable use that are in conflict to land policy are the direct attribute to land degradation. The convention allows for Vanuatu to ensure that land is not degraded but could be rehabilitated to ensure that it could be used for farming. Techniques to ensure that land is not degraded could be using the traditional weather systems and creation of micro climates to ensure

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¹¹ *ibid* p. 5

that we don't not continue to loss soil fertility. The development of intercropping could assist much to ensure that land is suitable for farming for years to come.

The millenium development goals (MDGs) ahve identified the following priorities as development goals to achieve the target by 2020. These areas which are directly linked to land reform could be listed as "eradicate extreme poverty and hunger", "achieve universal primary education", promote gender equality and empower women', "ensure environmental sustainability", and develop a global partnership for development". For a land reform process, these are the key target areas for deliberations.

6.0 THE MEA

Vanuatu also signed a few MEA. The MEA she has signed are UNCBD, CITIES, Kyoto Protocol, Montreal Protocol, Nagoya Protocol, Stockholm Convention, UNFCCC and the Vienna conventions. As party to this MEA's, we are therefore obliged to access funding from these MEA to do scientific studies to assist the government to report the status of the matter to the UN on how well we are.

7.0 NATIONAL FRAMEWORKS

The Vanuatu Governmen has developed several frameworks to assist the PAA and the PLAS. One of these is the Land Sector Framework. The Land Sector Framework (LSF), which incorporates the outcomes of the 2006 National Land Summit, was reviewed by National Land Steering Committee in March 2009 and was subsequently approved by the Council of Ministers on 28 August 2009. The Land Sector Framework identifies several important issues that are very useful for land reform in Vanuatu. These are impact of economic development pressures on customary land, importance and significance of multi-stakeholder processes in the governance of land, under-utilisation of Vanuatu's cultivable land for productive use, looming effects of urbanisation and informal settlements in the major urban cents of Vanuatu, role of the land sector as an important part of the framework for environmental and natural resource management. planning and development of the land asset; including the management of government and public lands, the management of common property resources, individual and community-based land use planning and urban planning and development.

Taking the policy principles referred to in the Land Sector Framework, considerations for the policy for land reform could take ino account the following. These will include sustainable development, rural areas potential for development, urban areas including provincial centres, foreshore and coastal development, Institutional arrangements & capacity building

Rural areas are the largest areas of land in Vanuatu but also represent the least developed parts of the country. A long standing principle in national land use planning has been to make the best use of cultivable land and this national land use planning policy intends that this principle will continue.

8.0 THE LAND LEASE PROCESS

Vanuatu has developed its land laws, policies and regulations as a process of land reform under the legal framework to govern and manage the process of how to do things on the land. In 1980, the constitution restored perpetual land rights to “indigenous custom owners and their descendants”. Implementing this principle after decades of land alienation often proved to be difficult and contested. Government infrastructure, tourism, business, agriculture, industry, urbanization, and the desire to use land to secure financial loans are some of the driving forces behind the creation of leases¹². There are in house processes to ensure that applications follow the right paths to the end where land is granted to a developer, the type of development has to meet certain requirements as to whether or not there has to be some impact studies done to ensure that there are no breaches under certain laws and also the conventions we have signed.

According to the Land Reform Act CAP 123, Part 4, section 6 (1) states that "no alienator or other person may enter into negotiations with any custom owners concerning land unless he applies to the Minister and receives a certificate from the Minister that he is a registered negotiator"¹³. That brings us to the process of acquiring a rural lease for development.

The lease creation process for rural land begins with an Application for Negotiator Certificate. This application is registered in the Planning Unit of DoL and then submitted to the Land Management and Planning Committee (LMPC) for consideration. The LMPC is comprised of the Physical Planning Unit, provincial government, Environment Unit, land tribunal office, and DoL. If the application is approved, a Negotiator Certificate (valid for 12 months) is issued and lease negotiations can proceed. Signed by the Minister of Lands, the Negotiator Certificate names the registered negotiator (potential lessee), and identifies the general area of land of interest, the type of land (for example, pre independence title number or custom land), the approximate number of hectares (exact area subject to a later survey), the classification of lease requested, and custom landholders (named if already identified or yet to be identified)¹⁴.

When the custom landholders have not been identified on the Negotiator Certificate, a Custom Ownership Identification Form (COIF) is either provided to the negotiator or sent to a relevant chief in the nominated area via the area secretary (both options have been identified by DoL). A Public Notice is dispatched to the area by the secretary of the LMPC to notify people of the lease interest and ask the chiefs of the village council to hold a meeting to identify the correct custom holders of the land (sketch map provided)¹⁵. For those lands where land owners have been identified, a green certificate is provided where the developer can negotiate directly with the tribe whose land the interest is desired. For point one above, minutes of the meeting are requested. The notice

¹² Vanuatu National Leasing Profile: A Preliminary Analysis *By Sue Scott, Milena Stefanova, Anna Naupa, and Karaeviti Vurobaravu, Eds Justice for the Poor for the Promoting equity and managing conflict*

¹³ Laws of the Republic of Vanuatu. Land Reform Act, CAP 123

¹⁴ Towards More Equitable Land Governance in Vanuatu: Ensuring Fair Land Dealings for Customary Groups, Milena Stefanova, Raewyn Porter, and Rod Nixon. May 2012

¹⁵ *ibid* p. 9

recommends that any disputes should be referred to the village land tribunal or joint village land tribunal. The COIF should then be filled out and signed by the chiefs of the area, after which the COIF and minutes of the meeting should be placed on file at the DoL.

Lease negotiations then proceed, the land is surveyed and submitted to DoL for approval, the negotiator pays fees, the lease is prepared and signed by the lessor and lessee, the lessee pays the land premium and advanced annual rent, and the lease is submitted to the Registration Unit for a series of approvals and the minister's consideration. When the lease is approved, stamp duty and registration fees are paid by the lessee and the lease is registered¹⁶.

The obtainment of a lease means a taking away of the rights of the land owner of his rights to the land to be used by someone else according to the terms negotiated. The value of the term is calculated as a value based on the lease type desired. Regen vanu who thought according to the current practices may have not been the best stated that, 'premium payments were being approved that were a fraction of the known value of the leased land. Many leases contained illegal lease conditions and there was effectively no enforcement of lease conditions anyway.

For a binding lease proper, in the old system before the introduction of the *new system*¹⁷ in place now, statutory requirements for physical planning, foreshore development, and preliminary environmental impact assessments were being routinely ignored¹⁸. It may have been that the process came in while some of the legal requirements was yet to be put in place

9.0 THE LAND POLICY

The development of new policies for tracking the development types under the laws and policies that links the process of acquiring land for development types has enable the Ministry of lands to start to plan for a better development plan where there has to be access to land for developments that may not pose threat to the livelihoods of the people. As the idea of land reform becomes more as an issue in change in laws, regulations to support customary systems, and how the government under its laws can use the police to direct development as a drive for land reform, a land policy will become the main drive to move forward.

The land policy of an island includes four in all. These are the prime agriculture land, other agriculture land, non agriculture land and marginal land. These four land policies types should be one where land use allocation should be based on under the land reform program where this will not create issues as stated under the convention above. There should be land use laws that should protect the specific use over a policy.

¹⁶ *ibid* p.11

¹⁷ a system called document tracking system registers new application as soon as a negotiators certificate has been signed by the Minister of Lands

¹⁸ Ragenvanu, R. Issues with Land reform in Vanuatu, *Journal of South Pacific Law* (2008) 12(1) 63

A good example in this would be, for the development of planting roots crops (use type), the best land that should be allocated for this new development is the Prime Agriculture land. Since the land policy type is prime agriculture land, the use corresponds to the policy. Any future land use type should correspond to the land policy.

10.0 LAND USE AND POLICY

The majority of leases throughout the country do not confirm to the land policy of the area where the land use type is desired. A study by the World Bank found that a total number of lease for residential (79 percent), confirms although the land area of these leases is only 4 percent of the total area under lease. The majority of residential leases are on the main islands of Efate and Santo. A further 11 percent are for commercial/tourism purposes, comprising 9 percent of land area under lease. Agricultural leases, while making up only 6 percent of the total number, account for 82 percent of the area under lease. The remaining 4 percent are industrial or special leases, consisting of 1 percent of the leased land area. The latter include schools, health centres, wharves, stadiums, and other public and private infrastructure¹⁹.

The maximum time for which a lease can be granted is 75 years but as discussed above, this would have dependent on the types of developments stated under the Land Reform Act.12. Of the total number of 10,277 leases for which there is data, approximately 98 percent are for 50 years or more: 52 percent are for a term of 50 years and 46 percent for the maximum 75-year term. This figure is even higher for subdivision plots, of which 71 percent are for 75 years which is contrarily a poor execution of the land lease act. The remaining 2 percent are for between 5 and 49 years²⁰.

The practice in which investors lease large tracts of primary agricultural land and subsequently subdivide and sell it for residential purposes has been identified as an issue of concern by custom landholders. Out of the 13,813 active leases in Vanuatu, 5,420 are subdivisions, the majority of which are over peri-urban and rural land on the main island of Efate²¹.

The pilot study on Epi and Tanna found that there is a critical need to improve the lease formation and lease administration processes to ensure that customary landholding groups enjoy more equitable engagement in formal land dealings. The current lease formation and administration procedures essentially promote negotiations between small numbers of men (acting as custom —owners) and investors making deals over land in which larger custom landholding groups (which include women) have legitimate interests. Little support or information is available to custom landholders to guide decisions on whether to lease or pursue alternative development paths, and when they do consider a formal dealing, there is little or no support for negotiating terms and conditions. Where advice is available, it often comes informally from brokers, government officials, or other parties with an interest in the deal. All of these deal-making processes are often highly

¹⁹ Towards More Equitable Land Governance in Vanuatu: Ensuring Fair Land Dealings for Customary Groups, Milena Stefanova, Raewyn Porter, and Rod Nixon. May 2012

²⁰ *ibid* p.5

²¹ *ibid* p.6

opaque and the resulting agreements, though providing some short-term cash flows to the identified —owners, have a poor track record on matching anticipated benefits for broader landholding groups, through either job creation or the distribution of cash.

Moreover, the potential for individuals to obtain what are perceived to be substantial amounts of money from lease premium payments is fueling disputes over land and increasing social discord. While ongoing reform of land dispute-resolution mechanisms is essential to the timely resolution of existing disputes, it is also critical that future conflict be contained through the improvement of lease formation and lease administration processes. Further attention needs to be given to empowering members of landholding groups (including women) to make informed decisions about leasing land and to negotiate on more equitable terms²².

In terms of sustainable development, rural areas represent an opportunity to conserve our unique wildlife, trees and plants through the development of conservation management areas as well as providing sources of food and fuel. Rural areas are also where forest plantations and agroforestry occur. Another important benefit of rural areas is the location of rural water catchments which require to be protected. Therefore it is very important that our rural areas develop both for the benefit of rural communities and also the country as a whole. At the same time we must achieve this without destroying the richness of our natural resources.

The development of rural areas without any national land use or development guidelines is a significant problem across Vanuatu and is felt particularly strongly in some places that have been popular with investors (for example Sanma and Shefa provinces). The absence of development guidelines or an understanding of land use planning (as well as land ownership and lease issues) in rural areas is an ongoing challenge to sustainable land management.

Stakeholder consultation demonstrates there is a strong demand from stakeholders that development planning and in particular land use planning is a local issue that needs to be dealt with and assessed at a local level in line with *kastom* and with the support of provincial government. Although the Physical Planning Act already provides for provincial decision making, stakeholders do not see this as the reality.

The following are some key elements for implementation a good land use policy in rural areas:

- Provide detailed maps of the best quality agricultural land to all land use planning authorities including provincial councils.
- Develop national guidelines for general rural areas including each category of lease.
- Develop national guidelines for *kastom* land with opportunities to adapt for different *kastom* in different islands.
- Ensure national guidelines include advice on how to avoid or reduce risk from natural disaster and the effects of climate change.

²² *ibid* p.8

- As part of any changes to land leases, ensure that customary occupation and tenure is preserved.
- Provide for provincially based land use planning based on provincial development priorities agreed at local level. This includes proposals for infrastructure and other development projects.
- Clear decision making by local government on local land use planning and policy (risk, areas for growth etc.).
- Develop provisions for land conservation for conservation and environmental sustainability within provincial development plans
- Use or link other policy and development planning initiatives with land use planning (decentralisation, REDI, tourism etc)

It was stated in a report on Vanuatu: Review of National Land legislations, policy and land administration that, the years since independence as being ‘marked not by land policy development, but by land policy decline’.²³

11.0 LAND REFORM

Land reform involves the changing of laws, regulations or customs regarding land ownership. It may also consist of government initiatives on redistribution of land as stated in article 80 "Redistribution of lands" for the disadvantaged population who have been affected by natural disasters²⁴. It may also mean the transfer of land from individual ownership to government for public enterprises where all the people could benefit from²⁵. It could also be coming from the government to the individual persons (the case of government house sale to private individuals²⁶. For some, it is the modification or replacement of existing institutional arrangements governing possession and use of land. Thus, while land reform may be radical in nature, such as through large-scale transfers of land from one group to another, it can also be less dramatic, such as regulatory reforms aimed at improving land administration²⁷ through the use of technology that could assist speed the current situation.

The objective of Vanuatu's Independence was to take back all its customary lands from major French and British land cooperation's and foreign individuals under the condominium administration and end imperialism and foreign exploitation²⁸. At the time of our struggle, there were major land holding company's who owned large tracks of land on Efate and Santo and other islands. By using foreign rules, these companies could register their lands. Large commercial companies like Burns Philip, CFNH, and others owned thousands of hectares of land. Few elite

²³ Chris Lunnay, Jim Fingleton, Michael Mangawai, Edward Nalyal, Joel Simo, ‘Vanuatu: Review of national land legislation, policy and land administration’ (March 2007)

²⁴ The people of Maat Village of Ambrym who have been repatriated to Mele Maat Village on Efate by the Condominium government

²⁵ The case of metensel estates on Malakula for the Production of organic cocoa

²⁶ This was a sale done by the Korman Government of all state properties to private individuals.

²⁷ The introduction of TIS under the Vanuatu Land program and soon the SOLA system under FAO assistance

²⁸ <http://www.britannica.com/topic/land-reform>

individuals during the 1970's felt it was necessary to give the custom owners back their land and make them become workers on their own lands and develop these alienated land for the growth of the Republic. But in order to do this, political propaganda at a much high level was to be made to allow Vanuatu to gain her independence from colonial rule. And if this happens, this will also mean all these land will be given back to the original land owners.

Like many colonized states, Vanuatu introduced the western concept of land titles during the 1906 when the establishment of the condominium government started between the French and the British nations. French nations registered their land titles in New Caledonia while the British in Fiji²⁹. The emphasis was on individual ownership, formalized through documents referred as land titles. Most of these titles remain in the national archives of Vanuatu which dates back to early 1700.

In the early 1970's, the emergence of political groupings to seek independence from the colonial masters targeted the returning of large tracks of undeveloped land by the foreigners to be returned to the local people. It was noticed that there were re-emergence of rich property developers in the two urban areas of Port Vila and Santo and other areas like Tanna, Malakula, South Pentecost where both French and British nationals lease their lands to the condominium government.

In 1980, Vanuatu gained her independence from the colonial masters. The basis of self rule was founded on two major agendas, the land reform and citizenship. It was felt that after returning back self rule to us, the country will be prepared for reforming land policies to better serve to change relationships within and between communities, as well as between communities and the state³⁰. Once land is given back to the people, there will be quest for economic development and industrialization. The land reform will attempt to make the rural sector more responsive to the needs of the industrial sector for labor, food, industrial raw materials, capital, and foreign currency. These functions are often expected to be performed simultaneously³¹ as the nation starts to engage itself as a country to conduct the affairs of this country.

There were some great needs that the country needed to develop and sustain itself and compete with other regional and international agencies, In order to do that, the government drew its plans to see how to reach a high economic level. One of the things it was able to do was to draw its legislations that would enable the title to land and the terms of holding reflect a transition from tradition-bound to formal and contractual systems of landholdings³².

This involved property surveys, recording of titles, and provisions to free the landholder from restrictions or obligations imposed by tradition. Property surveys are conducted wherever land is held by a tribe or clan or where reallocation of cultivable land routinely follows tradition. The process is discussed under the lease process section of the paper above.

²⁹ Van Threase H. The

³⁰ https://en.wikipedia.org/wiki/Land_reform

³¹ <http://www.britannica.com/topic/land-reform>

³² <http://www.britannica.com/topic/property-law>.

Currently, the government after the establishment and execution of the land sector framework, has designed some e-systems to assist to carry out the work desired to be accomplished as a means of land reform practices. The design of the e-valuation, e-survey, e-registry, e-planning and a document tracking system to ensure that the process of doing things is maintained according to the time frames. With all these e-systems, a Title Information system was designed for ease of search in the strong room,

12.0 EVALUATION OF LAND REFORM TOWARDS SUSTAINABLE USE OF LAND

There are many issues that are drawn to divide the proponents and opponents of land reform. But the questions that we can start to ask now is to help one to evaluate land reform in a more objective manner. To draw the evaluations we are able to ask the following questions to assess our views to meet our objective and aim of this paper. That,

- Is private property of any sort legitimate? If so, is land ownership legitimate and are historic property rights in this particular state and society legitimate?
- Even if property rights are legitimate, do they allow for or protect against expropriation? Do they entitle the property owner to partial or complete compensation of expropriated land?
- How should property rights be weighed against other rights, such as the right to life and liberty?
- Who should adjudicate land ownership disputes?
- What constitutes fair land reform?
- What are the social, economic and political effects of land reform?

By trying to constitute these issues, it can assist the government to draw clear policies to deal with each one by making them work for the country.

13.0 SUSTAINABLE LAND USE FOR THE FUTURE

A sustainable land use for the future only depends on better planning of land use based on the policy of the land. Since 80 percent of all land in Vanuatu is owned by custom owners, a better planning as depicted in section 10.0 will allow Vanuatu to have a sustainable land use that will not degrade the value of the land in Vanuatu,

14.0 CONCLUSIONS

In conclusion to this paper, land reform can both be good and bad depending on how we perceive the issue, In terms of policy changes, for Vanuatu, the changes in the policy and the laws relating to land has given so much value on how the experiences are looking towards the future. By amending acts of parliament to suit the situation, and providing advice on how to administer the process give value on what needs to done.

BIOGRAPHICAL NOTES

I have a Bachelors Degree in Geography from the University of Hawaii at Hilo. I graduated with a BA and a certificate in Land Use Planning. I went on to do a Masters Degree in Cultural Geography but never got to complete this because of my commitment to the land reform program in Vanuatu in 2006. I am currently the ICT Manager for the Ministry of Lands. I am a government employee but also practice as a consultant in GIS and EIA.

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