

**HOLISTIC TALANOA
FRAMEWORK ON LAND**

**Bi-Partisan Talanoa
Subcommittee**

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HOLISTIC TALANOA FRAMEWORK ON LAND:

**THE VISION, VALUES, ISSUES AND LEGAL VEHICLE OPTIONS
OF THE HOLISTIC TALANOA FRAMEWORK ON LAND:**

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I. Introduction:

The holistic talanoa framework, presented in this paper, provides and arranges the values and overarching vision, explicit or implicit, for our moral, social, economic, and political judgements of the identified issues and legal vehicle options on land. Value is something we create. It is defined by the quality of ‘something’ considered in respect of its moral, social, economic, and political power and validity for the purpose of pursuing the overarching vision of what we are striving to achieve over time. In this connection we cannot simply adopt the values that define the importance of the purpose of what we are doing and trying to achieve over time, unless we believe that such values can and do serve and sustain in some way the vision that is considered paramount.

II. Overarching Vision:

The overarching vision, that is considered paramount in the context of our holistic talanoa framework on land, is directed toward the pursuit of the social and economic enhancement of the landowner and tenant communities. Here the connection between this explicit vision and the implicit national interest is clear. The implicit national interest, which is often expressed in terms of national stability and unity, is served and fulfilled by the act of fostering and striving to accomplish the enhancement of the social and economic welfare of landowners and tenants over time. In this way we can see that the implicit national interest in relation to land is dependent on the pursuit of the vision stated above.

III. Instrumental Values:

Based on the frank and open-minded views shared through talanoa process, the values which define the instrumental significance of what we are doing and trying to achieve, relate to our commitments to the beliefs in (1) building confidence and trust which are necessary to promote better relationships between landowners and tenants, (2) creating a sense of fairness and equity with respect to the costs and benefits associated with the holdings, uses, and repossession of land, (3) providing the best possible security which is needed to guarantee stability in production and provide greater incentives not only to landowners to lease out unused surplus land but also to producers to improve productivity, and (4) giving the optimum terms and conditions, for the purpose of fostering the social and economic advancement of their respective communities (landowner and tenant) over time. These values are instrumental to the pursuit of the vision which is central to the national interest with respect to land.

IV. Issues and Legal Vehicle Options:

In their progressive report to the Leaders, the members of the bipartisan Talanoa Subcommittee on Land identified and considered the following issues; security of tenure, fair and equitable rentals, rental fixing mechanisms, rental assessment mechanisms, premium considerations, compensation on improvements, arbitration of disputes, and good husbandry conditions. In addition the Subcommittee recommended to the two Leaders that they should refer legislations on land issues to a Select Committee of

Parliament to (a) ascertain the practicality and suitability of ALTA and NLTA or consider a new legislation to incorporate the needs of landowners and tenants as currently safeguarded in ALTA and NLTA; and (b) recommend to the two Leaders that they commission a committee of legal experts to advise, through a report, on legislative options referred to in (a) above that the Select Committee of the House propose suitable legislation or amendments to the House of Representatives.

V. Approach of the Holistic Framework:

The holistic framework provides the instrumental values and overarching vision, discussed in the preceding paragraphs, for our moral, social, economic, and political judgements of the issues and legal vehicle options identified by the Subcommittee. In other words the framework articulates or sets down the conditions of the *formation of our common understanding in terms of the extent to which the identified issues and legal vehicle options on land satisfy the values needed for the purpose of fostering the social and economic enhancement of landowner and tenant communities.*

For our talanoa, the holistic framework is constructed and arranged in the attached ‘holistic matrix form’ which contains in the vertical order, from **(a)** to **(k)**, the issues and legal vehicle options on land and, in the horizontal order, from **(A)** to **(E)**, the instrumental values required for the pursuit of the vision.

Therefore, we have to move vertically up and down, and horizontally left and right to make a real judgement as to the extent to which the land issues and legal vehicle options on land in respect of **(a)** the tenure, **(b)** the rental, **(c)** the rental fixing mechanisms, **(d)** the rental assessment mechanisms, **(e)** the premium considerations, **(f)** the compensation of improvements, **(g)** the arbitration of disputes, **(h)** the good husbandry practice, **(i)** the practicality and suitability of ALTA (or NLTA) with amendments, or **(j)** the need for a new legislation which incorporates the needs of landowners and tenants as currently safeguarded in ALTA and NLTA, would satisfy the values of:

- (A)** Building trust and confidence which are necessary to promote better relationships between landowners and tenants;
- (B)** Providing the best possible security of tenure, which is needed to guarantee stability in agricultural production and provide greater incentives not only to landowners to lease out any unused surplus of land but also to farmers to improve productivity;
- (C)** Creating a sense of fairness and equity with respect to the costs and benefits associated with the holdings, uses, and repossession of land; and
- (D)** Giving the optimum terms and conditions required by landowners and tenants for the purpose of **(E)**, fulfilling the vision of fostering the social and economic advancement of their respective communities (i.e. landowner and tenant) over time.

Appendix 1:

Holistic Talanoa Working Framework for Discussing Terms of Reference on Land

		(A) Building Trust and Confidence	(B) Creating Fairness and Equity	(C) Providing Best Possible Security	(D) Giving Optimum Terms and Conditions	(E) <u>Vision:</u> Fostering the Social and Economic Advancement of Landowner and Tenant Communities
(a)	Tenure					
(b)	Rental					
(c)	Rental Fixing Mechanisms					
(d)	Rental Assessment Mechanisms					
(e)	Premium Considerations					
(f)	Compensation on Improvements					
(g)	Arbitration on Disputes					
(h)	Good Husbandry					
(i)	Practicality and suitability of: ALTA and NLTA with possible amendments					
(j)	<u>OR</u> a new legislation to incorporate the needs of landowners and tenants as currently safeguarded in ALTA and NLTA					
(k)	The report from a committee of legal experts on legislative options referred to in (i) <u>or</u> in (j) above.					