



iTaukei Land, Our Heritage, Our Future

Environmental Impact Assessment: Improving Public Participation and Decision Making for Coastal Developments in the Province

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“COASTAL DEVELOPMENT LEASES AND ENVIRONMENTAL CONSIDERATION”

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Objectives

- TLTB's Mandate and Role
- Summary of TLTB's Operation
- Discussion of Lease and Licences Procedure
- Environmental Impact Assessment Consideration
- Challenges

Legal Framework

- TLTB is a statutory body established in the 1940's to control and administer itaukei lands on behalf of its customary landowners. (Tokatoka, Mataqali and Yavusa).
- TLTB draws its mandate from Section 4 of the iTaukei Land Trust Act [Cap 134].
- The TLTB Board of Trustees has a fiduciary duty/role to *act in the best interest of all itaukei land owners*.

MAJOR ROLES

1. To control and manage itaukei lands by way of lease and Licences (Monitor compliance with lease and Licences conditions)
2. To collect and distribute premiums and rents derived from leased land or licences issued;
3. To ensure that sufficient lands are reserved for the use, maintenance and support of its owners.
4. Control and manage extinct mataqali lands.



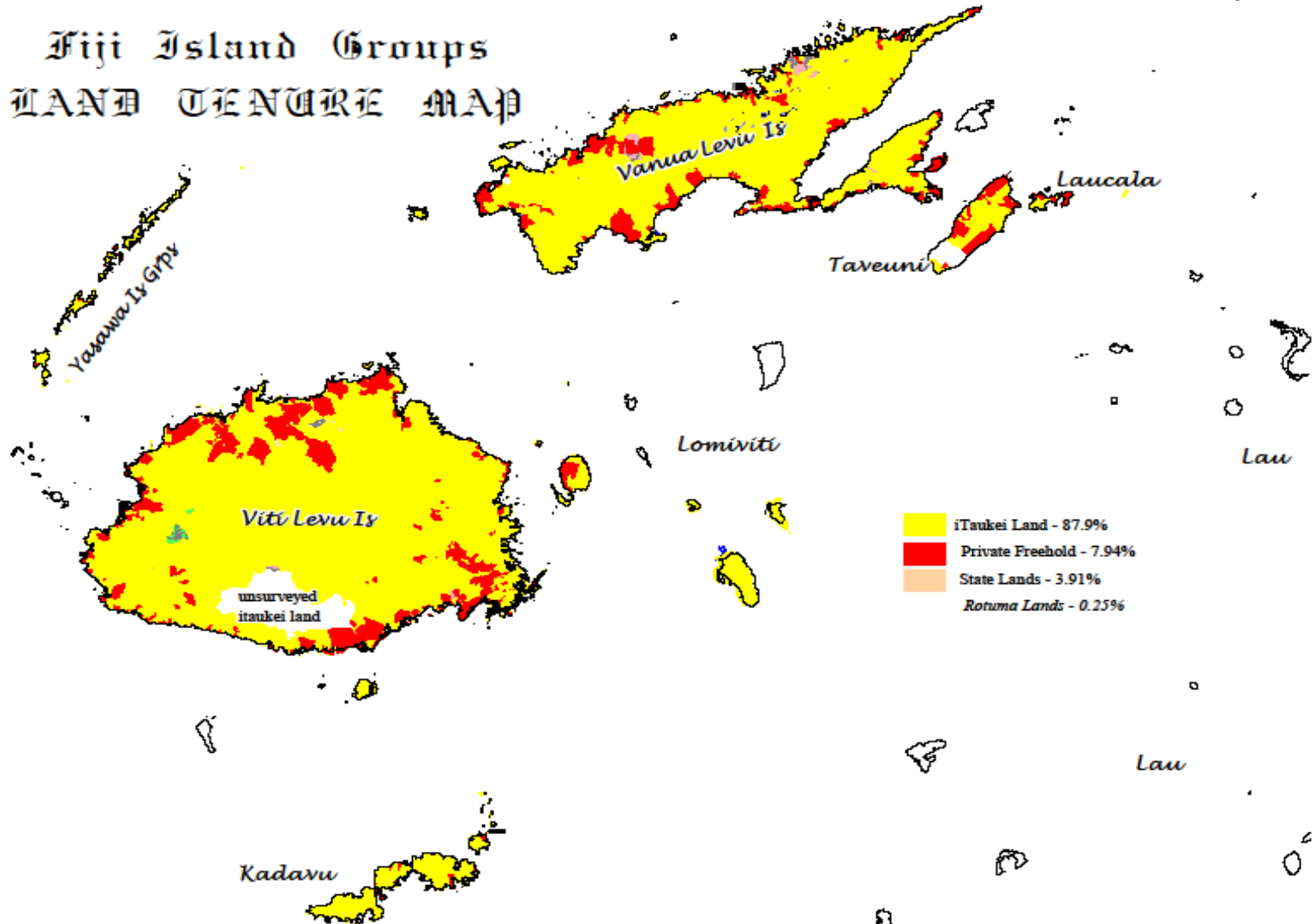
- **Core Business of TLTB** – *“Management of iTaukei Lands and Funds”*
- **Vision** – *“Excellence in Land Management Service”*
- **Mission Statement** - *Promote economical, environmental, socially and culturally sustainable land use practices.*
- **Strategic Corporate Plan 2014-2016 (Priority Areas)**
 - *Landowners participation and empowerment*
 - *Access to land for economic growth and socio-economic development*



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Ref	Types of Land Tenure	Area in HA	% of Total
A	iTaukei Land	1,571,445.3	87.9%
	Community Owned Land	1,450,543.9	
	Schedule A	83,803	
	Schedule B	35,720.5	
	State Freehold Proclaimed as Native Reserve	1,377.9	
B	State Land	69,934.4	3.91%
C	Private Freehold Land	141,872.9	7.93
D	Rotuma Lands	4,478.1	0.25%
	Total land volume in Fiji and Rotuma	1,787,730	100%

Fiji Island Groups LAND TENURE MAP





Principals Acts

- iTaukei Land Trust Act [Cap 134]
- Agricultural Landlord and Tenant Act [Cap 270]

In Compliance to the following Act:

- iTaukei Lands Act Cap 133
- Town and Country Planning Act & 1981 General Provisions Order [Cap 139]
- State Lands Act [Cap 132]
- Land Transfer Act [Cap 131]
- Property Law Act [Cap 130]
- Forestry Act [Cap 150]
- Subdivision Act [Cap 140]
- Environment Management Act 2005
- Public Health Act [Cap 111]
- Land Conservation and Improvement Act [Cap 141]
- State Acquisition Act [Cap 133]
- Local Government Act [Cap 139]
- Succession, Probate and Administration [Cap 60]
- Mining Act



Summary of TLTB's Operation

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- Administer approximately 37,000 leases
- Employs about 202 employees
- Four Regional Offices – Central Eastern , South West, North West and Northern Offices.
- Lease and Licences Types
 1. Agricultural Leases
 2. Non- Agricultural Leases
 3. Tourism Leases
 4. Gravel & Earth Material Extraction
 5. Logging and Concession

Lease Process

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Process:

a. Stage 1 - Consultation process

- ✓ Identification of site (LOU , Investor preposition)
- ✓ Application – submission, Concept Plans
- ✓ Site inspections
- ✓ Consultation (LOU & Stakeholder)

b. Stage 2 – Formalising land issues / Negotiation

- ✓ Land verification
- ✓ Foreign & Local investor (Investment Fiji approval/ RBF Clearance)
- ✓ Obtaining LOU consent
- ✓ Dereservation if necessary
- ✓ **Submission of all required documents**
- ✓ Trust Deed – formation & registration of LOU company
- ✓ Negotiate lease terms & conditions

c. Stage 3 – Approval Process / Mediation

- ✓ TLTB process (surveys,, Concept Plan, Masterplan Business Plans etc)
- ✓ Government Agencies (DTCP, DoEnv, DoLands, Local Auth, PWD, FEA, Min of Tourism etc)

d. Stage 4 – Issue of Leases : Construction phase

- ✓ Lease documentation
- ✓ Approval of outline building plans etc
- ✓ Operation of lease/business.

- **Environmental Impact Assessment**
 - a) Requirement for all major development leases including Tourism Leases. (subject to DoE discretion if an EIA is required)
 - b) EIA to be submitted
 - c) TLTB included as consulted parties in the EIA and our comments to the EIA is limited to the terms and conditions of the leases/licences.
 - d) TLTB will refer the EIA to the DoE with our comments. Other Stakeholders will also comment.
 - e) Once EIA is approved by DoE with mitigating conditions, TLTB inserts those conditions as part of lease conditions.



- **Penalty**
 - Environmental Bond – Mount Kasi (Mining-Surface Lease) Case – seeking compensation on all environmental damages to landowners resources.
 - Environmental Bond of \$1000 per acre and not including other breaches of lease conditions.



Major Projects (Central Eastern Region)

- Sovi Basin (Conservation Lease)
- Namosi Joint Venture (Mining) (still pending)
- Wainivesi (Mining) Surface Lease
- Wailotua (Earth Material Extraction Licence at Wainibuka)
- Informal Settlements immediately outside Town/City Boundary (still pending)



Leases Conditions

- Prior to EMA 2005, lease conditions included environmental considerations however it was always towards on Safeguarding the Landowners Resources. Compensation is to be paid for disturbance and damages to LOU's resources

- **Challenges**
 - Lack Expertise on EIA Assessment
 - * Identify environmental clauses that will affect LOU's rights and livelihood.
 - Monitoring of EIA Conditions
 - * Currently DoE monitors the conditions in the EIA.
 - * TLTB only focus on breach of its lease conditions only.
 - Enforcement
- Lack of enforcement of lease conditions relating to environment and protection of land owners resources.
- Reactive Approach rather than Proactive (LOU's Complaints of damages to their resources)



- Questions