

# LEGAL TRAINING WORKSHOP REWA PROVINCIAL OFFICE & YAUBULA MANAGEMENT SUPPORT TEAMS (REWA PROVINCE)



### SUMMARY & KEY RECOMMENDATIONS

10 - 11 JULY 2019

COMMUNITY HALL, NASILAI VILLAGE, REWA

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# ACKNOWLEDGEMENTS

We extend our sincere appreciation to the Rewa Provincial office for collaborating with FELA and all its efforts to support this legal training program. We were grateful to have had the opportunity to work with all the participants of this training program representing the Yaubula Management Support Teams established in all the nine (9) Tikina (Districts) of the greater Rewa Province.

This workshop was made possible by the GEF Small Grants Programme under the United Nations Development Programme.



# **ABOUT THE FIJI ENVIRONMENTAL LAW ASSOCIATION**

The Fiji Environmental Law Association is a not-for-profit, non-governmental organization established in Fiji in 2008. FELA aims to protect Fiji's environment and promote sustainable natural resource management through an effective legislative framework that encompasses Fiji's development needs in light of the nation's institutional, intellectual, financial and human resources restrictions. FELA is committed to engaging actively in environmental policy and law reform processes, and passing on these outcomes to the community through a robust legal education program. We are driven to provide legal and scientific assistance to our members and concerned entities in our community complemented by a professional development service on environment related issues.

### **ABOUT OUR UNDPSG PROJECT**

Fiji's policy commitment to sustainable development and sustainable management of coastal and marine resources requires addressing the vulnerability of coastal fisheries to over exploitation and the impacts of land-based activities and development. Coastal communities are at the forefront of the impacts of poor fisheries management and of the degradation of the coastal and marine environment resulting from land-based activities, and also play a central role in the governance and management of coastal and marine resources. However, community governance and management capacity is hampered by poor community awareness of the laws that regulate inshore fisheries and of their rights with regards to the approval of activities and developments that impact on coastal and marine areas.

The Fiji Locally Managed Marine Area (FLMMA) Network and the Women in Fisheries Network (WIFN), who work closely with communities, have documented these impacts, ranging from overfishing, both by commercial and artisanal fishers, to pollution of coastal waters from a variety of sources including oil spillage of tankers, molasses, mining waste materials and general waste, as well as the excessive cutting of mangroves, the use of mangrove swamps as waste dump, and the impacts of dredging. They have also identified the need for strengthening communities' awareness of the laws that regulate fisheries and environmental management, both for improved compliance of artisanal fishers, with fisheries laws (such as the requirement for licences and permits), and for enabling the exercise of the communities' rights relating to environmental management and environmental impact assessment of land-based activities impacting on coastal fisheries.

Community women and the youths play, along men, an important role in fisheries natural resources management, but they often have limited access to capacity building opportunities and to decision making relating to these issues.

In response to these issues, our UNDPSG Grant enables FELA to provide legal and technical advice and support to community groups to improve community capacity and legal awareness of laws and help communities to understand their rights, improve community governance and embrace laws and principles set at national levels. Three main objectives will be pursued towards the overall goal to improve community reef to ridge governance and sustainable management of fisheries and coastal resources in compliance with national laws.

The first objective is to improve community awareness of the laws regulating inshore fisheries and of their enforcement processes, explain the key features of coastal fisheries legislations, in particular Promoting Sustainable Natural Resource Management through Law

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the provisions relating to the licences and permits (who needs them, for what activities, and what are the penalties for non-compliance), and to prohibitions and restriction on the catch of fish (protected species, size limits).

The second objective is to improve community awareness of the laws regulating the protection of the environment and the regulation of developments and activities that impact on the environment, in particular rights and obligations of communities under the Environmental Management Act (EMA) and the Environmental Impact Assessment (EIA) process. Communities experiencing issues with land-based developments and activities that causes pollution or otherwise adversely impact their fishing grounds will become aware of what are the obligations of developers or companies conducting these activities under the law, and will empower the communities to demand the implementation of the processes that should be complied with and have their concerns considered in the EIA process.

The third objective of this project is to provide on-demand access to legal and technical advice to the communities and to the NGOs working with communities on sustainable management of inshore fisheries and natural resources management in a ridge to reef approach. Through this project, FELA will have the resources to respond to request for tailored legal and technical support from communities over the duration of the project. The communities will be able to make such request either directly to FELA, or through the FLMMA and WIF networks, as well as through the Provincial Conservation Officer, YMST, the local representatives of the Ministry of Fisheries or of the Department of Environment.

Beyond the direct benefit of this project to the communities participating in the workshops and receiving tailored legal and technical advice, the lessons learnt from this project will contribute to FELA's mission to improve the sustainable management of natural resources and the protection of the environment through law, and will provide case-studies and knowledge tools that will benefit more communities in Fiji and all partner organisations working in the environmental and natural resources management field.



# **CHIEF GUEST KEYNOTE ADDRESS**

The Legal Training workshop for Rewa was officially opened by the Chairman of the Rewa Yaubula Management Support Team (YMST) Mr. Dona Takalaiyale. In his opening speech, Mr Takalaiyale emphasized that whilst, geographically, the land mass and marine area may not be as vast in comparison to other provinces in Fiji, the YMST emphasized the importance of practicing sustainability and the need to continue to protect and manage their natural resources particularly for their future generations.

The Chairman highlighted that the province of Rewa was fortunate and grateful for being given an opportunity to be part of a legal training workshop, something which was a first for them. He encouraged the participants to raise as many questions, convey issues and challenges faced within each of the respective districts and requested that participants share the information learnt as widely as possible as sharing knowledge is power and it will determine the survival or extinction of natural resources within the Rewa delta province.



The Chairman of the Rewa Yaubula Management Support Team (YMST) Mr. Dona Takalaiyale



# **TRAINING OBJECTIVES**

The main objectives of this workshop are to:

- 1. Understand the environmental and legal issues faced by the women in Ba in particular, issues that may impact on coastal resources management;
- 2. Improve (i) community awareness of laws regulating the protection of the environment; (ii) the regulation of the developments and activities that impact on the environment; (iii) and in particular, rights and obligations of communities under the Environmental Impact Assessment (EIA) process.
- 3. To promote and enable the exercise of communities rights in relation to environmental management and environmental impact assessment of land based activities impacting on coastal fisheries.





### **OVERVIEW OF WORKSHOP PRESENTATION A. OVERVIEW OF SUSTAINABLE RESOURCE MANAGEMENT IN**

### REWA

#### Presented by Ms. Raijieli Kolinisau, Provincial Conservation Officer (PCO)

The PCO Rewa presented on the establishment of the Yaubula Management Support Team (YMST) and its current status at the province of Rewa. This included the status of the work done by the YMST at the provincial level looking at the main issues currently faced by the Rewa province.

YMST is usually established at the provincial level while the establishment of the Yaubula Committees are done at the district and village level. The main aim of the YMST is to work towards conserving and managing the natural resources within a particular province. The Rewa Yaubula Management Support Team is established and chaired by Mr. Takalaiyale. Eight (8) districts (tikina) have established their YMST Committees except for the district (tikina) of Toga. Both the Natural Resource Management Plan (NRMP) and Action Plan have been formulated for the provincial level, tikina level and at the village level.

Some of the challenges and issues currently faced by the province of Rewa includes:

- developments (reclaimed land, hotels, industrial zones, etc.) District (Tikina) of Suva & Beqa Island;
- improper waste disposal;
- fishing practices licensing & business permit; and
- over-harvesting of mangroves.



Rewa Provincial Conservation Officer (PCO), Ms. Raijieli Kolinisau.



### FIJI LOCALLY MANAGED MARINE AREA NETWORK(FLMMA)

Presented by Mr. Isimeli Loganimoce FLMMA Personnel

Protecting the marine biodiversity, sustainable development in coastal communities, marine and fish stocks and sustainable fisheries utilization are a few of the encompassing visions of the FLMMA Network, whilst its main mission is "Everlasting Fish for our Future Generation" "Kedra Sasalu Tawamudu na Noda Kawa", "Levu na Sasalu, Marau ko Nau".

The Locally Managed Marine Areas (LMMAs) model of sustainable coastal resource management was successfully implemented here in Fiji and throughout the South Pacific. In Fiji, the LMMA rely on the unique features of iqoliqoli customary tenure and resource access. It makes use of the existing community strengths in terms of traditional knowledge and governance, combined with the local awareness on the need for action. LMMAs are supported by Partners of the Fiji Locally Managed Marine Area (FLMMA) Network (NGOs, government agencies, academic institutions, private enterprises, and communities).

LMMA is defined as an area of near shore water and coastal resources that is largely or wholly managed at a local level by the coastal communities, land-owning groups, partner organizations, and/or collaborative government representatives who reside or are based in the immediate area. FLMMA sites are co-managed by FLMMA partners (NGOs, private sector, academic institutions, government agencies and local communities) and it uses a management approach called Community-Based Adaptive management (CBAM). This is where local stakeholders develop a Natural Resource Management Plan where implementation, monitoring, analysis and results are communicated and then revised as needed. A variety of marine management tools are employed at the FLMMA sites which includes the establishment of closures (tabu areas), which can be permanently closed or periodically opened, restrictions on fishing gear types, restrictions on the harvest of specific species, and the use of seasonal restrictions on harvest amongst other management tools. The FLMMA sites are employing the Yaubula Management Team which is equivalent to the ecosystem-based management. This is also commonly known as the Ridge to Reef (R2R), whereby management of the iqoliqoli is set in the context of broader watershed and spatial management.

LMMAs have been implemented in some parts of the Rewa province and the greater Fiji provinces and have proven to enhance ridge to reef biodiversity especially increasing the spawning number of marine and fish stocks.



Fiji Locally Managed Marine Areas Personnel, Isimeli Loganimoce



### WOMEN IN FISHERIES NETWORK (WIFN)

#### Presented by WIFN Project Officer Mr. Joeli Bili

The Women in Fisheries Network (WIFN) organization was formed by a group of interested scientists, gender researchers, practitioners, interested individuals, organisations and community members. It started in 1993 and was revived in 2012.

WIFN works in partnership with other NGOs, national agencies and government ministries in designing and delivering activities focusing on the role of women fishers. The WIFN work revolves on 4 priorities areas. So far WIFN has 88 members and membership is open to anyone interested.

There are 4 priority areas and are as follows:

- Priority Area 1: Improve livelihoods and food security opportunities for women in fisheries via capacity building to improve livelihoods and food security;
- Priority Area 2: To be recognised as a research-hub, clearing house of information, and repository for issues related to women in fisheries;
- Priority Area 3:
  - 1. Advocate for improved policy and policy implementation for greater equality in all aspects of fisheries;
  - 2. Strategic plan is currently aligned to 2014 National Gender Policy, 2015 Green Growth Framework, SDG's, and CEDAW;
- Priority Area 4: Build a strong network and responsive organisational base that utilises the diverse knowledge, skills and experiences of its members.

Some key challenges include social and cultural barriers, lack of sex disintegrated data, need to link policy level discussions and lack of understanding of legal mechanism.

Future projects include rapid care analysis and establishing baseline.



Women in Fisheries Network Project Officer Joeli Billi



### **OVERVIEW OF ENVIRONMENT MANAGEMENT ACT** (EMA) 2008 Presented by Kiji Vukikomoala – Executive Director FELA

The Environment Management Act (EMA) 2008, was discussed in-depth in this workshop. The presentation highlighted the purposes, objectives, structure and the main features of the EMA.

The EMA is considered the overarching environmental law in Fiji which establishes amongst other things, the framework to enable the implementation of the Environment Impact Assessment (EIA) Process. The EIA process is further detailed by the accompanying regulations i.e. Environment Management (EIA) Regulations 2007.

EMA's purpose is to promote sustainable resource use and identify matters of national importance. Matters of national importance have been identified by EMA making it mandatory for any lawful authority making decisions under EMA to take identified matters of national importance into consideration. Some matters of national importance include the preservation of Fiji's coastal environment, wetlands, protection of outstanding natural landscapes, significant indigenous vegetation and habitats of fauna, relationship of indigenous Fijians with their ancestral lands, water, sites, sacred areas and the protection of human life and health.

EMA establishes a waste permitting process to control and manage waste and pollution, and the Environment Impact Assessment (EIA) process to control and regulate development activities. The EIA and waste management process is further detailed by the accompanying regulations i.e. Environment Management (EIA Process) Regulations 2007 and the EIA (Waste Disposal & Recycling) Regulations 2007.

EMA requires the collaboration and communication of all relevant approving authorities and stakeholders, promotes a fair and transparent process which includes public consultation at various stages of the EIA process, access to relevant public documents like EIA reports through a Public Register and establishes an Appeals Tribunal. EMA also has a range of criminal penalties and civil remedies to address breaches of the law.

EMA however, faces a number of implementation challenges including the lack of resources and capacity within the Department of Environment to effectively implement and enforce the legislation. Other challenges include the lack of awareness and understanding of the law amongst other relevant approving authorities and government agencies and the inconsistent application of the law that causes confusion and misunderstanding with all sectors of the community including resource owners and members of the community.



# **A. ENVIRONMENTAL IMPACT ASSESSMENT**

Presented in I-Taukei by Litiana Mataitoga – Legal Officer FELA

The EIA presentation was conducted in iTaukei language to the participants. To understand the EIA process, it is important that participants have a general understanding of EMA and the context of which the EIA process is established.

The Environmental Impact Assessment (EIA) is a tool used to identify the environmental, social and economic impacts of proposed developments prior to decision making.

It aims to predict environmental impacts at an early stage in project planning and design, find ways to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision makers.

There are 5 key stages of EIA process under the EMA and are as follows:

- 1. Screening: to determine whether EIA is required. When a person proposes to carry out an activity or undertaking that is likely to alter the physical nature of any land and the activity or undertaking requires government authority approval then it has to undergo screening to determine whether the development requires EIA.
- 2. Scoping: is to determine the scope of the EIA report. The purpose of scoping is to define the Terms of Reference (TOR) of the EIA study. During this stage the processing authority must inspect the proposed site, and may take samples from the site and consult the proponent or any agency or person with relevant knowledge or expertise. The processing authority may, if it considers appropriate, require the proponent to hold one or more public scoping meetings. Public notice of the meeting must be given by the proponent at least seven days before the meeting on radio, television and newspaper. The terms of reference must clearly define the parameters of the EIA study and indicate the environmental issues that need to be dealt with in the EIA report.
- 3. EIA Report: the proponent must arrange for an EIA study to be conducted by a registered consultancy based on the approved terms of reference. The EIA report must provide a comprehensive report of potential environmental impacts of the proposal and suggest measures to mitigate these impacts. The EIA report must be prepared by a registered consultant. Once the EIA report has been submitted the processing authority must make the report available for inspection by the public. The processing authority may give public notice of the publication by radio, television and newspaper. Public notice must set out the locality and nature of the development how the public can comment on the report and time limit for submission of comments is 28 days.
- 4. EIA review: once the report has been submitted, the processing authority must appoint an EIA review consultant or review committee. Also, the proponent must conduct a public consultation on the EIA report including at least one public review meeting held in the vicinity of the proposed development site.
- 5. EIA decision: the processing authority must produce a written report setting out its decision in relation to the development proposal within 35 days of the submission of the EIA report. In examining a development proposal, the approving must take into account
  - The nature and scope of the development;
  - The significance of any environmental or resource management impacts;
  - · Feasible measures to prevent or mitigate any adverse environmental impacts;
  - Public concerns about the development.

Considerations of these factors are mandatory. If the approving authority fails to consider these

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### **GROUP DISCUSSION: DAY 2**

**RECAP FROM DAY 1 & GROUP PRESENTATION** 

The participants were divided into Groups where each group was represented by 3 Tikina's (districts). Each Group discussed and presented certain environmental challenges and issues they face within their respective Districts. The following table summarises the issues and challenges faced by the respective Tikina's within the greater Rewa province.

### **SUMMARY ISSUES/ CHALLENGES & KEY RECOMMENDATION**

DISTRICTS	ENVIRONMENTAL ISSUES/CHALLENGES
NOCO BUREBASAGA TOGA	<ul> <li>Soil erosion</li> <li>Gravel extraction and dredging;</li> <li>Climate change;</li> <li>Cutting of mangroves</li> <li>Waste pollution &amp; littering;</li> <li>Pig pen by the river;</li> <li>Use of harmful chemicals on the farm affecting the marine life;</li> <li>Seeping of sewerage water into the sea;</li> <li>Burning of household garbage;</li> <li>Burning of old tyres, plastic, containers etc.</li> <li>Rise of sea water level;</li> <li>No floodgate causing flooding;</li> <li>Poaching</li> <li>No equipment's for fish warden;</li> <li>The need to learn about the difference between fishing</li> </ul>
RAVIRAVI SAWAU (BEQA ISLAND) SUVA	<ul> <li>Licenses and business licenses and permits;</li> <li>Cutting of mangroves;</li> <li>Batching plant in Lami causing air pollution affecting the health of nearby residents;</li> <li>Naboro landfill (Rubbish dump) seeping of waste water into the sea;</li> <li>Wreck/ abandoned ships in the Suva harbor;</li> <li>Littering along marine area;</li> <li>Oil spillage from factories in Walu Bay (industrial area);</li> <li>Poaching;</li> <li>No sea wall;</li> <li>Sewerage water from yachts;</li> <li>Wild pigs destroying the farm;</li> <li>Need to have organic farm training;</li> </ul>



### **GENERAL CHALLENGES**

- Not having a clear understanding of the Surfing Decree;
- Fisheries laws are not clear in terms of the types of fishing licenses required and how it relates to the business license to sell fish in the markets;
- Poaching occurs mostly at night and there is a need for fish wardens to be equipped for safety purposes;
- Use of under-water breathing apparatus continues;
- Littering & industrial waste and pollution seeping and flowing down to the Rewa river and are affecting the livelihoods of the villages along the coastline;
- Lack of understanding of the laws pertaining to ownership of their natural resources; and
- Overharvesting of mangroves are affecting the livelihoods of the people and the delicate balance of the marine ecosystem;





# **KEY RECOMMENDATIONS**

- A request was made to FELA to conduct another separate legal training awareness on the Fisheries Act and the Surfing Act. A number of participants do not have a clear understanding of the laws especially the Surfing Decree & the Fisheries Act Cap 158.
- Furthermore, there was need for more legal awareness about the fishing licensing system and the fees structure.
- With poaching occurring mostly at night there is a need to provide fish wardens with some form of safety equipment's during the monitoring of their qoliqoli right area at night;
- More legal training and awareness is needed to understand the various laws surrounding ownership of natural resources; Most of the participants do not know which natural resources are owned by the State;
- People living within the Rewa Delta depend mostly on mangrove trees and a number of them are not aware of the impacts of over-harvesting of mangroves. There was a need to enhance some form of initiatives such as re-planting of mangroves to promote sustainable management of their natural resources;
- Another major concern within the province relates to littering, waste and pollution. Most of the participants are concerned about the oil and sewerage leakages from the industrial areas seeping into the Rewa River which is affecting their livelihoods and the marine life within the province. A request was made to FELA to conduct a legal training and awareness program on the laws relating to waste and pollution including littering and any mitigating measures that are available.

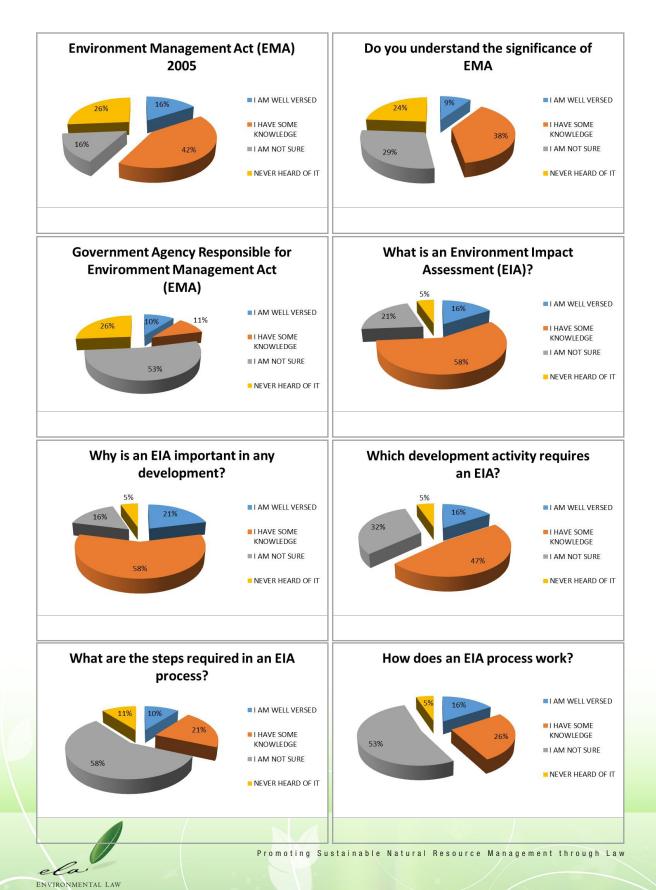
### **NEXT STEP**

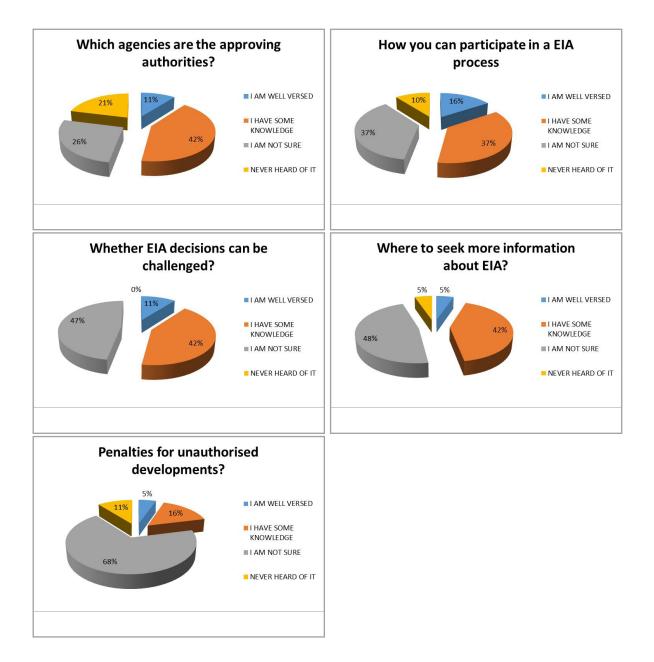
- FELA was requested to undertake a separate fisheries law training as most participants are not familiar with the fisheries laws;
- The Surfing Decree factsheet will be finalized soon and once its translated into vernacular it will be distributed to the respective Provincial offices via PCOs for public consumption;
- Create a poster or informational chart on mud crabs legal size limit and fishing license;
- The Rewa Provincial Office is to assist the province by ensuring that information of proposed developments or EIA consultation are relayed to villages so that men and women are encouraged to participate in the consultation process;
- FELA to provide legal training awareness program on waste and pollution including littering.
- Participants can request for legal advise pertaining to any environmental legal issue and they can do this by liaising with the Provincial Office via PCO Rewa or by contacting the FELA office directly.



### **PRE-EVALUATION SURVEY**

Prior to the commencement of the workshop participants were given evaluation forms to gauge their knowledge on the training criteria. Most of the participants were unsure or never heard about the Environment Management Act and the EIA processes. This allowed facilitators to adjust the delivery of presentations for better understanding. The results of the survey are as follows:

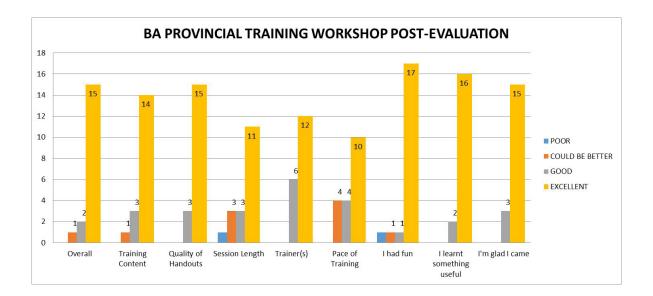


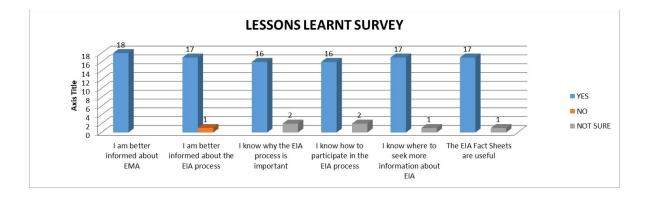




# **POST-EVALUATION SURVEY**

At the end of the Training participants were given evaluations forms to gauge how well the training was received and also to gauge the value of the training with regards to lessons learnt. The survey showed that the Training was a success







### **APPENDIX 1: AGENDA**



**REWA PROVINCIAL LEGAL TRAINING WORKSHOP** 

Venue: Rewa Provincial Office, Nasilai Village, Rewa.

Date: Wednesday 10<sup>th</sup> & Thursday 11 July, 2019

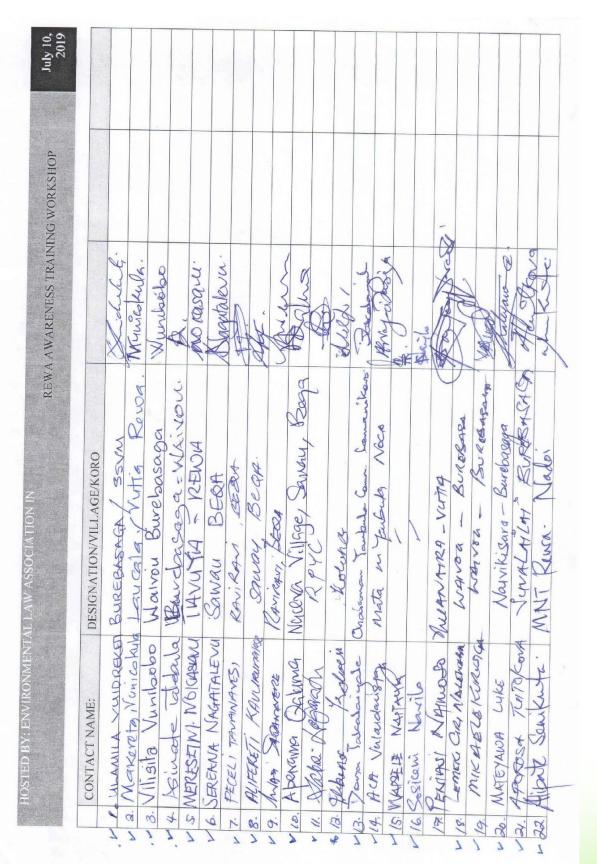
DAY ONE	TENTATIVE PROGRAMME	FACILITATOR
10 <sup>th</sup> July, 2019		
8:30 to 9:00am	Registration of Participants & Guests	
9:00 to 9:15	Welcome/ Opening by Chief Guest.	Chairman YMST
9 : 15 to 9 : 30	Introductions	All
9 : 30 to 9 : 45	Introduction of FELA and UNDPSG Project	Kiji Vukikomoala Executive Director – FELA
9 : 45 to 10 :00	Presentation by Rewa Provincial Office – Overview of sustainable resource management in Rewa.	PCO Rewa
10 ; 00 to 10 : 15	Presentation by Fiji Locally Managed Marine Area (FLMMA)	Isimeli Loganimoce
10:15 to 10:30	Presentation by Women In Fisheries Network	Joeli Bili – Project Officer WiFN
	Morning Tea	
10:45 to 11:00	Filling in Pre Evaluation Forms	
11:00 to 11:30	Overview of Environment Management Act (EMA) 2008	FELA
11:30 to 12:00	Introduction to EIA	FELA



12 : 00 to 12 : 30	Screening/Role of Approving Authorities	FELA
12 : 30 to 1 : 00	Scoping/Terms of Reference (TOR) for EIAs	
	LUNCH	
2 004 2 20	EIA Study & Report	FELA
2 :00 to 2 : 30 2 : 30 to 3 : 00	EIA Review and Decision Making	FELA
3 : 00 to 3 : 15	Q & A	FELA
	AFTERNOON TEA	
3 : 30 to 4 : 00	Group Activity – Let's Hear From You! Group activity and discussions. Focus, legal challenges, environmental issues concerning coastal and fisheries management.	FELA
D	OAY 2: Thursday 11 <sup>th</sup> J <mark>uly</mark> , 2	2019
8:30 to 9:00	Registration of Participants & Guests	
9:00 to 9:30	Recap from Day 1 Training/ Continuation of Discussions	FELA
9:30 to 10 : 30	Let's hear from you! Presentations	Fela LAW
	MORNING TEA	
11:00 to 12: 00	Comments/ Remarks arising out of Group Activity/ Q n A/ Next Steps/	FELA/ Provincial Office
12 : 00 to 12 : 30	CONCLUDING REMARKS & CLOSING	Provincial Office
	LUNCH	



### **APPENDIX 2: PARTICIPANT LIST**



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PARTI	PARTICIPANTS NAME:	ORGANISATION		EMAIL ADDRESS	POSTAL	SIGNITURE
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