

LAND IN FIJI

1. INTRODUCTION

Fiji is an island group in the South Pacific Ocean, about two thirds of the way from Hawaii to New Zealand. Fiji became independent in 1970 after nearly a century as a British Colony.

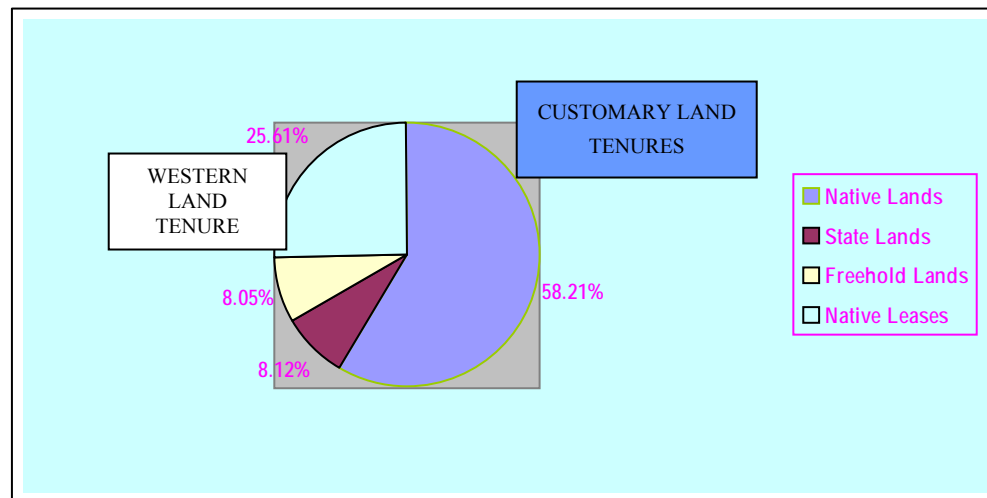
- 1.1 Geographical Position – 18 00 S, 175 00 E
- 1.2 Area : The total land area of the 332 islands is 18,270 sq. km. 110 islands of which are inhabited and the rest of the islands are uninhabited, the latest Trend is the leasing out of these islands for tourism development.
- 1.3 Climate : tropical marine; only slight seasonal temperature variation.
- 1.4 Terrain : large islands are mountainous and of volcanic origin while most of the un-inhabited islands are coral islands with a few also volcanic.
- 1.5 Elevation : MSL to 1,324m (Mt Tomanivi being the highest point.)
- 1.6. Population : 880,874 (July 2003, est)
- 1.7 HIV/AIDS : 300 (2001 est.) People identified living with
- 1.8 Literacy Rate : 93.7 %

1.2 Economy Overview : Fiji is blessed with forest (indigenous, mahogany & pine), mineral, and fish resources and is one of the developed Pacific Island Economy (PIE), yet it still has a large subsistence sector. Sugar exports is still the main leading foreign exchange, with the growing Tourist industry. However there seems to be a longterm problems which include low investment, uncertain leaseholds and land ownership rights and the government's political instability.

- 1.2.1 GDP : Purchasing Power Parity - \$5.007 billion (2003 est.)
- 1.2.2 GDP (real growth rate) : 4.8% (2003 est.) (1.7% - 2006 est.)
- 1.2.3 GNP : 2.78 billion dollars (2005 est)
- 1.2.4 Labour force : 137,000 (1999 est.)
- 1.2.5 Exports : sugar, garments, gold, timber, fish molasses, coconut oil.

2 LAND TENURE SYSTEMS IN FIJI.

FIJI HAS FOUR MAIN TYPES OF LAND HOLDINGS: STATE LANDS, FREEHOLD LANDS, NATIVE LEASES AND VAKAVANUA NATIVE LANDS. AS FIGURE 1 SHOWS, THESE LAND HOLDINGS CAN BE FURTHER CLASSIFIED INTO TWO DIFFERENT TYPES OF LAND TENURE SYSTEMS: AS 'WESTERN' LAND TENURE SYSTEM, AND A 'CUSTOMARY' LAND TENURE SYSTEM. FREEHOLD LANDS, STATE LANDS AND THE PORTION OF NATIVE LAND THAT ARE LEASED OUT AS 'NATIVE LEASES' OPERATE UNDER THE 'WESTERN' LAND TENURE SYSTEM; WHILE THE COMMUNALLY HELD NATIVE LANDS OPERATE UNDER THE 'CUSTOMARY' OR VAKAVANUA



LAND TENURE SYSTEM.

FIGURE 1: COMPARISON OF LAND TENURE BY AREAS

(DATA DERIVED FROM NLTB STATISTICS, 1992; LANDS DEPT, STATISTICS, 1992)

2.1 Land Registration

The legal system is based on the British system being a British Colony. Fiji adopted the Torrens Land Registration System and is still being practised. The Registrar of Titles under the Solicitor General's office is tasked to register all land dealings under the provision of the Land Transfer Act, which means that the Registrar of Titles registers dealings on Freehold lands, Crown lands and native leased lands.

Fig 1 above shows that 51.79% of the land area in Fiji is subject to the Land Transfer Act or the Western land tenure system.

3 LAND POLICIES – CROWN LANDS

Crown Land is administered by the Crown Lands Act – Cap 132 and Section 42 of the said Act is the Regulations that regulate the leasing and control of Crown Lands in Fiji, which make up 8.12% of the total land area.

It is the vacant Crown lands that are swamped by “Squatters” and referred to here as Informal Settlements. The land policies of the Lands & Surveys Department does not allow people to enter and occupy vacant crown land, yet make shift houses are built overnight.

The problems that the Department faces are the shortage of resources (human resources, vehicles etc) to monitor these vacant crown land areas. However the Department is currently under going a restructure to address these issues.

We intend to put into place State Property Officers to empower them to deter would-be squatters and monitor would-be informal settlements.

4 “SQUATTERS” INFORMAL SETTLEMENTS

Currently there are 118 squatter/informal settlements around the country and are only seen near urban centers or towns. Internal migration from the outer islands, rural areas to urban centers and town is one of the main contributing factors. In Fellmann (1995) he argued that the consequences of this internal migration, in that some migration could be beneficial as in the case in Fiji, some come for education.

Fellman (1995) further argued that urbanization always accompanied advancement in economic growth, perhaps this is the reason that brings people from rural areas to urban areas. Another point in Fiji's case is just the “enhance voluntary leisure of the menfolks”. The hunter gatherer is no more and the women will get work in a neighbouring garment manufacturing factory, and normally are paid below the threshold.

Some may migrate just out of desire, it would be education and these internal migration can also create problems. Some squatter/informal settlement areas in Fiji are known as notorious areas for criminal activities. In Fiji's case displaced farmers also drift into squatter/informal settlements at the expiry of their farming leases.

For the 2007 Budgetary allocation, , Ms Asenaca Caucau the former Minister responsible for Squatters mentioned in her budgetary speech in Paliament in Novemeber of 2006, that there are a number of rolling projects which need to be continued. The initiative to partner with the Native land Trust Board (NLTB) on land just outside Suva were on its construction stage and will produce 322 lots at a cost of (FD) \$4.2millionfor 45 acres. Of this,(FD) \$2million has been paid with the remaining balance of \$2.2million to be paid upon completion in early 2007. This however wiould have been revised after the takeover by the Military in December 2006. More planning and designing of Stage 2 of the same area would have required \$200,000 for the completion of engineering design and documentation for another 65 acres for a further 500 lots.

A number of partnership projects have been planned with local Councils. where 70 housing lots will be developed in the town boundary for resettlement of existing squatters. The project is in the design stage and is scheduled for commencement in 2007. Similarly, a partnership project with Labasa Town Council for the re-settlement of 200 sitting squatters is scheduled for 2007 and, is in its design stage. Further works will be required in Badrau in Ba for \$250,000, for the completion of 80 serviced lots. Additional works planned for Vatoa in Narere, Sasawira and Caubati central is also planned.

4.1 Problems Identified

A major concern is that existing policies address the provision of affordable lots only but do not include the provision of a decent shelter resulting in no improved living standard as the quality of the house is the same as the old shack that is pulled down and constructed on the new site. The squatter culture continues instead of being eliminated.

Possible Solutions

Not only have we identified problems, but more importantly, the solutions. To prevent squatter resettling with their same low quality shelter, the former government had proposed that in addition to subsidized lot, a grant of \$5,000 be provided to those earning below \$7,500 (threshold) for construction of a decent shelter. The funding is to come from the Housing Assistance Fund to be established and managed by the Ministry.

The Housing Authority of Fiji

The Housing Authority (HA) is tasked to provide housing for the population. HA is always given a head lease and subdivision is normally carried out to regularise leases and also secures loans to their clients. Their co-operative slogan “Housing for all”

There has been some stakeholders meeting, the Lands Department, Town & Country Planning, Surveyors Engineers, Local Authorities as the HA seeks a collective contribution of corporate bodies, the private sector and civil society organizations and various government agencies towards a National Housing Strategy that will achieve the policy objective of the provision of Adequate Housing for All.

In one of the Housing Stakeholders Forum, it was realised that if all stakeholders worked together, it would be possible to provide at least 3,000 units per year in all sectors and in both rural and urban settings. This would require a national housing strategy and a concerted, coordinated effort by all. This should be pursued to be achieved.

In terms of land supply, this is still a scarcity and although we are pleased, that in partnership with NLTB, 99 year residential leases are available, but the leases still have to be renewed after this period.

4.3 The Public Rental Board

The Public Rental Board also a government entity that government allocates money to build flats for accommodation. There are no minimum standards required for housing design to cater for those with physical disability and special needs. A concern that was raised that the rental units built by Public Rental Board are not disability friendly. There is a need to provide specifications and policy requirements for quality housing ensuring that they are affordable to those they are intended for. The Ministry of Local Government is committed to hold a workshop with the Human Rights Commission to address this.

5 LAND SURVEYING IN FIJI

THE MARKING OF THE BOUNDARIES IS NECESSARY TO DEFINE ITS FULL EXTENT. EVERY OWNER WANTS TO KNOW PRECISELY WHAT IS HIS AND WHERE HIS LAND ENDS AND ANOTHER BEGINS. THIS IS A SIMPLE MATTER, WHICH ALL OWNERS CAN DO FOR THEMSELVES – PROVIDED THEY CAN AGREE ON THE POSITION OF COMMON BOUNDARIES. .

5.1 THE STATUS QUO OF THE SURVEYORS

THE PRACTISING SURVEYORS THAT WE CURRENTLY HAVE IN FIJI IS 55 OUT OF A NUMBER OF 77 REGISTERED SURVEYORS IN FIJI. THE RATIO OF SURVEYORS TO THE POPULATION IS 1 : 15,000, WHICH IS WORRYING SCENARIO.

5.2 Background in Fiji's Case

In pre-European times, Fijian land owning units know their boundaries and records were not necessary. But with the arrival of settlers from North America, Australia and New Zealand the concept of boundary surveys was imported with them since boundary surveys were a normal practice in their countries of origin. The early surveys were very rough although adequate at that stage. However with the increase in settlers and dealings, boundary disputes increased also, with the result that by 1873 the pre-cession government introduced a law permitting only licensed surveyors to practice the profession.

The Deed of cession of Fiji in 1874 by which Fiji became a British territory, vested in the crown the absolute proprietorship of all land not known at that time to be alienated so as to have become the “bonafide” property of the Europeans and other foreigners, or not in the actual use or occupation of some chiefs or tribe and not actually required for the probable future support and maintenance of the Fijians. The deed of Cession also stated that all land claims were to be investigated and equitably adjusted. Thus the beginning of land surveying in Fiji.

5.3 The Early Topographic Maps and its Early Revision

In 1954, with a British Government grant the topographic maps of Fiji were revised using aerial photographs and a Fiji Islands coverage of 1:50,000 topographic maps prepared. These maps were referred to as the “DOS” maps. The Department of Lands and Mineral Resources established its own air survey section in 1957 because of the urgent requirements for large scale maps for town planning, road location and other development projects. The possibility of using Air Survey techniques for the survey of boundaries of land registered under the Torrens Land Registration System was conducted but was proved to be unsuccessful due to the uneven topography and division of land into small parcels.

5.4 Early Survey Work (& Survey Work to Date)

Both government and private surveyors have played their respective roles in the survey of Fiji from pre Cession days until today. Registered Surveyors and other Surveyors has practiced privately from pre-Cession days when the standard of surveys was very low but adequate for the period.

It was after the Deed of Cession that Government had to create its own establishment of surveyors because of the heavy responsibility of surveying and recording the various categories of land implied in the Deed of Cession. The establishment of Government Surveyors was greater than that of the private surveyors who usually worked under government instructions. Plans of land surveyed by licensed surveyors in private practice were accepted for issue of Crown Grants. Once the lands had been registered under the Real Property Ordinance any further subdivision of the parcel had to be surveyed

5.5 The Role of the Surveyors and its Control Survey Work.

The respective roles of both the private and governmental surveyors has become more distinct in recent times, partly because of the definition of the categories of land. **Government Surveyors** carry out only government surveys which means all public lands of Fiji including foreshores and soil under waters of Fiji and all lands which have been acquired by the government for any public purpose.

5.6 **Government** is also responsible for controls for cadastral and topographic mapping, extensions for existing 'trigonometrical' survey network and the maintenance of all triangulation control points. Furthermore government surveyors carry out investigation surveys where it becomes essential for government to intervene in boundary disputes. Government is also charged with the duty of inspecting the work both of private and government surveyors from time to time so that reasonable standards of accuracy can be maintained.

5.7 In the **Engineering Survey** field, government surveyors carry out engineering surveys for development of crown lands only. For the hydrographic survey, government surveyors are only involved in the provision of controls for these, the actual survey of marine details being done by the hydrographic survey unit of the government, now been taken over by the Fiji Navy.

5.8 Private Surveyors on the other hand mostly carry out cadastral surveys of private freehold lands and native lands. The survey of the freeholds is normally done for registration for registration in terms of the Land Transfer Act of a parcel upon subdivision.

5.9 **Native Land Surveys** are normally done on behalf of the Native Land Trust Board (the authority administering Native land) for the purpose of granting registered leases. Native Land may not be sold except to government, Apart from these surveys, government may, where it becomes economical to do so, issue instructions to private surveyors to survey crown lands.

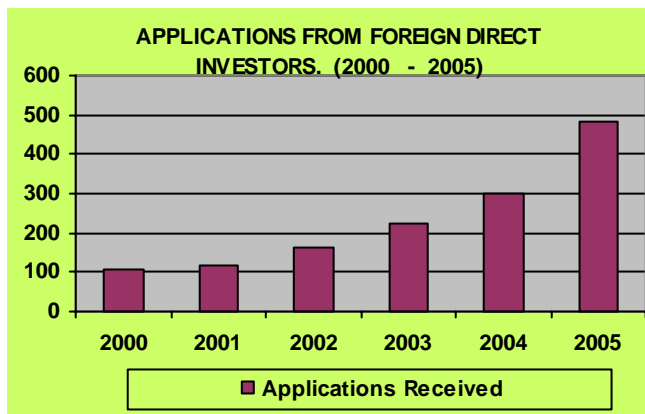
6 LAND DEVELOPMENTS IN FIJI

As is always being said that land surveying is the silent partner in any economic development. Foreign Direct Investors have established a reputation to develop land in Fiji.

6.1 Land Survey for Economic Developments and the Modern Surveys

Surveying activities in the tourism and housing development is to satisfy the corresponding needs have been increasing. Private Surveyors with engineering experiences are being absorbed into the field which involve the complete exercise from the client advice and planning stage of a hotel or housing development to the completion of the surveying and engineering works associated with it, and has been very beneficial to the government in all aspects, engineering survey, hydrographical survey, land survey, and on top of that the economical development for growth of the country.

6.2 Disparity in the Land Development



Applications by FDI often pull all the Surveying resources that is available in the market. Registered Surveyors that we have tend to look for more lucrative offers as this FDI's have the funds that lures Surveyors to that development.

The surveying of the land area to be given up for housing for squatters will have to take the back stage.

The graph shows the demand from a higher paid task/job and given the option Surveyors will definitely to the job/task that pays well.

7 CONCLUSION and Possible Land Policy Direction

- **EDUCATE AND TRAINING** OF MORE SURVEYORS, ENGINEERS AND LAND/TOWN PLANNERS
- **SECURITY OF LAND TENURE** - THAT THE CREDIBILITY OF THE DEED OF CESSION TO BE HONOURED.
- **LAND TITLING** – CROWN LAND TO BE MADE AVAILABLE FOR DEVELOPMENT AND LEASING, AND SECURING OF TENURE.
- **LAND REFORM** –THE FUNDAMENTAL QUESTIONS OF FAIRNESS AND PROPERTY RIGHTS, THE “VALUE” OR RELATIVE BENEFITS OF THE CURRENT SYSTEMS AND ECONOMIC DEVELOPMENT AND GROWTH.
- **Provision of land for the poor, ethnic minorities, women and the Disable** – the essence of the Constitution. Practicality and fairness of land allocation.
- **LAND USE AND PHYSICAL PLANNING** – AWARENESS ON THE BEST LAND USE PRACTICE. LAND USE PLANNING SHOULD HAVE BEGUN WITH A CONCERN FOR THE EFFICIENT ALLOCATION OF LAND, BUT HAS SHIFTED TO A CONCERN FOR PROCEDURAL FAIRNESS IN ALLOCATING THESE RESOURCES IN ALL ITS SCARCITY, WHICH REQUIRES INCREASED STAKEHOLDER PARTICIPATION. THIS CREATES CONFLICTS BUT ALSO SUGGESTS A BASIS FOR MORE EFFECTIVE RESOLUTION OF LAND USE DISPUTES.
- **GOVERNANCE** - THE LACK OF GOVERNANCE CAPACITY TO FORMULATE AND EXECUTE PLANS TO RESPOND TO THIS. AIM TO BE LEVELLED AT DEVELOPING GOVERNANCE CAPACITY TO ADDRESS AND ENHANCE EXISTING GOVERNMENT INSTITUTIONS, LIKE THE SURVEYORS REGULATORY ROLE AND ITS CREDIBILITY AND ITS IMPORTANCE IN ITS ROLE OF MAINTAINING A CADASTRE IN ITS LEGAL FRAMEWORK.
- **PREVENTION OF SQUATTERS, LAND SPECULATION AND LAND DISPUTES** – CREATING AN AWARENESS OF THE SOVEREIGNTY OF THE LAND AS PER THE DEED OF CESSION, MANY IN THIS GENERATION HAVE FORGOTTEN THE TRUE PICTURE OF THE DEED OF CESSION.