

Call for land policies ahead of Fiji's elections

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Fiji goes to the polls in less than three months for its first national elections in eight years.

There's been a call on all political parties to outline their policies on land - the issue that has arguably been a contributing cause to the country's succession of coups dating back to 1987.

Sean Dorney reports.

Presenter: Sean Dorney, Pacific Correspondent

Speaker: Professor Spike Boydell, Director of the Asia Pacific Centre for Complex real Property Rights; Professor Satish Chand, School of Business, Australian Defence Force Academy; Aiyaz Sayed-Khaiyum, Fiji Attorney General

DORNEY: Concern by indigenous Fijians over plans to free up access to their land was one of the factors that led to the so called civilian coup in 2000 when the then Indo-Fijian Prime Minister, Mahendra Chaudhry, was held hostage in the Fiji Parliament for 56 days.

BOYDELL: In the early part of 2000 I was on the Land Use Commission's Committee looking at how leases and various other components may be dealt with

DORNEY: Professor Spike Boydell, now Director of the Asia Pacific Centre for Complex real Property Rights at the University of Technology in Sydney was Head of Land Management at the University of the South Pacific in 2000.

BOYDELL: and there was a strong push by the Chaudhry Government to basically make conditions on leases better for tenants as opposed to the landowners.

DORNEY: Professor Boydell says he's concerned that none of the political parties that have been registered to contest the elections in Fiji this September have well defined policies on land.

BOYDELL: Land is a fundamental issue in Fiji - always has been, always will be - and so if people don't know what it is the political parties are putting forward it is going to be rather challenging for the electorate to know how they should best be voting.

DORNEY: Professor Satish Chand from the School of Business at the Australian Defence Force Academy says land policy has always been a challenge in Fiji.

CHAND: Land under customary tenure as an issue has been dynamite, as you probably know, in all of Melanesia. In Fiji as I say it's very hard because 90% of the land is held by the indigenous population under customary tenure while the majority of the non indigenous population that's largely Indo-Fijians are the one who are tenants on this land.

DORNEY: Fiji's 2013 Constitution introduced by Rear Admiral Retired Voreque Bainimarama guarantees that the ownership of most land remains with the indigenous Fijians as the Attorney General, Aiyaz Sayed-Khaiyum, explained to a conference in August last year.

SAYED-KHAIYUM: Nearly 95% of all the land in Fiji cannot ever be bought or sold - which is iTaukei land which is about 91% and State land which is about 4 or 5 %. The balance is only about 4% which is Freehold land. So obviously there's a need to protect tenancies.

DORNEY: The Bainimarama Government brought down a Land Use Decree in 2010 creating a Land Bank - but now there are questions over whether that Decree is in conflict with the new Constitution.

BOYDELL: So we've actually seen under Bainimarama a situation where there's been at least an attempt to do something but I'm not sure that it's been fully thought through and it's potentially something which may, I think, end up being debated at law because there's a contention about how iTaukei land will be dealt with under Fiji's 2013 Constitution.

DORNEY: Professor Satish Chand says the length of leases has always been an issue.

CHAND: In Fiji this land has been largely used in the form of a lease generally of 30 years of length. Now for long term investment where you need infrastructure that is probably not long enough. But more importantly the conditions of the lease are most often negotiated in the Parliament. So that politicises the very process of accessing land that is held under customary tenure for economic use.

DORNEY: One political party is suggesting 99 year leases.

BOYDELL: When you put it out to 99 years you're running it to multiple generations, you're running into long term possible problems. So we've been pushing for leases which are fit for purpose, the right sort of length of term to fit to different users. And that's not been fully understood I don't think by all the parties.

DORNEY: Professor Boydell also says there's a need to move towards letting the market determine the real rental value of the land. There has been dissatisfaction with rents being set at 6% of the Unimproved Capital Value, which he says is a hypothetical construct. And maybe even introduce profit sharing.

BOYDELL: Particularly when we're looking at things like the development of a resort or we're looking at a situation where we might be dealing with a mining interest to suggest that we're much better off looking at a share of profits from that resort or a share of the profits from that mining interest rather than just having a fixed lease which is based on Unimproved Capital Value.

DORNEY: The Attorney General said there was enthusiasm for that in some Constitutional submissions.

SAYED-KHAIYUM: This is one of the very strong submissions that we received from many iTaukei landowners that they felt marginalised, that they felt they weren't getting a share of the royalties.

DORNEY: Fiji has not had an election for eight years and so it is probably not surprising that there has been so little party policy development on land which is such a contentious issue. Professor Satish Chand.

CHAND: I think this time round it's particularly hard as something like 10% of the Fiji population is living in squatter settlements so the issue, the problem regarding access to land is becoming increasingly difficult in Fiji.

BOYDELL: If a party gets in that isn't actually putting the interests of iTaukei landowners first we are likely to see a level of political upset should I say which will give us a sense of deja vu as to what happened in 2000 and nobody really wants a recurrence of that. They want stability and land is central to that stability.

DORNEY: Professor Boydell has written a lengthy article for the Fiji Times on the issue and he hopes this might help generate more debate and prompt the parties to outline their land policy in more detail. Sean Dorney for Pacific Beat.

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