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# International Outlook for Privately Protected Areas

Country Profile: FIJI

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## Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.<sup>1,2</sup> **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at [landconservation@lincolninst.edu](mailto:landconservation@lincolninst.edu).

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<sup>1</sup> Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

<sup>2</sup> Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

## FIJI (*Democratic Republic of Fiji*)

### Outlook for Privately Protected Areas

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1. Kelly S. Bricker, Professor and Director, Parks, Recreation, and Tourism
2. Senilolia Tuiwawa, Mangrove and Plant System Specialist, Conservation International Fiji
3. Aakash Chandran, BA.LLB and Akanksha Rai, BA.LLB, Jamia Millia Islamia University

### I. Country Overview

#### *Land Area*

Fiji's total land area is 1,827,000 hectares (ha), 87 per cent of which is made up by its two largest islands, Vanua Levu and Viti Levu.<sup>3</sup> Fiji consists of more than 300 islands and about 100 are inhabited. Of Fiji's total land area, approximately 1,054,419 ha (58 per cent) is forested, of which 85.3 per cent is thought to be natural forest<sup>4</sup>, and 425,000 ha (23.3 per cent) is in agriculture.<sup>5</sup>

Forests in Fiji range from coastal littoral forests, to lowland, montane (600-800m) and high cloud forests (above 800m). Fifty percent of the plant species and 28 per cent of the amphibians, birds, mammals and reptiles found in Fijian forests are endemic to the Country.<sup>6</sup> Fiji also has the third largest mangrove forest cover in the Pacific Islands. While overall forest cover has been increasing, primary forest cover has been decreasing. It is estimated that 11 per cent of the forest area is made up of softwood and hardwood plantations.

#### *Land Ownership and Tenure*

Land in Fiji falls into three categories: native or *iTaukei* Land, freehold land, and crown land. Native and crown land cannot be bought or sold; however, it is available for leases up to 99 years. Freehold land can be bought and sold.<sup>7</sup>

Making up 83 per cent<sup>8</sup> of the country's land area, *Native* or *iTaukei Land* belongs to communal landowning units called *mataqalis* and was deeded by the British Crown in the 1880s. About 90 per cent of Fiji's forests are located on native land.<sup>9</sup> iTaukei land often includes a village, as well as *reserve land*, which can be leased for specific kinds of land use (ranging in duration from 30 years for agricultural use

<sup>3</sup> Food and Agriculture Organization of the United Nations. 2014. "Fiji." Accessed August 2018. <http://www.fao.org/countryprofiles/index/en/?iso3=FJI>.

<sup>4</sup> Government of Fiji. 2017. National Biodiversity Strategy and Action Plan 2017–2024. GoF, Suva, Fiji. <https://www.marineecologyfiji.com/wp-content/uploads/2018/01/National-Biodiversity-Strategy-and-Action-Plan-for-Fiji-2017%E2%80%932024-1.pdf>.

<sup>5</sup> Food and Agriculture Organization of the United Nations, 2014.

<sup>6</sup> Government of Fiji, 2017.

<sup>7</sup> Department of Town and Country Planning, Ministry of Local Government, Housing and Environment. 2015. "Land Tenure." Accessed August 2018. <http://www.townplanning.gov.fj/index.php/planning/planning-issues/land-tenure>.

<sup>8</sup> Numbers range from 83-88 per cent in the literature

<sup>9</sup> Trenorden, C. 2012. REDD+ and forest carbon rights in Fiji: background legal analysis. Report prepared for SPC/GIZ Regional Project "Climate protection through forest conservation in Pacific island countries." Suva, Fiji.

to up to 99 years for commercial or residential use). About 36 per cent of iTaukei land is reserved land,<sup>10</sup> and leases are managed through the Native, or iTaukei, Land Trust Board. iTaukei Land cannot be bought or sold, except to the State in certain cases for public purposes. Despite legal recognition, Fijian courts do not yet recognize the *mataqali* as independent, landowning legal entities, which has caused challenges where disputes regarding land use or compensation have arisen.<sup>11</sup>

Seven percent of the land in Fiji is *Crown Land* (including land below the mean high-water mark stream/river beds) and is administered by the Department of Lands. It is sometimes available for lease.<sup>12</sup>

*Freehold Land* makes up about 10 per cent of the land in Fiji, belongs to individuals or shareholding entities, and is registered under the Torrens system of land registration. The title to this land is guaranteed, and the owner may buy, sell, transfer, or lease it. The *Land Sales Act* governs how much Freehold Land can be purchased by foreign individuals and companies.<sup>13</sup>

Leases for both crown and freehold land is managed through a 'Land Bank,' administered by the Ministry of Lands and Mineral Resources.

### *Protected Areas*

According to Fiji's most recent National Biodiversity Strategy and Action Plan (NBSAP; 2017), there are 23 terrestrial protected areas (PAs) in Fiji, covering 50,000 ha. This represents 2.7 per cent of Fiji's total land mass and less than 19 per cent of the country's terrestrial ecosystems.<sup>14</sup> These PAs vary in size, ecological value, and legal status, and they generally do not have management plans or undergo active management.<sup>15</sup> (Note: The World Database on Protected Areas (WDPA) shows that 103,700 ha – ~5.41 per cent – are permanently protected.<sup>16</sup> Differences between statistics may be due to differences in methodologies or out of date reporting.)

Protected Areas in Fiji are overseen by the National Protected Areas Committee (PAC), established in 2008 under the *Environment Management Act of 2005*. The PAC is an advisory body to the government, guiding and overseeing the protected areas prioritization process to meet Fiji's commitments under the Convention on Biological Diversity.<sup>17</sup> A gap analysis was completed in 2010 to guide the creation of protected areas systems representative of Fiji's various ecosystem types<sup>18</sup>

Fiji does not currently have dedicated protected area legislation; however, there are several legal mechanisms through which a protected area can be established:<sup>19</sup>

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<sup>10</sup> Native Lands Trust Board. n.d. "NLTB Facts." Accessed August 2018. <http://nltb.com.fj/>.

<sup>11</sup> The REDD Desk. 2018. "Fiji." Accessed August 2018. <https://theredddesk.org/countries/fiji>.

<sup>12</sup> Department of Town and Country Planning, Ministry of Local Government, Housing and Environment, 2015.

<sup>13</sup> Department of Town and Country Planning, Ministry of Local Government, Housing and Environment, 2015.

<sup>14</sup> Government of Fiji, 2017.

<sup>15</sup> Clarke, Pepe and Charles Taylor Gillespie. 2008. Legal Mechanisms for the Establishment and Management of Terrestrial Protected Areas in Fiji. IUCN. <https://portals.iucn.org/library/sites/library/files/documents/Rep-2008-001.pdf>.

<sup>16</sup> UNEP-WCMC. 2018. "Protected Area Profile for Fiji from the World Database of Protected Areas" Accessed August 2018. <https://protectedplanet.net/country/FJI>.

<sup>17</sup> International Union for the Conservation of Nature. 2016. "Protecting the most important marine areas in Fiji." Accessed August 2018. <https://www.iucn.org/news/oceania/201607/protecting-most-important-marine-areas-fiji>.

<sup>18</sup> Jupiter, Stacy, Kasaqa Tora, Morena Mills, Rebecca Weeks, Vanessa Adams, Ingrid Qauqau, Alumecei Nakeke, Thomas Tui, Yashika Nand, and Naushad Yakub. 2011. Filling the gaps: identifying candidate sites to expand Fiji's national protected area network. Outcomes report from provincial planning meeting, 20-21 September 2010. Wildlife Conservation Society, Suva, Fiji, 65 pp. [https://fiji.wcs.org/Portals/82/PAC\\_Sep10\\_Workshop\\_Outcomes\\_Report\\_FINAL.pdf?ver=2011-01-17-201829-877](https://fiji.wcs.org/Portals/82/PAC_Sep10_Workshop_Outcomes_Report_FINAL.pdf?ver=2011-01-17-201829-877).

<sup>19</sup> Clarke and Gillespie, 2008.

- *Native Lands Act*, which recognizes communal ownership of native lands and provides a legal basis for community decisions about conservation of natural resources on that land;
- *Native Lands Trust Act*, which allows for declared nature reserves and leases;
- *National Trust of Fiji Act*, described further below;
- *Forestry Decree*, which allows the Minister for Forests to declare strict nature reserves or multiple use forest reserves (note: this may no longer be a credible instrument<sup>20</sup>); and
- *Water Supply Act*, which allows the Minister to declare protected water catchment areas.

Lack of government coordination presents a challenge to establishing a strong protected area system in Fiji. No single department is mandated with conservation, protected area legislation and management is dispersed among several departments, protected area priorities have not been fully described by the government, and there are currently few legal tools support the establishment protected areas.<sup>21</sup> To address these issues, “Develop legislation and policy to establish and manage a protected area network for Fiji” has been identified as a strategy within Fiji's most recent NBSAP. This strategy encompasses the creation of legislation, the strengthening of institutions to support protected area governance and administration, and securing funding so that the PAC can provide technical assistance to protected areas.<sup>22</sup>

## II. Law and Policy for Private Land Conservation

### *Privately Protected Areas*

The Fijian legal system does not recognize privately protected areas (PPAs) and, therefore, does not have any legal and formal definition for PPAs. Nevertheless, there are several mechanisms in place that allow for a private entity to manage land for conservation, which could potentially fall within the International Union for the Conservation of Nature’s (IUCN) definition of a PPA.

### *Native Land Trust Board Leases*

All *iTaukei* land in Fiji is controlled by the Native Land Trust Board (NLTB), which may grant leases over portions of the land for purposes determined by the Board. Leases are for a fixed amount of time and require periodic rent payments. In some cases, leases include conservation provisions related to management of the land or land can be leased specifically for conservation purposes. The latter method has been used in several instances, including to establish the Upper Navua Conservation Area through a lease to Rivers Fiji, a tour operator (see case study below).

According to the *Guidelines for Privately Protected Areas* (2018), released by the IUCN, “PPAs can be established on leased land, provided these are intended to be long-term and renewable.”<sup>23</sup> Therefore, depending on the terms of the contract, it is possible that leases in Fiji made with conservation intent could one day be recognized as PPAs.

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<sup>20</sup> Government of Fiji. 2011. Action Plan for Implementing the Convention on Biological Diversity’s Programme of Work on Protected Areas. GoF, Suva, Fiji. <https://www.cbd.int/doc/world/fi/fi-nbsap-powpa-en.pdf>.

<sup>21</sup> Ibid.

<sup>22</sup> Government of Fiji, 2017.

<sup>23</sup> Mitchell, B.A., S. Stolton, J. Bezaury-Creel, H.C. Bingham, T.L. Cumming, N. Dudley, J.A. Fitzsimons, D. Malleret-King, K.H. Redford, and P. Solano. 2018. Guidelines for privately protected areas. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

### *National Trust of Fiji and Conservation Covenants*

The National Trust of Fiji was established by the *National Trust for Fiji Act 1970* to “promote permanent conservation of lands, buildings, and objects of national historic, architectural or natural interests,” among other things.<sup>24</sup> The Trust is funded by the government, independent donors, and multi-lateral organizations.<sup>25</sup> The Trust currently administers 11 sites (three on Vanau Levu, three on Viti Levu, and five cultural sites on Viti Levu and other islands), held under freehold, crown leases, and native leases.<sup>26</sup>

The Trust also has the power to enter into binding *covenants* with landholders (Section 10 of the *National Trust for Fiji Act 1970*). These covenants restrict use or development of the land, can be for a fixed term or in perpetuity, apply to lessees and subsequent owners of land, and are enforceable.

Conservation covenants can apply to freehold, crown, or iTaukei lands (with the consent of the NLTB). Despite being a flexible mechanism for long term nature protection, as of 2008, the Trust had not yet entered into conservation covenants with landowners.<sup>27</sup>

### *National Biodiversity Strategy and Action Plan (NBSAP)*

Fiji’s NBSAP (2017), submitted to the Convention on Biological Diversity for 2017-2024, highlights the importance of community ownership and participation in developing and managing protected areas;<sup>28</sup> however, this seems more centered around what might be considered Indigenous and Community Conserved Areas (ICCA) than PPAs.

### **III. Financial Incentives for Privately Protected Areas**

The Fijian government has passed no legislation to directly incentivize the creation of protected areas under private ownership or management. However, there are several mechanisms that may support the establishment of conservation areas under private governance.

#### *UN REDD+*

Fiji participates in the UN-REDD program; however, there are still some challenges to implementing the program. Nearly all the remaining forests in Fiji are on iTaukei land, but there is no current legal framework around carbon ownership and leasing arrangements. There are several policy solutions currently being explored to ameliorate this challenge.<sup>29</sup>

#### *Ecotourism*

In one case, employment and proceeds from ecotourism have been used to compensate local communities for a conservation lease on their land. See the example of Rivers Fiji below. There is also an income tax exemption for projects that support tourism (flora, fauna and other natural characteristics of

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<sup>24</sup> Government of Fiji, 2017.

<sup>25</sup> NatureFiji. n.d. “National Trust of Fiji.” Accessed August 2018. <https://naturefiji.org/profile/national-trust-of-fiji/>.

<sup>26</sup>J. Niukula, National Trust of Fiji, personal communication. October 1, 2018.

<sup>27</sup> Clarke and Gillespie, 2008.

<sup>28</sup> Government of Fiji, 2017.

<sup>29</sup> The REDD Desk, 2018.

Fiji; and history, traditions, cultures and ways of life of its peoples) and have a maximum turnover threshold of USD 500,000.<sup>30</sup>

#### IV. Organizations

##### *Government*

- The Ministry of Lands and Mineral Resources manages leases on crown and freehold land.<sup>31</sup>
- The Native Land Trust Board manages leases and licenses on iTaukei land.<sup>32</sup>
- The National Protected Areas Committee is an advisory body to the government guiding the creation of protected areas and overseeing the protected area prioritization process.
- The Ministry of Fisheries and Forest can declare nature and forest reserves.<sup>33</sup>
- The Department of Environment promotes the sustainable use and development of Fiji's environment and efficient implementation of policies, legislation and programs to fulfill Fiji's obligation under regional and international environment related conventions and treaties.<sup>34</sup>

##### *Non-Governmental*

- The National Trust of Fiji is a statutory body funded by the government, independent donors and multi-lateral organizations; it works to conserve natural, historic, and cultural resources.<sup>35</sup>
- NatureFiji-MareqetiViti is Fiji's only domestic NGO working solely for the conservation and sustainable management of Fiji's resources.<sup>36</sup> It is also the BirdLife International affiliate in Fiji.<sup>37</sup> They largely support communities in managing their land as community conserved areas.
- The Wildlife Conservation Society Fiji is working to preserve the functional integrity and resilience of Fiji's priority ecoscapes by integrating community-based adaptive management with science-based solutions. They work with districts to develop ecosystem-based management plans for maintaining community stewardship of networks of protected areas spanning marine, freshwater, and terrestrial habitats.<sup>38</sup>
- Conservation International provides technical support to policymakers on forest and fisheries conservation, and works with communities on community-based reforestation.<sup>39</sup>

#### V. Case Studies

##### *Rivers Fiji: Ecotourism within a Wetland of International Importance*<sup>40,41</sup>

Rivers Fiji began whitewater rafting and kayaking operations in 1998. To protect the river canyon where they did business, Rivers Fiji convinced the lease-holding logging company and Native Land Trust Board

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<sup>30</sup> Fiji Reveune and Customs Authority. 2016. Fiji Tax and Customs Incentives. <http://www.investmentfiji.org.fj/resources/uploads/embeds/file/2016%20INCENTIVE%20BROCHURE.pdf>.

<sup>31</sup> See their website: <http://www.lands.gov.fj/>.

<sup>32</sup> See their website: <http://nlb.com.fj/>.

<sup>33</sup> See their website: <http://www.mff.gov.fj/>.

<sup>34</sup> See their website: <https://doefiji.wordpress.com/>.

<sup>35</sup> See their website: <https://naturefiji.org/profile/national-trust-of-fiji/>.

<sup>36</sup> See their website: <https://naturefiji.org/>.

<sup>37</sup> See their website: <http://www.birdlife.org/worldwide/projects/forests-hope-site-nabukelevu-kadavu-fiji>.

<sup>38</sup> See their website: <https://fiji.wcs.org/About-Us/Our-Mission.aspx>.

<sup>39</sup> See their website: <https://www.conservation.org/where/Pages/Fiji.aspx>.

<sup>40</sup> Rivers Fiji. 2010. "Upper Navua Conservation Area. Accessed August 2018. <http://www.riversfiji.com/ecotourism/upper-navua-conservation-area>.

<sup>41</sup> Kelly Bricker, Personal communication, September 13, 2018.

(government lease manager) to work with indigenous landowners (9 *mataqali*, landowning families, and 2 villages) on a lease for conservation.

In 2000, Rivers Fiji established the Upper Navua Conservation Area (UNCA), a 16-kilometer canyon that is now protected by lease from commercial extractive use within the primary corridor (200 meters from each side of the river). This is the first lease for conservation of its kind in Fiji, and possibly all of the South Pacific. In return for that lease, Rivers Fiji compensates landowners directly through lease payments, user fees, and employment opportunities.

This unique conservation effort uses tourist dollars to support the protection of Fiji's third largest freshwater drainage—home to unique species of fish, parrots and iguanas, Fiji's only boa constrictor, and the largest in-tact groves of sago palm, now threatened in the rest of the Pacific.

Since the formation of the Upper Navua Conservation Area, the river has been designated as Fiji's first and, to date, only Wetland of International Importance, as part of the international Ramsar Convention.

In addition to lease payments, this project has added economic diversity and growth to a remote region that has typically relied on farming and logging and has been cut off from the positive benefits of tourism. Each of the nine *mataqali* and two adjacent villages, have the opportunity to have their community members work for Rivers Fiji as guides. Guides have additional opportunities for obtaining employment through driving, warehouse management, equipment repair, reservations/office and operations management. Ancillary health and well-being activities have also emerged, including the development of schools, health clinics, and improved technology for drinking water.

In addition, to enhance the conservation of the area's fragile ecosystems, environmental outreach programs were developed through a partnership between Rivers Fiji and Nature Fiji (an NGO focused on the protection and conservation of the country's natural environment).

Together they provide local communities with a series of environmental education river trips to experience first-hand the economic, environmental, and cultural importance of their own "backyard." In an effort to inspire future decision-makers, these programs are designed to motivate children and their families to think about sustainability and other conservation-based benefits for the future. The results have brought an increased understanding to communities in and around Fiji's first and only Wetland of International Importance.

#### *Sovi Basin Protected Area*<sup>42,43,44,45,46</sup>

The Sovi Basin is located on the island of Viti Levu, within the Polynesia/Micronesia biodiversity hotspot and the Sovi Basin Important Bird Area.<sup>47</sup> This 19,600 ha basin is the largest remaining undisturbed tract

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<sup>42</sup> Clarke and Gillespie, 2008.

<sup>43</sup> Government of Fiji, 2017.

<sup>44</sup> Conservation International. n.d. "Sustainable Development for Fiji's People." Accessed August 2018. [https://www.conservation.org/projects/pages/sustainable-development-for-fiji-people-sovi-basin.aspx?utm\\_source=GOOG&utm\\_medium=social](https://www.conservation.org/projects/pages/sustainable-development-for-fiji-people-sovi-basin.aspx?utm_source=GOOG&utm_medium=social).

<sup>45</sup> Tabua, Sevania. n.d. "Sovi Basin Trust Fund." In *Profiles of the NEFS*. 83-86. <https://www.cbd.int/financial/trustfunds/Fiji-sovifund.pdf>.

<sup>46</sup> National Trust of Fiji. 2015. Sovi Basin Protected Area e-News Issue 1, Quarter 1, 2015. [https://issuu.com/nationalheritagefiji/docs/sovi\\_newsletter\\_volume\\_1\\_feb\\_2015](https://issuu.com/nationalheritagefiji/docs/sovi_newsletter_volume_1_feb_2015).

<sup>47</sup> BirdLife International. 2018. "Important Bird Areas factsheet: Sovi Basin." Accessed October 2018. <http://datazone.birdlife.org/site/factsheet/sovi-basin-iba-fiji>.

of lowland forest in Fiji. It is owned by 13 *mataqali*, with eight small areas of Crown land and two freehold parcels.

In 2005, landowners agreed to cancel the logging concession that covered the basin in exchange for an agreement around conservation. Today, 16,344 ha of the basin is protected through a 99-year lease between the National Trust of Fiji and the Native Lands Trust Board and Sovi Basin landowners in 2012.

In addition to helping to facilitate this agreement, Conservation International created the Sovi Basin Protected Area Trust Fund, seeded with a major donation from Fiji Water. The trust fund is intended to fund the land rents, compensate communities for forgone timber royalties, and supporting management planning and activities in the area.

The Sovi Basin Protected Area is the largest protected area in Fiji.