



STANDING COMMITTEE ON NATURAL RESOURCES



REPORT ON THE PETITION REGARDING THE VATURU DAM



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TABLE OF CONTENTS

Chair’s Foreword.....	3- 4
Recommendations.....	5
List of acronyms	6
1.0 Chapter 1: Introduction	7
1.1 Background.....	7
1.2 The Standing Committee on Natural Resources	7
1.3 Committee Members.....	8
2.0 Chapter 2: Oral and Written Submission.....	8
2.1 Summary of Oral Submissions	8
2.1.1 Submission One - Honourable V Gavoka & Vaturu Dam Landowners.....	8-9
2.1.2 Submisison Two - Mr. M Selasusu	9-10
2.1.3 Submission Three - Ministry of Lands &Survey.....	10
2.1.4 Submission Four - iTaukei Lands & Fisheries Commission,	10
2.1.5 Submission Five - iTaukei Lands Trust Board.....	11
2.1.6 Submission Six- Clarifications by Government Statutory Organisations.....	11-12
3.0 Chapter Three: COMMITTEE’S OBSERVATIONS AND DELIBERATIONS.....	12-13
4.0 Miscellaneous	13
5.0 Gender Analysis.....	13
6.0 CONCLUSION.....	13-14
Appendix 1 List of Submissions	
Appendix 2 Vaturu Dam Lease, Vaturu Catchment Area, Vaturu Dam Quarters Site Lease	
Appendix 3 Petitioners Signatures	
Appendix 4 Summary of Oral & Written Submissions	

CHAIR'S FOREWORD

I am pleased to present the fourth report of the Parliament's Standing Committee on Natural Resources on the Petition regarding the grievances of landowners at Vaturu Dam to unfair determination of land boundaries and land ownerships that was presented to Parliament by the Honourable Viliame Gavoka.

The Parliamentary Standing Committee under the 2013 Constitution and Parliament Standing Orders aims to enhance and uphold transparency and accountability across all Public Agencies and Officials in the conduct and performance of their duties and responsibilities.

The construction of Vaturu Dam was one of the major achievements of the Alliance Government under the leadership of Ratu Sir Kamisese Mara in 1979. The capacity of the Vaturu Dam then was the answer to stop the repeated calls for emergency water deliveries and supply the very much needed clean and safe drinking water from Teidamu in Lautoka to Momi in Nadroga.

The Vaturu Dam Project was constructed according to plans and completed within its scheduled timeframe. There were four leases made by Government through the Ministry of Lands and Mineral Resources to the fourteen (14) land owning units of Vaturu. These four (4) leases issues were merely Agreement to Lease documents subjected to proper surveys so that Registered Lease final documents can be issued.

The four (4) leases issued as Agreement to Lease were for the following:

1. Water Treatment Plant at Nagado,
2. Water Pumping Station at Nagado,
3. Road access from Vaturu Dam to Nagado Water Treatment Plant, and
4. Vaturu Dam Catchment and Dam area.

The bipartisan Standing Committee unanimously agreed on a timetable to call all relevant stakeholders, and to hear their views and analysis of the grievances of landowners at Vaturu Dam to unfair determination of land boundaries and land ownerships.

The Report examines all oral and written submissions from the following Ministries and Organisations:

1. Ministry of Public Enterprises
2. Ministry of Infrastructure and Transport
3. Ministry of Rural and Maritime Development & National Disaster Management
4. Ministry of Lands & Mineral Resources
5. Ministry of Local Government & Environment

6. Ministry of iTaukei Affairs
7. iTaukei Lands Trust Board

The grievances received through this Vaturu Dam petition is a direct result of the unresolved surveys of the fourteen (14) land boundaries and the right issues of proper documentations to support the leases acquired and the fair distribution of rental proceeds.

The Vaturu Dam was constructed in 1979 and since then has sustained the sourcing and delivery of clean and safe drinking water from Teidamu in Lautoka to Momi in Nadroga. The Committee is recommending for Parliament approval to spearhead an Integrated Taskforce Team of all relevant stakeholder to realise and bring these pending Vaturu Dam issues to a successful conclusion.

On behalf of the Honourable Members of the Standing Committee on Natural Resources, I would like to sincerely express our gratitude and appreciation to all those Ministries, Departments and Organisations who willingly made oral and written submissions and attended our interviews. This final report is the declaration of the voluntary commitment and time of groups and individuals making submissions and appearing before the Committee interviews. This was clearly manifest in the high quality of submissions and answers received during the Committee interview sessions.

I wish to genuinely extend my gratitude and appreciation to the Honourable Members of the Standing Committee on Natural Resources, my Committee colleagues Hon. Ro Kiniviliame Kiliraki MP (Deputy Chair), Hon. Alivereti Nabulivou MP (Member), Hon. Jiosefa Dulakiverata MP (Member) and Hon. Samuela Vunivalu MP (Member). I also wish to acknowledge and thank Hon. Ratu Sela Nanovo MP, Alternate Member for Hon. Jiosefa Dulakiverata.

Finally, I wish to sincerely thank the Committee Secretary, Ms Akanisi Rumasakea and the Committee Secretariat Staff, Mr Kitone Bete, Mr Penijamini Valebuli and Mr Maurice Shute for their steadfast support and assistance with the production of this bipartisan report.

HON. CMDR JOWELI R CAWAKI
CHAIRMAN

RECOMMENDATIONS

1. Lack of will to resolve the survey boundaries by the relevant stakeholders is reflective of non-committal to address volatile but solvable land disputes. This issue is long overdue and must be resolved once and for all to the endorsement of all stakeholders.
2. That an Integrated Taskforce headed by the Natural Resources Committee to be formed and to meet with landowners in Vaturu in fast tracking the survey and issue of leases to the fourteen (14) LOU, who own land at the Vaturu Dam site and the catchment area.
3. That the completion of the survey will determine the true and rightful ownership of land disputed as per the petition.
4. That parliament approves the formation and operation of the Integrated Taskforce to meet with the landowners and stakeholders in bringing to a close the Vaturu Dam issues.
5. The Taskforce would be answerable to the Natural Resources Committee.
6. The boundaries should be confirmed by the survey.
7. The Taskforce should meet with the landowners and other stakeholders to ascertain their views more fully as part of this process.
8. The Taskforce should otherwise be able to inform itself as it sees fit. In particular, it should be authorized to engage other technical experts to assist it with its tasks.
9. The Taskforce should also consider compensating the landowners of standing trees on the water catchment area based on volume assessment by the Department of Forestry.
10. The dam site is currently being leased. Since this land will not be utilised for agricultural purposes at the expiry of the lease, the iTLTB should advise the LOU of whether this is a better option than outright purchase.

LIST OF ACRONYMS

i TLTB	i Taukei Lands Trust Board
i TLFC	i Taukei Lands Fisheries Commission
ITF	Integrated Task Force
LOU	Land Owning Unit
i TLCRC	i Taukei Lands Commission Resources Committee

1.0 INTRODUCTION

1.1 Background

On Wednesday 20th May 2015, the Honourable Viliame Gavoka tabled the petition to Parliament. The petition was signed by five hundred and nine (509) land owners of Nagado and Natawa villages in Nadi. The petition relates to their grievances on the land of which the Vaturu Dam sits.

The committee heard four (4) written and oral submissions from the petitioners and government agencies from the 21st to the 29th July, 2015. The stakeholders were called together again on the 30th of July, 2015 for further clarification on their initial submissions.

1.2 The Standing Committee on Natural Resources

The Committee is a standing committee of the Fijian Parliament and was established under Section 109(2) (c) of the Standing Orders (SO) of the Parliament of the Republic of Fiji. The Committee comprises five Honourable Members, drawn from both the Government and the Opposition Parties.

The Committee is mandated to examine matters related to forestry, agriculture, mining environment fisheries, water and marine services and their administration, the Constitution, policing and human rights. Section 110(1) d of the SO mandates the Committee to consider petitions and papers referred to the committee in accordance with Standing Orders 37 and 38.

On Wednesday 20th May 2015, the Honourable Viliame Gavoka introduced the petition to Parliament for consideration.

The House resolved that the petition be committed to the Standing Committee on Natural Resources to review and report back to Parliament.

1.3 Committee Members

The members of the Standing Committee on Natural Resources Committee:

- Hon. Joeli Cawaki, Assistant Minister for Rural and Maritime Development and National Disaster Management MP (Chairman)
- Hon. Ro Kiniviliame Kiliraki MP (Deputy Chairman)
- Hon. Alivereti Nabulivou MP (Member)
- Hon. Samuela Vunivalu (Member)
- Hon. Jiosefa Dulakiverata (Member)

2.0 ORAL AND WRITTEN SUBMISIONS

2.1 Summary of all Oral Submissions

2.1.1 Submission One: Honourable Viliame R Gavoka & the Vaturu Landowners

In a traditional village setting, through tradition, through land ownership, through what the iTaukei know as people, that the land was theirs. It belonged to all the people, a certain part belonged to the land owning unit and to the various land owning units. That was not taken into consideration when the iTLTB came that time to Vaturu and decided to convert the land for the water project. The request to the committee was to revisit that issue and to find out exactly who owned that “*kovukovu*” (*reserve*).

- I. What appears here was that under a reserved status, the land was leased to the authorities to develop the dam. It should have been de-reserved because about eight or seven land owning units owned that “*kovukovu*” in a traditional way. Somehow it was done in a manner that without de-reserving it, it was developed and the ownership and its benefits appeared to accrue only to one of the land owners unit, “*Mataqali Qoqa*” in this case. The landowners would plead to the Committee to go out to the extended areas to the extent possible to determine who the rightful owner of the Vaturu Dam.
- II. Another issue that emerged was the extinction of a LOU and where a lot of anomalies were seen in the way the portion of that extinct land owning unit was given to another mataqali.

- III. The Committee saw that one of the anomalies highlighted was that, particularly for land owning unit “*Qoqa*” in a block of land they have their blocks on both sides of the Vaturu dam. This is being argued about by all the landowners of the Vaturu Dam. So the question lies in some of the surveys and some of the boundaries that had been established earlier. In the traditional sense, if you have that piece of land this side you cannot have the one on the other side. You cannot claim both. “*e dua tiko ga e nomudou e tiko e yasana qo, e sega ni rawa ni nomudou e yasana qo, me nomudou talega na yasana ya. E va tiko oqo na nodra rai na lewe ni vanua*”

There were about seven or eight *mataqalis*’ who owned the land, people felt for the *mataqalis*’ the way the land was handled. They were ignored or rather knew how people were at the village level; they were very passive, “*na veirokorokovi, na veidokadokai,*” *people’s response was “yes, let’s go for it.”* But that was 1979, it was different today. It was the leaders to open this up and really determined the true ownership of it, from there, ensured that everyone was well compensated or everyone was part of this water scheme in a meaningful way. Other issues will emerge, like a *mataqali* that had extinct. There were a lot of anomalies in the way the portion of that extinct.

The landowners continued with grievance that their voices were not heard and efforts were not being made by the leaders to establish the true status of the land at Vaturu.

2.1.2 Submission Two: Mr. M Selasusu A Spokesman of the Vaturu Land

Mr. Selasusu stated that here were altogether four (4) *mataqali* that owned the land where the Vaturu dam sits. They are; 1) *mataqali* Navuke, *mataqali* Nasaulu, *mataqali* Nalotawa and *mataqali* Naivua. All the *mataqali* signed for the agreement of the land to be developed but money was only paid to *mataqali* Qoqa who claimed to be the rightful owner of the land. It is now over 36 years, nothing had been paid to the 4 *mataqali* whose land was God given, for the fair acquisition of their land.

Mr. Salasusu believed that their meeting with the Committee on Natural Resources in Parliament gave the consent that Vaturu dam matter would be solved amicably by government, the relevant stakeholders and the land owning units concerned for the fair acquisition of land where the Vaturu dam sits.

2.1.3 Submission Three: Ministry of Lands & Survey

Deputy Secretary, Operations – Mr. Malakai
Chief Valuer – Mr. Teke Ka’ake
Surveyor General – Mr. David Chang

As mentioned by the above presenters, the Vaturu Dam was under the iTaukei land or native land in which a total of four (4) leases had been issued by iTLTB for the whole area of Vaturu Dam. The term of the leases were ninety nine (99) years that had been issued by iTLTB to the State and administered by Lands Department through the Valuation Section.

The four leases (4) that had been issued and agreement for leases had been issued by iTLTB. The committee noted the lease issued was not yet a surveyed lease so that a registered lease could be issued. It was an agreement for lease for the whole four (4) leases. On the issue of the payment of compensation from the construction of the public road to connect the dam site to the Nagado Water Treatment Plant, this was part of the acquisition that had been undertaken by our Valuation Section of the Ministry of Lands. There was a total of fourteen (14) LOU that were included in the whole Vaturu Dam and various LOU owned the portions that were within those four (4) leases.

It was highlighted by the presenters, that the Ministry of Lands had sent out their surveyors to Vaturu Dam to survey the actual boundaries of the leases so that the leases are demarcated on the ground and registered accordingly. It was during that process, that the surveyors had been stopped by some of the landowners who were disputing about their land owning unit boundaries. Some of the leases issued have land owned by two (2), three (3) or four (4) land owning units. As mentioned, some of the lands within each lease are claimed by 2, 3 or 4 LOU. Since that was outside the jurisdiction of the Lands Department in terms of determining the actual boundaries of the “*Mataqali*”, the Ministry of Lands officials backed out from carrying on with the survey because they would like the matter to be resolved by the iTLFC first. It was the matter for the iTLFC to resolve and this is where the Vaturu Dam issue is at currently.

2.1.4 Submission Four: iTaukei Lands & Fisheries Commission **Mr. Tevita Cokanasiga,** **Principal Administrative Officer**

It was strongly stated by Mr. Cokanasiga, the disputed land was owned by the “*Mataqali Qoqa*”. This was clarified and shown during the *Veitarogi Vanua* held in the village on the 15th April, 1914. Nevertheless, there were a faction of the mataqali who still claimed that they were the rightful ownership and owned majority of the land lease of the Vaturu Dam.

2.1.5 Submission Five: iTaukei Lands Trust Board

**Mr. Solomon Nata, Deputy General
Manager, Operations**

First the committee noted that this was strongly stated by the iTLTB official that the government surveyors need to act to ascertain and confirm ownership of the land boundaries, redefined it with the LOU members as most of the land owning unit members do not know the extent of their boundaries

Secondly, the committee also noted that the ownership of the land in which the Vaturu Dam sits, had to be confirmed by the “*Veitarogi Vanua*” of the iTLFC as there were claims that some “*yavusa*” owned the whole area and the disputed land was reserved to them.

Thirdly, as strongly emphasized by the official from the iTLTB that the surveyors need to re survey the lease boundaries where the water catchments was located as the last survey of the catchment leases was done way back in 2004. As reported, the registered surveyors were in the now in the process of completing the survey in which they would be in a better position to confirm the actual boundaries of the catchment leases.

It was strongly re-emphasized by the official from the iTLTB the need to have the survey registered to resolve all the disputes and could only be resolved by the confirmation of the survey whether it is the survey of the boundary or the redefinition of the iTLFC boundary.

2.1.6 Submission Six: Clarification by Government & Statutory Organisations – iTLTB, iTLC, Min.Lands & Survey, WAF, FEA.

The committee had stated their concern at the way relevant authorities of the Vaturu Dam had been dealing with the Vaturu Dam in the past. The committee had come with the initiative of forming an Integrated Taskforce to assist in bringing the Vaturu Dam matter to a closure and to also consult the landowners as a way forward.

As stated by the iTLTB that the Task Force should start with the registration of survey to be completed urgently as that could confirm the boundaries. The official from iTLTB further stated that there was a need to confirm the boundaries, then other things could be concluded, like registration of leases and perhaps the confirmation of de-reservation as the actual boundary needs to be de-reserved.

The registration of survey, that was still pending, once those were registered as iTLTB had two major ones and three small leases, once that was registered,

the Task Force would process the registered leases and would cancel the Agreement for lease then would issue the new lease.

The committee had noted that iTLTB could not confirm the boundary, as the survey was yet to be carried out.

The iTLRC, in the case of Vaturu Dam, the LOU had been determined, and also the land boundaries were determined and surveyed. All the land parcels in the “*Tikina of Vaturu*” were all surveyed. They were surveyed land.

In the case of lease, for the Vaturu Dam, it was either the iTLTB or the Department of Lands to survey the lease boundary. The iTLFC does not get involved in the survey of the lease boundary.

In the case of dispute as stated by the iTLFC, the solution was for all the land owning units concerned with the parcel of land was to come together before the survey was done so they could be advised on the process of re-surveying. This was in the case of land owning unit boundaries.

The lease was under the iTLTB, it was the prerogative of the iTLTB or the Ministry of Lands in the case of Government leases.

It was not the determination of a new boundary, it was a re-definition of an already surveyed boundary of the LOU. That was what was being disputed as highlighted by the iTLTB.

3.0 Committee’s Observations and Deliberations

3.1 The petitioners had voiced their grievances to relevant government authorities but no one took any action to resolve the issue.

3.2 The Vaturu Dam petition highlights the lack of commitment by the Ministry of Lands to resolve the land lease boundary survey issues which include boundary survey of each land owning unit within the catchment and the dam area.

3.3 The process should have included the iTLFC, iTLTB and the Ministry of iTaukei Affairs.

3.4 The Ministry of Lands should ensure that all iTaukei land leases to the State are surveyed and registered. This is to ensure that LOU receive the relevant lease money for their land. The delay in this process always caused conflicts amongst land owning units.

3.5 The role of the iTLFC is very important in this case because various land owning unit factions base their land boundary claim by challenging the authenticity of the iTaukei Lands Commission records.

3.6 The Vaturu Dam is currently being leased for ninety nine (99) years. The area had been flooded and dammed. At the expiry of the lease it will be reverted to the landowners and cannot be utilised for agricultural purposes.

4.0 Miscellaneous

The delay in resolving the land issues has resulted in conflicts within the two villages of Nagado and Natawa since 1979.

5.0 Gender analysis

The Committee took into account the provisions of Standing Order 110(2) which states:

“Where a committee conducts an activity listed in clause (1), the committee shall ensure that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally”.

The female members of the land owning units were also part of the consultation process whereby they also agreed to sign the petition.

6.0 CONCLUSION

Unfortunately, this petition is a result of unresolved survey land boundaries of the fourteen (14) land owning units covering the dam proper and catchment areas. The landowners are victims of the lack of will and commitment by responsible institutions of the government to conclude the Vaturu Dam lease. It is therefore the prerogative of the government to resolve this issue immediately by an integrated approach as recommended.

The Vaturu Dam was constructed in 1979. The petition to parliament arose because of the following difficulties and concerns:

- a) The land ownership boundaries have not been properly surveyed.
- b) There are disputes between different groups of the fourteen (14) LOU concerning the ownership of land and the precise location of boundaries and;
- c) There are concerns about the delay in formalizing land boundaries and disparities and distribution of rent.

The Way Forward in resolving the issue is a proactive approach through an Integrated Taskforce as recommended as quickly as possible.

SIGNATURES OF MEMBERS OF THE

STANDING COMMITTEE ON NATURAL RESOURCES

We, the members of the Standing Committee on Natural Resources agree with the contents of this report.

.....

Hon. Joeli Cawaki
(Chairperson)

.....

Hon. Ro Kiniviliame Kiliraki
(Deputy Chairperson)

.....

Hon. Alivereti Nabulivou

.....

Hon. Samuela Vunivalu

.....

Hon. Jiosefa Dulakiverata

.....

(Date)

APPENDICES

APPENDIX 1

LIST OF PRESENTERS

1. Honourable Viliame Gavoka
2. Mr M Selasusu –Landowning Unit Spokesman
3. The Ministry of Lands
4. iTaukei Lands & Fisheries Commission, Ministry of iTaukei
5. iTaukei Lands Trust Board
6. Government Statutory Organisations

APPENDIX 2

Copies of lease agreements

APPENDIX 3

Petition Signatures

APPENDIX 4

Summary of Oral and Written Submissions

1. Summary of Oral and Written Submissions by the Committee

The committee had gathered after hearing from the submissions made by the relevant stakeholders, that in order to solve the problem for the Vaturu Dam is for the registered surveyors under the Ministry of Lands to survey the land boundaries that is being disputed by the landowning units concerned.

1.1 Submission One: Honourable V Gavoka and the Vaturu Landowners

Strongly recommended a revisit to the Vaturu Dam by the relevant stakeholders to address land disputes, claims and counter claims.

1.2 Submission Two: Mr M Selasusu

The Committee noted from Mr Selasusu stateman that there were altogether four (4) mataqali that owned the land where the Vaturu dam sits. They are; 1) mataqali Navuke, mataqali Nasaulu, mataqali Nalotawa and mataqali Naivua. All the mataqali signed for the agreement of the land to be developed but money was only paid to mataqali Qoqa who claimed to be the rightful owner of the land .It is now over 36 years ,nothing had been paid to the 4 mataqali whose land was God given, for the fair acquisition of their land.

1.3 Submission Three: Ministry of Lands & Mineral Resources

The Ministry clarified that the four(4) leases issued were agreement for leases only and the committee noted the lease issued were not surveyed. To determine the lease, the lease boundaries by survey and therefore due compensation be distributed to rightful land owning units. This cannot be affected because the surveyors were prevented and threatened by the landowners. The i-TLFC should resolve this issue first.

1.4 Submission Four: i-Taukei Land & Fisheries Commission

Confirmed the ownership of the land by “Mataqali Qoqa” (land owning unit) as clarified by the Veitarogi Vanua of 14th April 1979 records. The

Commission acknowledged the existence of a faction that also laid claim to the land in question.

1.5 Submission Five: i-Taukei Lands Trust Board

Strongly claimed the government surveyors need to act decisively to ascertain the land boundaries and therefore resolve the land dispute issue.

1.6 Submission Six: Integrated Task Force

Confirmed that the solution to the Vaturu Dam is to engage a Task Force consisting of all stakeholders including the land owners and to conclude the survey.