

Community Liaison in Mining Projects - the Fiji Government Experience



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COMMUNITY LIAISON FOR MINING PROJECTS – the experience from the Fiji Government side.

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Fiji's Mineral Resources Department views landowners liaison work as very critical to achieving its objectives of attracting more prospecting dollars, developing new mines and ensuring the smooth operation of existing ones. Thus it has adopted a multi-pronged approach to the issue.

A new Mining legislation is being developed which will set out how landowner and community issues should be approached and addressed in law. The process was advanced to the stage of issuance of instructions to parliamentary drafters of new legislation before the project was put on hold following the events of May 19, 2000. With a new Government in place the process has been reactivated although it has to take a step backward to enable a re-look at the policy issues involved to ensure that the policy issues to be addressed in the new legislation are in line with current government policies.

To complement the review in legislation Fiji's Mineral Policy (which was released in 1997) is also being reviewed to include a chapter on Landowner Compensation. In this regard a comprehensive Landowner Compensation Policy document was formulated and specific policy wordings developed. This process is now in its final stages of review.

On the operational front booklets are being produced which detail how explorers should interact with landowners, how Government officers should conduct themselves in the field and how dealings with respect to social impact issues can be coordinated within the Department.

The Department work is hampered by lack of finances. However, the priority the Government gives to Community/Landowner liaison issues is shown by the fact that the Mining Division of Mineral Resources Department allocates approximately 23% of its operational budget to Landowner/Community liaison issues.

Consultative meetings to address Community/landowner issues are held at different scales. Briefings to the 14 Provincial Councils are held twice a year on a national scale. Regional district issues are addressed at District meetings held once every 3 months. For active projects formal landowner/company consultative meetings are held monthly with the attendance of various Government Department representatives. The Department also undertakes unscheduled meetings during the days and after working hours in active prospecting and mining areas to facilitate the resolution of issues between landowners and mining and exploration companies.

Addressing Community/Landowner issues in Fiji can be complex. The country is multi-ethnic with little interaction between the different ethnic groups. The majority of land is native land with communal ownership. Communal ownership of lands ensures that land issues quickly become political issues. As most of the mining projects are in rural outlying areas where subsistence living is still the norm environmental problems quickly become social issues. The Department is trying to formalise a Social Impact Management System, which mainly involves the use of questionnaires, to get on top of the complexities involved. As always, staff and financial resources are the limiting factors.



OVERVIEW ON LAND ISSUES

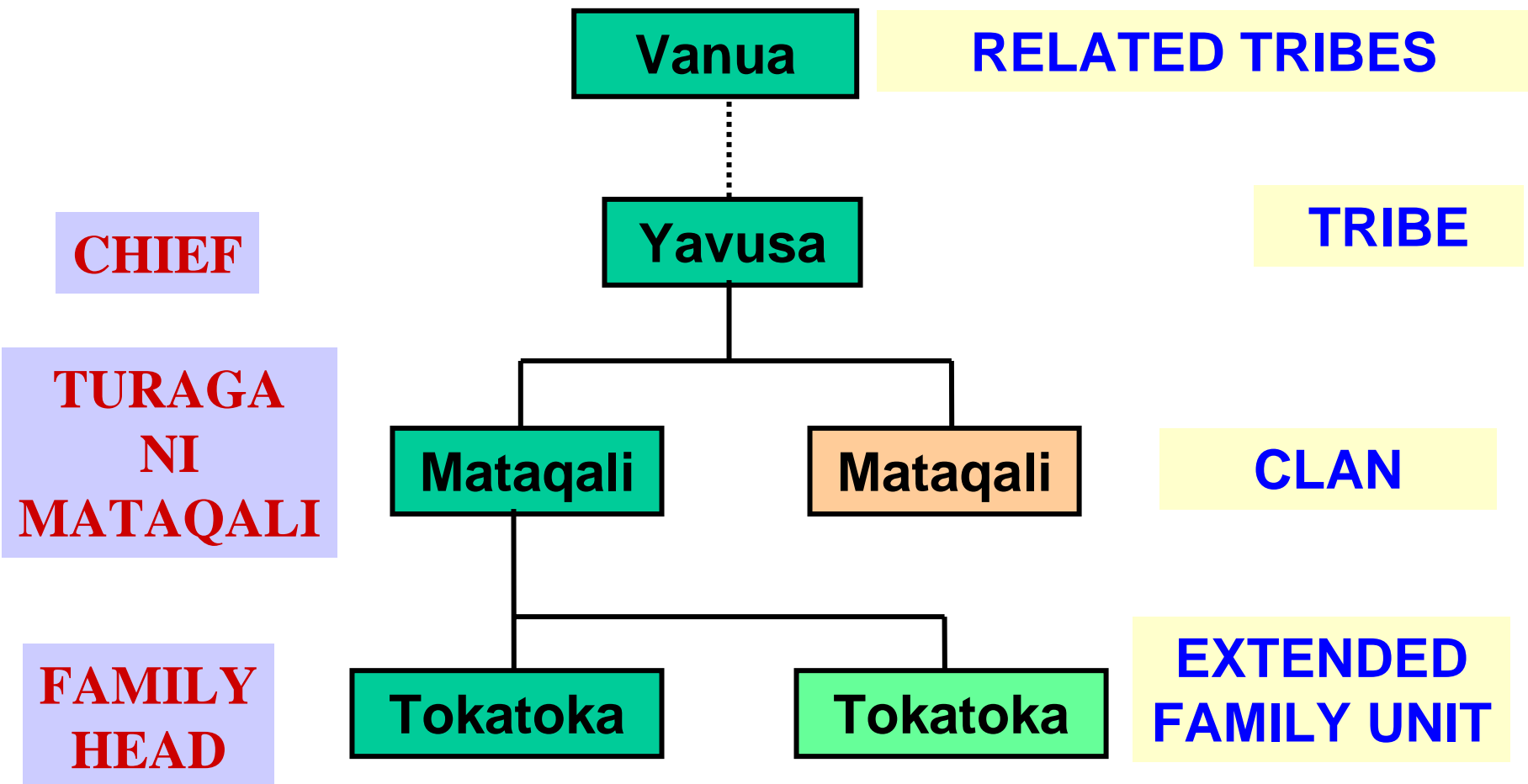
- About 90% of all lands in Fiji is owned communally by native landowning units
- These (with the exception of 1 out of 14 provinces) have all been surveyed in with clear boundaries
- All these lands have been entrusted to the Native Lands Trust Board to administer on behalf of their native owners under the Native Lands Trust Act



OVERVIEW ON COMMUNAL ISSUES

- Fiji's two major ethnic groups have been kept separate as a deliberate Colonial Policy
- Governments have stood and fall on the communalisation of land issues and attempts are now being made at national level to reconcile this issue.
- The problem for us though is that when land issues are politicised we find that the center ground can change very quickly overnight

OVERVIEW ON FIJIAN NATIVE LAND OWNERSHIP AND GOVERNANCE STRUCTURES





SOME EMERGING NATIVE LANDOWNER TRENDS

- Authority of CHIEFS to rule over land controlled by their subject's clans is waning
- Private proprietary rights are now being asserted by forceful individuals in the clan, forcefully in some cases, causing a lot of conflict.
- The implication for us is to be present more and more in the field to be closer to the community and to preempt anything that may erupt
- Our limitation, as always, is FUNDING



OUR COMMON OBJECTIVE

- Attracting more prospecting dollars
- Develop new mines
- Ensure the smooth operation of existing operations
- Ensuring continual improvement to existing operations



CONTROLLABLE MEANS TO THE OBJECTIVE

- Transparency – everything is clear and fair to start with – policies, guidelines and practices.
- All stakeholders, including the landowners and the community, are regularly updated on work progress and their questions answered (*The new reality of mineral development (Clark & Clark (1999)) – a partnership alliance of industry, government, NGO's and indigenous people*)
- Ability of Regulatory Authority to intervene to resolve company-landowner standoffs
- Landowner and Community liaison is a joint effort by Companies and the Regulatory Authority



THE GOLDEN RULES TO LANDOWNER LIAISON WORK

- Set your boundaries first prior to meetings on what you can and cannot agree to but keep these boundaries to your team. Allow consensus negotiations within the boundaries and if someone attempts to go past the boundary explain your position and why you cannot go past that boundary.
- Be fair in your decision and dealings
- Maintain your neutrality in the eyes of the community
- Remember that for some communities the real questions will come after the formal meeting. So stay back and tell stories after meetings to await the real questions



HOW FIJI MRD DEALS WITH LANDOWNER AND COMMUNITY ISSUES

- Legislation
- Policy
- Guidelines
- Provincial Council Meetings
- Tikina/District Council Meetings
- Village meetings
- Monthly Landowner/Company meetings



THE IMPORTANCE OF GOOD COMMUNITY RELATIONS

Sugar Cane Farms

COMMUNITY-MINE BOUNDARY LINE

**Artificial Wetland for Mine
Waste Water Treatment**

Mine leasehold



CURRENT LEGISLATION

- Mining Act and Regulations and other Acts
- All minerals are owned by the State
- Act gives State very broad powers to allow access to minerals over all land types
- Gives overriding authority to the Director of Mines over all provisions of the Native Lands Trust Act, the Act which governs 90% of all lands in Fiji
- Mining Act is old and is being reviewed



OBJECTIVE OF A NEW MINING LEGISLATION

- “To provide a transparent and progressive regime for the assessment, development and utilisation of Fiji’s mineral resources which will accommodate the needs of a vibrant and safe minerals industry whilst at the same time protecting the rights of land owners and achieving acceptable economic, social, and environmental outcomes for all stakeholders”

ADDRESSING LANDOWNER AND COMMUNITY ISSUES



- New legislation to formalise many current practices
- Policy level - Fiji's Mineral Policy in 1997
- Comprehensive Landowner Compensation Policy being developed to formalise current practices
- Other initiatives being developed include Guidelines for Explorers and Government Officers in the field and a Social Impacts Management System

LANDOWNER AND COMMUNITY ASPECTS OF FIJI'S MINERAL POLICY



- Requirement on mineral developers to carry out EIA's including a socio-economic study on the surrounding community (despite there being no specific environmental legislation in place)
- Compensation to be paid to persons and communities adversely affected
- Progressive rehabilitation
- Mines will be required to contribute to a Mine Closure and Rehabilitation Fund

LANDOWNER COMPENSATION POLICY (BEING FINALISED)

4 Major Loss Categories



- Loss or Alteration to the Natural State of the Land
- Social and Cultural Disruptions
- Damage to the Natural Environment
- Loss of Amenity, Recreation and Conservation Values

SOCIAL IMPACTS MANAGEMENT SYSTEM (BEING FORMALISED)



- Based on the use of questionnaires with a set range of questions over time but requires careful control and skill to maintain sample representativeness
- People can be uncomfortable at being asked certain questions
- Background research of a native community needed before hand (taboo questions, etc.)
- Government management measures for managing social impacts is based on one underlying principle : That of ensuring the continuing cohesiveness of the native society fabric



TIERS OF LANDOWNER CONSULTATION PROCESS

- National (FAB, GCC, Roko Tui's Forum)
- Provincial
- District
- Village
- Mataqali
- Individuals (where elders held sway and for privately owned or leased lands)



DIFFICULTIES WE FACE

distance vs. available resources

KEY

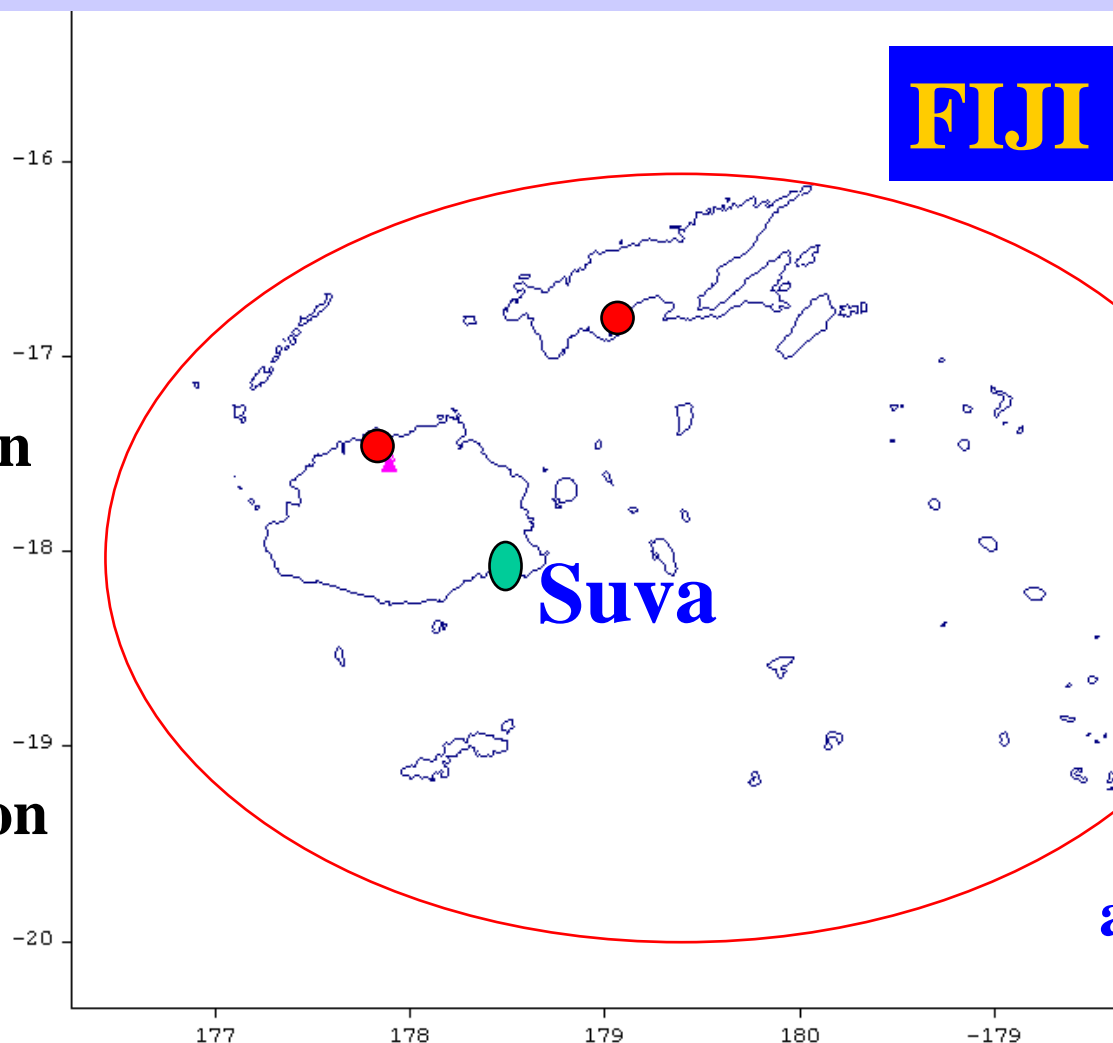


**Exploration
Administration
Area**



**Mines
Administration
Area**

FIJI GROUP



**In 2002
23% of
allocated
operational
Budget for
Mines
Division
used on
community
and landowner
liaison work**



DIFFICULTIES WE FACE conforming to traditional norms



- Getting movement where it is customary to wait
- Most of the information they will remember is oral
- They want people who can say “yes” or “no”
- Where body language is read and remembered
- Where trust is earned slowly but can be quickly lost



WAYS OF OVERCOMING THE DIFFICULTIES

- Distance and Resources - prioritising
- Send people with authority and with information at their fingertips to community meetings
- Building up TRUST and GOODWILL with the community





CONCLUSION

- Landowner and community liaison is not easy nor cheap
- It requires patience, kindness, fairness, understanding – in fact, all the virtues there are
- It requires financial support to be successful
- Companies (and in the Pacific - Mines Departments) should be serious about it if mining operations are to be successful (*for e.g.: Inco's Goro Nickel mine/smelter in New Caledonia being forced to withdraw \$US1.4 billion investment due to unresolved landowner issues – Fiji Times Saturday 14th September 2002*)



and LASTLY, restating the OBVIOUS

“The benefits to a company of working in a community that trusts it and respects what it is doing will come through the smooth day to day running of an operation. Success in this context is measured in terms of what does not happen rather than what does; the absence of local tensions, of time spent in dispute or litigation and of not having to absorb the costs of regulatory impositions which were unplanned and unbudgeted”

(Humphreys D.(2000)Resource Policy 26;127-131)