

# Urban squatters and the poor in Fiji: Issues of land and investment in coastal areas

*Jennifer Joy Bryant-Tokalau*

Te Tumu, University of Otago, Richardson Building, Castle Street, Dunedin 9054, New Zealand.  
Email: jenny.bryant-tokalau@otago.ac.nz

**Abstract:** *Pacific land issues are not only about Indigenous ownership in rural areas. Within urban areas in particular, land historically alienated into State control produced consequences only now being realised. In Fiji, all State land is claimed by communal landowners and such claims were said to be one reason for the 2006 coup. It has been suggested in recent times that urban informal settlements on the qoliqoli (coastal and foreshore land) are at risk and face increasing challenges from landowners. This paper examines a neglected area of urban State land in Fiji and comments on the future of the urban poor in Fiji if land tenure is unresolved.*

**Keywords:** *Fiji, housing, land tenure, qoliqoli, urban poor*

## Introduction

Pacific land issues are not only about Indigenous ownership in *rural* areas. Within urban areas in particular, land historically alienated into State control produced consequences only now being realised. In Fiji, all State land is claimed by communal landowners and such claims were said to be one reason for the 2006 coup (Baba, 2006). It has been suggested in recent times (Bryant-Tokalau, 2012) that urban informal settlements on the *qoliqoli* (coastal and foreshore land) are at risk and face increasing challenges from landowners whether legal or not. Earlier research by this author examined what seemed to be a neglected area of urban State land in Fiji.<sup>1</sup> Future plans are to assess the numbers of people living in these areas and to speculate on the future for the urban poor if land tenure is unresolved.<sup>2</sup>

The long-term aim of the earlier coastal research was to investigate to what extent the insecurity of urban State land could underpin future political conflict, how much population displacement might result, and what would happen to the living standards of these informal settlers. The initial project was focused on key research questions such as how well understood

the current legal status of the coastal land was among current policy makers, community leaders and the wider public; how many informal settlers lived on the *qoliqoli*, including their ethnicity and socioeconomic status, variations between major urban areas; and finally, the vulnerability of those living in urban fringe areas.

The larger research project concept seemed logical, but did not, when developed in 2010, take into account the vast amounts of new (largely Asian) money entering Fiji, the significant urban developments on both State and native land, and the impacts of those developments on the poor. The other aspect underestimated in the initial project plan was vigorous community response through non-government organisations, as well as individual and community responses to the Fiji Constitutional Review, around land. Aside from commentary and debate around land and its ownership, the other unanticipated change was apparent efforts by the interim government to deal with urban housing, especially for lower income earners. In short, there seems to have been a sea change in thinking about the future of the urban poor, but more than that, there has also been development of policy, and commitment in terms of changing legislation and

provision of funding.<sup>3</sup> How all this will ultimately benefit the urban poor will not be seen for several years, but the building blocks may well be there, if land issues are resolved and transparent. It is these approaches in the face of new urban investment that will be the focus of this paper.

### Background: Land tenure and urban housing

In much developing world academic literature on land tenure, a major emphasis is on strengthening property rights and improving security of tenure. It is believed by many that secure tenure will allow increased investment, potential for development and more sustainable incomes. Whilst some land titling schemes in Asia have been successful, land registration or titling has proved more difficult in the Pacific because of the complexity of customary tenure and strong cultural ties to land, even where land is legally 'alienated' to the State or Crown (Colonial Office, 1879).<sup>4</sup>

Conflict is likely in the future to originate in the towns of the Pacific that now not only contain more than half the population, often with people living in difficult circumstances with no security, but also are places where inequalities are becoming more obvious. A dominant discourse has been that rural, not urban land is a focus of conflict. Like most post-colonial cities, Fiji's urban areas are structured along the classical lines of port city, headquarters of government, banks and industry, initially highly ethnically and economically segregated, and frequently with Indigenous land alienated for the purpose of establishing the urban centre. Suva differs little from urban areas in other Pacific nations in these respects and the legacy of alienated urban land continues in Solomon Islands and Papua New Guinea for example.

In Melanesia much of the land tenure debate focuses on rural areas and assumes that land exists in three fixed categories: communal, State, and private ownership, or in leasehold arrangements based on these tenure types (Cole, 1993; AusAid, 2008). The governance of rural communal land is assumed to be problematic, for example, over issues such as traditional land-owning institutions and market production, rainforest logging and population growth. A contraction, not expansion, of the communal

sector is often assumed or advocated (AusAid, 2008).

Despite recent work on Pacific urban land tenure and on urban settlements (e.g. McKinnon *et al.*, 2007, unpublished data; Chand and Yala, 2008; Pacific Islands Forum Secretariat, 2008) these studies do not differentiate between communal and State land and tend to focus on the complexities of customary land whilst assuming that State land is 'alienated' forever and beyond study. In 1969 France (1969) showed how the current land tenure system in Fiji was adopted as a 'protective device' but is now regarded as 'tradition' (p. 174), yet he discusses only land that has been registered as 'native' while State (or Crown) land is mentioned only in passing. The issue has remained largely off the public agenda, and even when the 2006 Qoliqoli Act caused dissent, most of the debate was around coastal land in tourist areas with no discussion of the impacts of re-titling on urban settlers. Baba (2006) reviews the historical justification for the Qoliqoli Act, and Bryant-Tokalau (2008, 2010) has highlighted the impact of the Act for urban dwellers but there has been very little wider discussion, indicating a major gap in research.

Insecurity faced by settlers on urban State land, particularly around coasts and water courses, has not been studied even though these people face growing uncertainty. The number of marginalised urban dwellers is growing and, all across the Pacific, ethnic nationalist movements promote the return of all State and private land, including urban, to traditional landowners (Baba, 2006). In Honiara, Solomon Islands, the demand by landowners for the re-titling of State land occupied by growing numbers of urban squatters was integral to the ethnic conflicts of 1999–2003 (Fraenkel, 2004: 11). Much of the commentary dwells on potential urban squatting futures for Pacific towns where as many as 40–50% of populations reside in informal settlements, noting that 'squatter and informal settlements will become the dominant form of housing and land development in Pacific towns and cities in the next 15 years' (Jones, 2012: 327). A major debate, that of land ownership and its potential for conflict and alienation, whilst acknowledged, is rarely analysed.

In Fiji, where squatting/informal numbers are growing (Bryant-Tokalau, 2012; Jones, 2012),

the growing debate about the status of alienated State/Crown land resulted in a draft Qoliqoli Act in 2006 which aimed to re-title all coastal land in favour of Indigenous Fijians (Government of Fiji, 2006).<sup>5</sup> One reason for the coup in Fiji that year was deemed to be the threat posed by this Act to tourism, urban jobs and the livelihoods of people living on land claimed by the State since cession in 1874 (Baba, 2006; Fraenkel, 2008: 457).

Fiji is often noted as a country that has successfully enacted a land registration system, but there are many cracks in that system and it is considered unlikely that other countries will emulate the development of a Native Land Trust Board.<sup>6</sup> Urban State land has sustained for generations a large and growing population and yet that land's ownership is increasingly insecure and the subject of popular critical discourse. In Fiji a growing number of urban informal squatters continue to remain outside access to Housing Authority developments and urban land reform.<sup>7</sup> Had plans developed in 1986 in preparation for the International Year for Shelter for the Homeless in 1987 come to fruition (Housing Authority, 1987), the situation may well have been very different.<sup>8</sup> Until recently, if physically relocated, squatters went to expensive, isolated settlements far from town; but more often they were simply ignored, leading to the possibility that conflict and disaffection would grow leading to unpredictable outcomes.

Fiji's population is 51% urban and 420 000 live in urban areas, particularly in Suva but also other sizeable towns (Asian Development Bank, 2012: 14; Government of Fiji/UN Habitat, 2012: 1). Around 230 'squatter' (informal) settlements exist, housing approximately 100 000 people or 16% of Suva's population (Barr, 2012). How many live on State land, and specifically on coastal State land is largely unknown and surveys being carried out by NGOs such as the People's Community Network in Fiji have yet to be analysed (Barr, 2012). It is estimated however that squatter numbers increased by 5% during the period 2007–12 (Qalowasa, 2012). Housing and poverty researchers in Fiji often comment that the reason informal settlers prefer to reside on State land is because they assume they will eventually attain leases from government (Lingam, 2005: 5) but more recent evidence

suggests that urban migrants prefer to move to native land under arrangements with Indigenous landowners, largely because of the overcrowding of State land (Kiddle, 2010).

Since 2010, increasing investment in Fiji, as well as a perceived growing level of interest by new donors have caused public comment, and may require a re-examination of urban State land, given the infrastructural development taking place in these areas. While Australia and New Zealand have stood back from full engagement with Fiji in the wake of the 2006 military takeover and the formation of a non-democratic government, other donors and partners have taken a more long term view. China, and to a lesser extent Malaysia, Taiwan and Korea are often said to have provided significant amounts of money and investment in Fiji (and the wider Pacific) in the past few years.<sup>9</sup> The levels of investment and aid may not, however, be as great as they first appear. China (for whom 'there are no rogue states' (Yang, 2011: 308–9) and for whom foreign policy is 'global in scope' (Porter and Wesley-Smith, 2010: 2) has, according to Porter and Wesley-Smith, played a cautious, long game in dealing with Fiji and the Pacific generally. The apparently large amount of aid after the 2006 coup<sup>10</sup> has caused media and other comment from the traditional partners of the United States, Australia and New Zealand, but it may reflect a desire for more economic, rather than military or security involvement. Of interest in this paper is the type of infrastructural developments which are occurring, such as squatter redevelopment, new cities, and support for the building of new government offices. These developments usually involve urban land, including that which was both State-owned and under native title.<sup>11</sup> In the light of these recent influences, this paper focuses on that changing face of urban Fiji, the significance of new developments on urban State and native land, and the impact of these developments on the urban poor.

## **New urban developments in Fiji**

### *Clearing the tiri*

In the past 5 to 10 years the urban face of Fiji has undergone significant transformation. This is largely taking place in the capital, Suva, where

the bulk of investment is occurring, but there are indications of future developments in Nadi, the tourist capital. Suva is a relatively large city (the second largest in the Pacific, after Port Moresby) covering 6500ha with a population in the wider area (Greater Suva) of over 200 000 people (UNESCAP, 2012). Most growth is in the Nasinu-Nausori area, outside the city boundaries, and this is where most development pressure is occurring. The most obvious change is extensive clearing of *tiri* (mangrove), reclamation of those areas and, at least initially, the construction of new housing developments. An early example was on Fletcher Rd, Vatuwaqa in Suva, near the major sports complexes. New shopping centres near the University of the South Pacific, such as Sports City and Garden City are also catering to the majority of Suva's population which is gravitating northwards where there is more freehold land, and also to be near major employers in industry and education. Informal settlers are also concentrated in those areas of Suva, largely in mangrove areas on land owned by the State, such as Fletcher Rd, Wailea and Nanuku and further out towards Nausori (Fig. 1). More recently, however, some of these settlements are being relocated and more dramatic clearing is taking place. The obvious extent of the reclamation is raising several important questions about where people are moving to, and what might be the environmental impacts of such large scale decimation of mangroves. What is intended to be built on this land is also of concern, particularly as some of the development intentions seem murky, or more positively, almost too good to be true.

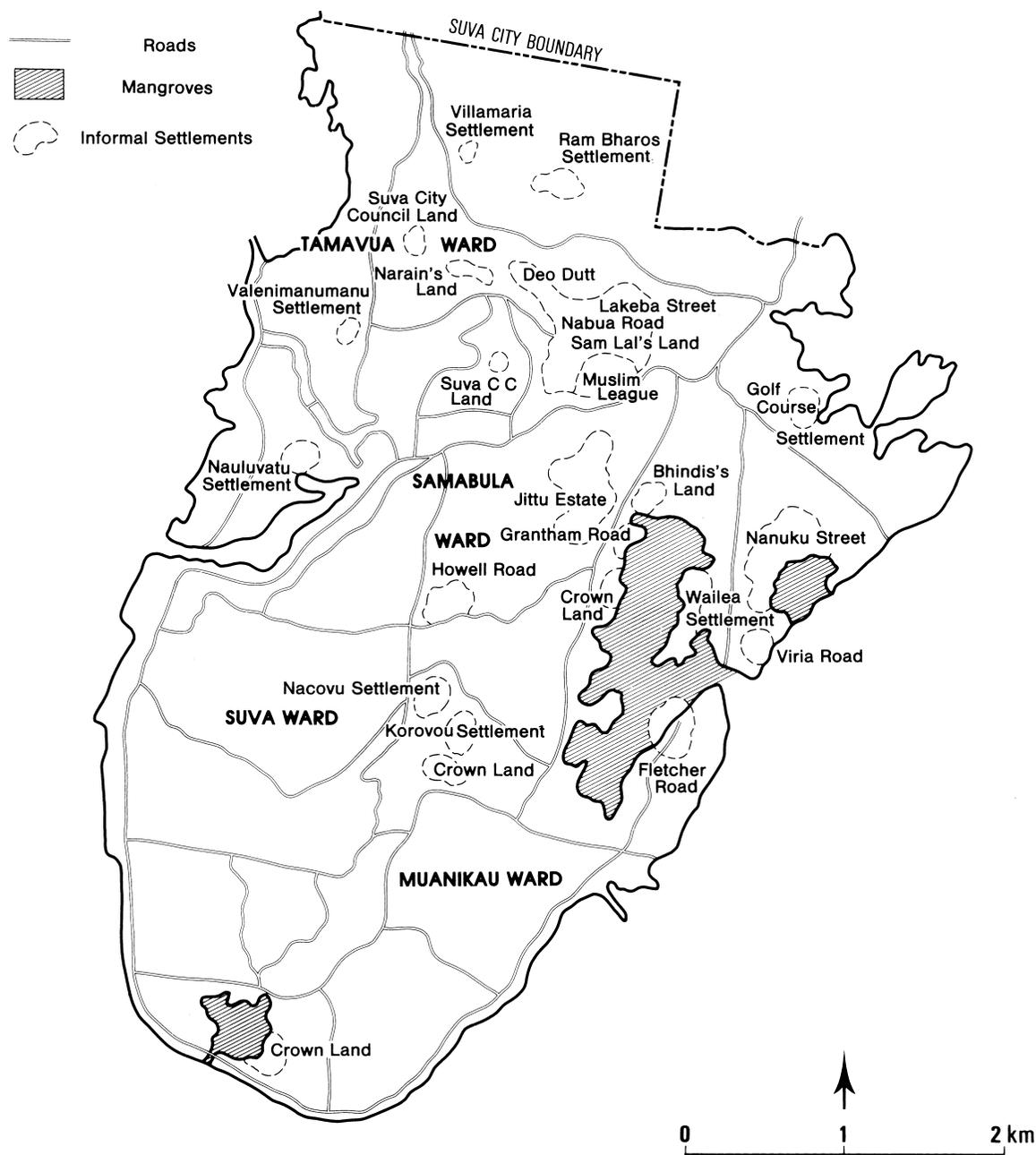
The Government of Fiji advertised for expressions of interest to develop State *tiri* land in several areas. Advertisements in the *Fiji Sun* on 21 June 2012 called for development proposals for 1.3 ha of industrial development at Walu Bay (along Edinburgh Drive), the very large area of 148 ha for commercial and industrial development near the Vatuwaqa River (including the settlement of Wailea) and 11.4 ha of residential development at Nasese (along Queen Elizabeth Drive). In all cases, developers were to be offered five-year development leases, with a 99-year lease once conditions of the development lease were met. These conditions include all approvals such as Environmental Impact Assessment, fishing rights compensation, reticu-

lation and services. Earlier development of mangrove areas on the other side of Suva, near Lami town at Nadonumai opposite the old Lami waste disposal site, involves the creation of a subdivision of 19 heavy industrial lots and an open space reserve. The extensive clearing of mangroves at Nadonumai, on the main Queens highway, has caused comment, as has a site beyond Lami which is rumoured to become a new cement factory, and it is noted that meetings to discuss environmental impacts have been held but that there is little comment on the resettlement of current mangrove dwellers.

The lack of media comment is interesting although perhaps not surprising at the present time.<sup>12</sup> In June 2012 a young student attempted to have a letter published in the *Fiji Times* responding to an earlier comment of concern around mangrove cutting. The letter was never published<sup>13</sup> but essentially it pointed out the contradictions of sending people to the Rio environment conference whilst at the same time cutting the *tiri* to make way for major developments and then suffering the consequences of severe flooding. The concern of many young people and environmental groups is for the future of the coastal areas, fish breeding grounds and protection of resources. Again, commentary on the future of those living in these areas seemed to be missing.

#### *Government and community approaches to squatting*

Barr, writing in 2007, viewed such a lack of concern for the poor and squatters or informal settlers as stemming from the Ministry of Housing's<sup>14</sup> threefold housing policy which was internally contradictory, wavering between a hard approach and compassion with policies of eviction, resettlement and upgrading (Barr, 2007: 21). Until 2007 Barr noted that the Ministry's way of dealing with squatters tended to be 'top-down and authoritarian, with limited consultation' (2007:21). There have been various attempts at consultation over the years, and many have commented on the need for and value of genuine dialogue (e.g. Barr, 1990, 2007, Bryant, 1992, Mohanty, 2006, Storey, 2006) but much of what has been established, such as the National Squatter Council, has



**Figure 1.** Suva city and informal settlements  
 Source: Bryant, 1993: 69. (Map updated by the author in 2013.)

lapsed (Barr, 2007: 21) or has achieved only limited outputs. Barr recommended, in his 2007 paper, a 'new radical approach' by government and city councils (2007:26) and provided a list of recommendations surrounding participatory approaches, such as dealing with land leases, raising wages, surveying land, provisions of services, encouraging the work of NGOs and other

organisations working with the poor. As shall be demonstrated below, with the discussion of Lagilagi, strata titling, and the successful programmes of the Peoples' Community Network, by 2012 many of these suggestions were under implementation.

Since 2010 urban development and its potential impact on the poor, squatters, informal set-

tlers and other city and town dwellers has entered a new phase. Three significant changes have occurred. Firstly there is the more prominent role of non-government community organisations working to support the poor in housing projects that do not involve resettlement and isolation but instead closely involve the settlers themselves. The most notable is the People's Community Network,<sup>15</sup> which seeks to empower squatter and poor communities to identify their problems and to devise plans to overcome them. Uppermost in the minds of PCN is decent housing and long term leases for the poor. Secondly, the Interim Government of the Republic of Fiji has developed and had approved a National Housing Policy which recognises the role of squatters in urban centres and which aims to work with those squatters and informal settlers in providing mixed housing developments whereby the poor will be subsidised into housing by the wealthier (Bola, 2012 pers. comm., Government of Fiji, 2012: 13–16). Finally there is significant investment by Malaysian and Chinese companies into urban areas with the stated intention of building new towns, again of a mixed development type that will enable the poor to have affordable housing and access to all manner of urban facilities.

It is difficult to get specific information as to how far overseas investment is driving Fiji government housing policy, but certainly the extensive proposals require significant funding. The government is emphasising more participatory approaches in housing, including the involvement of tenants in upgrading and development works – a type of 'sweat equity', and in addition is committed to not only providing housing, but also water, sewage, roads and other services as well as leases. Already several settlements are being upgraded including, between Suva and Nausori the settlements of Sasawera, Bangladesh, Lakena, Vatoa, Lagilagi and Caubati, in Ba the settlement of Badrau, and near Nadi, Cuvu settlement. Other settlements are being relocated near where they currently stand.

Generally the redevelopment of the settlements is carried out under partnerships of government, NGOs and overseas donors. Lagilagi settlement near Jittu estate in Raiwaqa, Suva is being driven by PCN and the local community,

with the Department of Lands having granted a 99-year lease, government having provided \$1.4 million FJD and MISEROR, a German donor agency, providing \$1.3 million and money from the settlers themselves. The upgrading of the homes is not a donation, however. People are to pay off half to one-third of the house over a 12-year period and the money then becomes part of a revolving fund so that new homes may be built. They also provide labour for construction and thus develop skills that can be put to use in the long term (Barr, 2012). Others such as architects, engineers and business organisations have also become involved. The project is nearing completion but is still short of funding.<sup>16</sup>

### **Lagilagi and strata titling**

To avoid ownership of land that may ultimately lead to sale and speculation, the People's Community Network is proposing strata titling whereby people living in the settlement firstly provide their labour where possible ('sweat equity') followed by paying one-third of the cost of the house over a 12-year period. They then have ownership through strata titles but the land remains the property of the PCN. If people leave, they sell their house to the community and it is then re-sold to another family (which must be part of their savings project) (Barr, 2011: 1). This is possible as the community has been granted a 99-year lease from the Lands' Department. PCN's long term plan is to repeat this model in other settlements (but only where land tenure has been secured). If this arrangement succeeds it will demonstrate that community housing is not only desirable, but also possible, as everyone concerned will have a stake in the community's future as they have contributed to the development through labour and finance, and also community planning and consultation.

### **New towns and foreign investment**

At the other end of the scale is the proposal for the development of the Housing Authority's \$1 billion Waila City 20 km north of Suva,<sup>17</sup> funded by a Malaysian development partner 'Top Symphony' under a Private Participation Partnership arrangement (Fijilive, 11 May 2012). The Fiji Housing Authority initiated the project (<http://www.wailacity.com/about-waila-city.php>) and

it obtained approval in principle in April 2011 (Government of Fiji, 2012). When the development was first floated early in 2011 there were no firm commitments made, and the project was categorised by some as merely 'hype' along with many other Asian<sup>18</sup> investment projects (Fraenkel, 2011: 468), but by May 2012 the project looked set to start with the Housing Authority signing a 10-year agreement for its construction (Fiji Live, 2012 <http://www.fijilive.com/news/2012/05/ha-begins-work-on-waila-city-phase-1/42881.Fijilive>). The first phase of the 7-phase, 10-year project aims to provide '1700 affordable residential lots'<sup>19</sup> as well as commercial activity. In the entire 10-year life of the project up to 5000 serviced lots for 'mixed residential development' are planned Waila (Bola, pers. comm. 9 July 2012; Government of Fiji Project document, 2012:6).<sup>20</sup> Ultimately, on the 821.01 acres of land to be developed over the 10-year period, major facilities such as a police station, health clinic, rugby stadium, school, markets and a bus terminal are planned (<http://www.wailacity.com/about-fiji.php>).

Top Symphony's objectives, according to its website, are to 'create a new city in Waila that is attractive, livable and sustainable for living, working and recreation'. Key objectives include a self-contained city with a range of housing types, with good community facilities, transport and recreation. On the master plan of the layout of the proposed city 43% of the accommodation is labelled as affordable or low-cost but there is no detailed indication of how this is to be determined. By October 2013 it was announced by the Fiji Housing Authority that progress on the Waila development was 'in progress but at a slower than anticipated pace' (<http://www.fijitimes.com/story.aspx?id=249655>).

The Waila area is notable for its extensive area of mangroves, which have been removed and the land is in the process of being reclaimed, and for several informal or squatter settlements. It is also the site of a less than successful housing subdivision originally intended to be developed by 600 resettled squatters. Thornton (2009: 889) describes the subdivision as an attempt by government to address the 'increased demand for affordable housing and as an alternative to squatting in the greater Suva area'. There were plans to provide basic infrastructure such as roads, water and

electricity but by 2006 very little had been developed, largely because the costs were too high for low-income earners. Thornton comments that those to be resettled were not really consulted and therefore the planned subdivision failed as it did not take into account people's needs, especially the need to be close to employment, transport and schools (ibid: 884). Thornton stresses (p. 892) the Fiji government's failure to take into account 'negative impacts of relocation on affected persons' and the need to have concern for restoration of livelihoods after resettlement' (ibid).

Given the failure of the earlier Waila resettlement scheme, it is pertinent to consider the new \$1 billion development today. The dramatic growth of Suva, especially northwards towards Waila and Nausori, may well mean Waila City and housing settlements in general located far out of the city may have a better chance of success. No longer is 15–20 kilometres considered too far out of town, especially as employment is also increasingly to be found in the area. The position of very low-income earners must still be considered, however, and there is little evidence in the plans for Waila City of just how the lower income earners will be catered for. The involvement of the private sector is also promoted, and this is where Top Symphony comes in, and also where some commentators have doubts. Waila City has been the subject of some blog commentary (<http://intelligentsiya.blogspot.co.nz/2011/01/waila-city-hype.html>, and Coupfourpointfive which called the scheme 'The Mother of all Scams') <http://www.coupfourandahalf.com/. . /mother-of-all-scams-waila-city.html>, with questions being raised about the need for such a development, the ability of the Housing Authority and government to repay the loan, building standards, personal connections of those involved as well as the lack of a transparent tendering process. Interestingly there has been little commentary on who will eventually benefit and whether or not the poor informal settlers will indeed be eventually relocated into affordable housing.

#### *Dilemmas: National housing policy and affordable housing*

In general the government, and particularly the Housing Ministry is moving quickly both to

upgrade informal settlements, and to relocate where necessary. Each year \$1.5 million in capital works is set aside for this upgrading (Bola pers. comm.). The National Housing Policy (2012) recognises the urgency to provide 'accessible, decent and affordable housing to low income groups (p. 13) but it also recognises that this is a costly exercise and that alternative strategies for providing sufficient housing need to be found. There is a wide range of strategies (p. 14) including targeting, more construction opportunities, empowerment, enablement, and the transfer of maintenance and other work to the tenants themselves.<sup>21</sup> One presumes that the offer of \$1 billion in investment for a project that will include affordable housing is an offer too good to turn down.

According to the Department of Housing's Public Sector Investment document 'The Town Wide informal Settlement Upgrading Projects [i Taukei Land], written as part of the 2013–2015 Public Sector Investment programme (Government of Fiji, 2012), a major focus in the government drive towards eradicating poverty is by 'the provision of housing and land opportunities for all', largely through infrastructure and affordable housing for 'low income earners and those with special needs' (p. 1). The document particularly focuses on land in the Suva-Lami-Nausori corridor where, over the three years 2013–2015, the demands of growing numbers of squatters/informal settlers will need to be met. It is noted that this area of the country has the largest volume of those in need, with high levels of insecurity and stress, and with poor sanitation causing various health issues (p. 2). Although the document recognises the situation in other areas of Fiji, the initial focus is to be Suva.

In order to deal with the magnitude of the challenge it is proposed that a 'consultative and participatory approach with all stakeholders' be adopted and that joint ownership and cost sharing be part of the planning (p. 4). Acquisition of Native Land is one strand of this planning and although it is possible to view with cynicism a project document with more words than actions, it does appear that activity is taking place, and with the agreement and support of communities, non-government organisations and businesses.

By mid 2012 the Ministry (with its partners) had completed 17 of 24 activities proposed under the new housing policy. It had also hired consultants and secured finance. New housing developments and subdivisions are already underway including Tacirua, Nepani and Mataivolivoli with a total of 2100 lots, and \$1 million has been set aside for the very poor and destitute to be housed with HART, the Housing and Relief Trust. Squatter resettlement is also proceeding but is less focused on moving settlers far from the cities than upgrading their existing settlements. The government is also actively seeking land in other areas,<sup>22</sup> especially Vanua Levu where there is a low-cost housing crisis in Labasa.

Such apparent success looks very positive in the public sector investment document but some of the larger projects being built to help subsidise the subdivisions and housing for the poor are very dependent on overseas investment not only from Top Symphony in the Waila City project, but also from a variety of other sources. These include a \$20 million soft loan from China EXIM Bank for housing construction in Raiwai and Raiwaqa in Suva, an area which previously housed low cost housing estates, now bulldozed and being redeveloped to meet demand for better quality, low income rental accommodation.

The approaches to providing housing are thus many and complex. On the one hand there are the more expensive subdivisions and new cities, but collaborative housing partnerships are also strongly underway such as in Lagilagi and other settlement upgrading in partnership with organisations such as the People's Community Network noted above.

### **The future of Fiji's urban State land**

Urban State land in Fiji is under a great deal of pressure. Not only has it long been targeted by squatters or informal settlers because it is viewed as 'public' (Barr, 2007: 16), but is also viewed as native title by Indigenous Fijians despite the uncertainty of its legal status, and is increasingly being targeted by developers. With the pressures of growth, especially in the greater Suva area, it is hardly surprising that land values, as well as rental prices have risen steadily. This would appear to be contrary to the

economic impact of several military coups since 1987 and the external views of Australia and New Zealand that the economy is in poor shape.<sup>23</sup> What is very apparent, however, is that both inequality and poverty have increased in the last 30 years (Narsey, 2008, 2012; Bryant-Tokalau, 2012) making the prices of land and housing simply unaffordable for low income earners. Barr (2007: 17–18) notes the increasing influence of overseas property developers selling Fiji (and other Pacific) land on-line, resulting in inflated prices.

The issue may be seen to be exacerbated by the fact that most land is native owned, making it difficult to carry out housing developments. In fact much of Suva housing is on native lease (although the lease periods are shortening), but the small amount of freehold land is at a premium, making State land more attractive. All of these pressures disadvantage the poor (Government of Fiji/UN Habitat, 2012: 17). As noted above, the Fiji Government has a number of policy measures in mind to provide access for the poor to land, and ultimately, housing. These involve regularising informal settlements, having mixed developments, flexible approaches and better record keeping (Government of Fiji/UN Habitat, 2012: 17–19), but nowhere in this list of policy measures is urban State land specifically mentioned. This is partly to do with the complex nature of the urban land scene, but it may also be that State land, located as it is on foreshores and the banks of watercourses, is very desirable for industry and other major developments.

Several academics in Fiji, including myself, have over past decades promoted the views of Hernando De Soto on land and property advocating that 'legally integrated property systems' enable the poor 'to convert work and savings into capital' (De Soto, 2000: 227). Such a conversion, it is then argued, gives title over land to the poor in order that they can participate in the market. De Soto also points out, however, that understanding social relationships and overhauling the legal system is a necessary part of this change. He argues that in order to achieve this, 'capitalism is the only game in town' (2000: 227–8). It is understandable with growing inequality and more difficult situations facing the world's poor, including in the Pacific, that formalised and individual secure land

tenure becomes very attractive. Peter Larmour, however, writing on institutional transfers and good governance (2005) demonstrates through a summary of various attempts in the Pacific to register and codify land, that customary land registration has generally been a failure (p. 56–66) carried out under the guise of 'development' which benefits only a few, or as an attempt to 'write down custom' (p. 66), implying that the outcome of secure ownership is secondary and simplistic (p. 194). Larmour understands that no matter what laws are enacted, local behaviour does not change (*ibid*) and thus more attention needs to be paid to what traditional forms of property ownership, such as communal systems, can offer to the wider world, rather than the unidirectional view that western registration and codification is the only acceptable form of land tenure.

At the specifically Fiji level, Barr (2007) reminds us of some of the dangers of individual land security leading to speculation, and the poor being at the mercy of wealthy developers, removing (it is assumed) land from the reach of the poor. Communal approaches to land tenure, perhaps along the lines of traditional ownership, could be one response, but given the changing nature of urban communities which are not only multi-ethnic, but also multi-generational and from many different parts of the country, land tenure along traditional ownership lines may not be viewed as practical under current economic systems. One compromise may possibly be found in strata titling discussed earlier with respect to Lagilagi and the Peoples Community Network. The government housing body seems to agree with such an approach and although its policy also encourages private sector investment, it also discourages speculation (2012:29) and encourages secure land tenure for the poor (p. 29).

### **Future of the urban poor on State land**

This paper set out to demonstrate that in urban areas of Fiji, land historically alienated into State control has led to consequences only now being realised. As the research progressed, it became clear that the vast amounts of new (largely Asian) money entering Fiji were having a significant impact on urban developments on both State and native land, and in turn, these

developments were having an impact on the urban poor. What was also significant was the energetic community response by non-government organisations as well as by individuals and communities to the Fiji Constitutional Review, especially around land. Along with these activities, vigorous efforts by the interim government to deal with urban housing, especially for lower income earners, seemed to be leading to real activity, not only commentary. Re-titling, availability of funds and an apparent genuine concern for the future and rights of the urban poor are not only being openly discussed but also acted upon. The sea change in thinking about the future of the urban poor, development of policy, and commitment in terms of changing legislation and provision of funding does appear to be taking place. As mentioned earlier it is not possible at this point to demonstrate how all this legislation and action will ultimately benefit the urban poor, but the building blocks may well be there, so long as land issues are resolved and transparent.

If words and written policies are to be believed, the future for Fiji's poor may be better than at any time in the past 30 years. As the Minister for Local Government, Urban Development, Housing and Environment states in his foreword to the new National Housing Policy:

There is a fundamental policy shift, one that moves away from *direct delivery of housing* to one of *enabling the housing sector as a whole* to perform better . . . it will also focus on settlement upgrading with integrated community based approach in partnership with disadvantaged groups/communities where even costs are shared with savings and sweat equity.

(Government of Fiji/UN Habitat, 2012: i).

Where does all this sit in the face of current events? Plans for informal settlers do not appear to include concerns over the future status of State land, especially the coastal, mangrove areas now being cleared for new developments. It is possible that the concerns held by many over the true status of coastal fishing grounds (the *qoliqoli*) may translate to questions of urban housing. As Techera and Troniak (2009: 124) feared with the granting of marine tenure – that it would ‘not provide . . . the legal status necessary to ensure that management restric-

tions can be legally enforced’, so it could be the case for those living on the *qoliqoli* – there is no legal status, and possibly, therefore, no need to respect the rights of people living in these areas.

## Notes

- 1 Bryant-Tokalau argued in 2010 that there has been much misunderstanding of the complexities surrounding Fiji land and the urban poor since 2000. She noted that within the three key pieces of legislation debated by the Qarase government, the *Qoliqoli* Act under which rights to the seabed, foreshore, and Indigenous fisheries of Fiji would be invested in Indigenous land-owners was problematic. This Act essentially recognised the rights of customary owners to coasts and other waterways. The legislation is stalled but could resurface if Indigenous Fijians demand to have land under their own control. The paper argued that ownership of traditional fishing grounds and rights to the foreshore may also remain an issue with developers and other groups, meaning that the situation of the urban poor, many of whom live on the *qoliqoli*, is very uncertain.
- 2 In recent years rural poverty has clearly increased as evidenced by Household Income and Expenditure surveys, but poverty, and more especially severe inequality is a growing issue in urban areas, the focus of this paper (for example, see Narsey, 2012).
- 3 The Housing Authority of Fiji, established in 1958, was developed out of concern to house the growing numbers of urban migrants, many of whom could not afford to buy homes. From its inception the HA provided low income homes, building codes and basic services. There was a huge gap, however, between demand and supply with around 1000–1500 sites and homes being provided annually in the first 25 years. There was also early recognition that many could not afford HA homes and so flats were built, as well as other organisations such as HART and NGOs attempting to fill the gap (Housing Authority, 1983: 9–11).
- 4 The issue of ownership of the foreshore and fishing grounds is not of course confined to Fiji. In Aotearoa New Zealand successive governments have grappled with the ‘rights’ and injustices of who owns the foreshore and seabed. Most recently in Solomon Islands the Solomon Islands Law Reform Commission (LRC) has commenced a consultation and enquiry into law and custom pertaining to land below high water and low water mark meaning the beaches, foreshores, reefs and seabed. Current Solomon Islands law views this land as customary if ‘customary ownership, use or occupation existed prior to January 1st 1969’ (*Solomons Star*, 28 October 2009).
- 5 The *Qoliqoli* Act, introduced in 2006 was intended to ensure that the rights to the seabed, foreshore and Indigenous fisheries of Fiji (currently State owned) are invested in Indigenous land owners. Had this Act been enacted it would have recognised the rights of customary owners to their coasts and waterways. It was never enacted but perception of both Indigenous claimants

- and tenants continues to be that the land alienated to the Crown (now State) since cession in 1874 is in fact 'native' owned and as such is compensated for when developments take place. According to Techera and Troniak, 'The legal significance of Crown ownership is that, without formal recognition of title to the coastal zones, Indigenous people with customary rights to fish in the *qoliqoli* are denied the opportunity to make important decisions regarding planning and development of the foreshore and seabed' (2009: 25). This being true, it was therefore considered (Bryant-Tokalau, 2012) that the return of the *qoliqoli* would have had significant implications for those living there, especially the urban poor who are largely informal migrant settlers of all ethnicities. It also has significance for those wishing to develop coastal urban land. The Act's formulation has re-ignited the desire of Indigenous Fijians to have the land recognised as theirs, and while there was anecdotal evidence of threats and actions towards the powerless in informal settlements, in fact Indigenous owners are being compensated by government in the new climate of major developments on this land.
- 6 Larmour (2005) writing on Solomon Islands, PNG and Vanuatu notes that the attempt to transfer a land registration from Kenya and Southern Sudan to Solomon Islands was not a complete success as each system of land registration is systemic to the country in question (p. 62).
  - 7 The numbers are never clear but recent socio-economic surveys of Fiji's urban areas demonstrate around 100 000 people living in informal settlements (Barr, 2012).
  - 8 In 1986, in preparation for the International Year for Shelter for the Homeless in 1987, a number of plans for low-cost housing subdivisions and the provision of basic services in existing settlements were drawn up by the then Ministry of Housing. The political events of 1987 saw an end to international funding for these plans and subsequent reviews of Housing Authority activities by the World and Asian Development Banks meant that these plans were never able to come to fruition (Housing Authority, 1989: 9).
  - 9 The relationships between New Zealand, Australia and Fiji have been well documented (Fraenkel, 2011). Essentially the two Pacific powers have been cool and non-conciliatory but there is evidence of more dialogue and some conciliation. See, for example, Murray McCully's address to the conference 'Democracy in the Pacific' at the University of Canterbury, 18 October 2012 <http://www.scoop.co.nz/stories/PA1210/S00314/murray-mccully-speech-to-democracy-in-the-pacific-conference.htm>
  - 10 According to Yang (2011: 305) pledged aid leapt from US\$23 million in 2006 to US\$161 million in 2007, but this was planned earlier and was for three major projects, all of which were to take place over a number of years. Recent aid from China is soft loans or grants, repayable over 15–20 years and are not as great as soft loans to Samoa for example (Yang, 2011: 307).
  - 11 The World Bank noted the dilemma posed by Fijian land ownership with respect to customary fishing areas. 'Under Fijian Indigenous customary law, land includes the adjacent fishing grounds (*qoliqoli*) and . . . although the law . . . provides that terrestrial traditional land (as opposed to *qoliqoli*) is held by the *mataqali*, there is no recognition of customary marine tenure either in a western legal sense or traditional communal sense. Therefore, there is a mismatch between what Indigenous people consider to be their property and property rights as defined by the national legal framework. As a result, since 1880, marine tenure has never been granted the same status in Fiji as land tenure' (World Bank, 2000: 16).
  - 12 On 25 June 2010 the Interim Government of Fiji introduced the Media Industry Development Decree 2010. The decree placed restrictions on foreign media ownership and jail terms for journalists whose work violated 'public interest or order'. In 2012 several amendments appeared to reduce restrictions but the situation remains unclear, especially as media restrictions can give the appearance, in terms of public media, that life continues as normal (Prasad, 2012: 558).
  - 13 I was shown the materials discussed here during an interview with a well-known and well-respected local non-government organisation.
  - 14 Ministry of Local Government, Housing, Squatter Settlement and Environment (MLGHSSE)
  - 15 PCN is an outgrowth of ECREA, the Ecumenical Centre for Research, Education and Advocacy
  - 16 On 9 November 2013 the first 32 units were made available to the settlers of Lagilagi. Fiji Times Online, Saturday 9th November <http://www.fijitimes.com/story.aspx?id=250730>
  - 17 Wailea does have a 30-year history of planning for urban development. In 1981 there was a proposal to develop a major housing estate there during the Development Plan 7 period. The project did not materialise because the area was considered to be remote from services. In the next development planning period aerial photographs of the area were produced, a master plan drawn up and provision for services made (Housing Authority, 1983: 15).
  - 18 There is much debate about the role of Asian investment, especially from China, throughout the Pacific. The debate revolves around sovereignty, political influence and the motivation behind such loans, aid and investment. Some urge caution in dealings with the 'trojan horse' (Barr, 2012), reminding governments to seek balance and to maintain domestic sovereignty (p. 2).
  - 19 Affordable means houses valued at around \$40 000–\$50 000.
  - 20 A webpage promoting Wailea City is available on <http://www.waileacity.com/about-fiji.php>
  - 21 The Housing Ministry also recognises the importance of good environmental management. On page 46 of the National Housing Policy under Planning, Environment and Climate Change, it is explicitly stated that 'planning and development for housing [is] to be undertaken in consideration of important environmental issues and effects of climate change'. Whilst the removal of mangroves for development is not specifically mentioned, under intervention strategies the

policy states that a 'survey of settlements [will] ascertain the vulnerability of settlements in marginal land to climate change, and take adaptation measures. . . . Including resettlement, sea walls . . .' etc. 'Environment' in this policy therefore appears to refer only to climate change and not to potential impacts of other events such as vegetation removal.

- 22 Under the Land Use Decree 2010 Fiji has developed a Land Bank to ensure 'proper use of land in generating economic activity'. This is not a Bank of State land, although it essentially becomes so. The Land Bank has been established so that Indigenous owners permit Government to use their property for development purposes and lease it at market rates. Investors and farmers can sub-lease or lease land from the State for a period of up to 99 years from the bank. Only land designated by native titled landowners, who have given consent, will be used. It is not yet clear if low cost housing may be constructed on this land. [http://www.fiji.gov.fj/index.php?option=com\\_content&view=article&id=6248:land-bank-impresses-bougainville-delegation](http://www.fiji.gov.fj/index.php?option=com_content&view=article&id=6248:land-bank-impresses-bougainville-delegation)
- 23 See, for example <http://www.aid.govt.nz/where-we-work/pacific/fiji>

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