



FIJI

REVIEW OF NATURAL RESOURCE AND ENVIRONMENT RELATED LEGISLATION



Prepared by
Secretariat of the Pacific Regional Environment Programme (SPREP)
and
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INTRODUCTORY NOTE

The following review, prepared jointly by the Secretariat of the Pacific Regional Environmental Programme (SPREP) and the Environmental Defenders Office Ltd (EDO NSW), updates and builds on the reviews conducted in the early 2000s under the International Waters Project.

The review offers a brief overview of environmental legislation in force in each Pacific Island country identified and is current as of January 2018.

A number of sources were referenced for this update, including:

- Prior reviews prepared by SPREP;
- Pacific Islands Legal Information Institute – Paclii;
- ECOLEX - an information service on environmental law, operated jointly by FAO, IUCN and UNEP; and
- Government websites.

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This review is for information purposes only. It is not intended to be a complete source of information on the matters it deals with. Individuals and organisations should consult a local lawyer for legal advice on specific environmental matters.

If you have any feedback in relation to this review, please forward your comments to: registry@sprep.org.



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CONSTITUTIONAL AND ADMINISTRATIVE STRUCTURE

From 1874 to 1970, Fiji was governed by the British as a Crown colony. The beginning of colonial rule was facilitated by the Deed of Cession of Fiji to Great Britain 1874. Great Britain also took control of Rotuma from 1879 by the Deed of Cession of Rotuma. Fiji became an independent republic in 1970 pursuant to various instruments including the *Fiji Independence Order* and the *Fiji Independence Act*.

1.1. The Constitution

Constitution

A colonial constitution was created in 1966 as Schedule 2 to the *Fiji (Constitution) Order 1966*. In 1970, Fiji created its first Constitution as an independent sovereign State as set out in the Schedule to the *Fiji Independence Order 1970*. The 1970 Constitution was abrogated in 1987 by the *Fiji Constitution (Abrogation) Military Government and Finance Decree 1987*. In 1990, a new Constitution was created by the *Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree 1990*. Amendments were made in 1997. The most current *Constitution of the Republic of Fiji* (Constitution) was created in 2013. It is the supreme law of the country (Article 2) and establishes Fiji as a secular, sovereign democratic State (Articles 1 and 4). The Constitution establishes a federal parliament as the legislature (Chapter 3), a Cabinet as the executive (Chapter 4) and various courts as the judiciary (Chapter 5).

The Constitution includes specific provisions recognising the indigenous people and their ownership of customary land and relating to protection of the environment. Specifically, the preamble states that:

“We, the people of Fiji, [r]ecognising the indigenous people or the iTaukei, their ownership of iTaukei lands, their unique culture, customs, traditions and language; recognising the indigenous people or the Rotuman from the island of Rotuma, their ownership of Rotuman lands, their unique culture, customs, traditions and language...”

The preamble also provides that the people of Fiji “[d]eclare our commitment to justice, national sovereignty and security, social and economic wellbeing, and safeguarding our environment”. In addition, Article 1(h) states that one of the values of the Republic of Fiji is “a prudent, efficient and sustainable relationship with nature”.

The Constitution includes a bill of rights, which includes rights of ownership and protection of *iTaukei*, Rotuman and Banaban lands (Article 28), a right to the protection of ownership and interests in land (Article 29) and environmental rights (Article 40). Article 40(1) provides that “[e]very person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures”.

The Constitution confers authority to make laws on the Parliament. The members of Parliament pass bills and the President approves them as Head of State (Articles 46 and 81). The Constitution also requires written laws to make provision for freedom of information (Article 150).

1.2. Local Government and Customary Law

iTaukei Law

Fiji continues to operate under a traditional *iTaukei* system of law and governance in addition to the western elements of law. The cession of Fiji to Britain in 1874 resulted in the Crown taking ownership over some natural resources, which included marine resources due to the common law doctrine of public trust.

Customary owners retained customary ownership over land, but over marine resources, they have only restricted customary rights. The Constitution recognises customary ownership over *iTaukei*, Banaban and Rotuma land (Articles 28-29). A number of statutes have been passed to support the *iTaukei* system of law, including the following:

iTaukei Affairs Act (otherwise known as the Fijian Affairs Act (Chapter 120))

The Fijian Affairs Act is “[a]n Act to provide for the regulation of Fijian affairs”. Key provisions include:

- Sections 3-9 Establishes a Great Council of Chiefs, a Fijian Affairs Board and a system of Provincial Councils.
- Section 7 Provincial Councils have the power to make “by-laws for the health, welfare and good government of ... Fijians residing in or being members of the community of the province”.
- Sections 16, 19 Establishes Tikina courts and provincial courts.

Subsidiary legislation has been created under this Act, including:

- *Fijian Affairs (Fijian Affairs Board) Regulations;*
- *Fijian Affairs (Great Council of Chiefs) Regulations;*
- *Fijian Affairs (Boundaries) Regulations; and*
- *Fijian Affairs (Provincial Councils) Regulations.*

iTaukei Lands Act (otherwise known as the Native Lands Act 1905 (Chapter 133))

The *iTaukei Lands Act* supports the Constitutional recognition of the customary ownership of land. Section 3 provides that “[n]ative lands shall be held by native Fijians according to native custom as evidenced by usage and tradition”. In addition, section 4 establishes a Native Lands Commission to resolve disputes about land ownership. Various by-laws have been made under this Act.

iTaukei Lands Trust Act (otherwise known as the Native Land Trust Act 1940 (Chapter 134))

Section 4 of this Act establishes a Native Land Trust Board and vests it with the control of customary land “for the benefit of the Fijian owners”. Section 7 stipulates that native land may only be alienated in accordance with the Act and subject to the provisions of the *Crown Acquisition of Lands Act*, the *Forest Act*, the *Petroleum (Exploration and Exploitation) Act* and the *Mining Act*.

Regulations under this Act include the following:

- *Native Land (Forest) Regulations; and*
- *Native Land Trust (Leases and Licences) Regulations.*

iTaukei Development Fund Act (otherwise known as the Fijian Development Fund Act 1966 (Chapter 121))

Section 3 of this Act continues the existence a Fijian Development Fund.

iTaukei Trust Fund Act 2004 (otherwise known as the Fijians Trust Fund Act)

This Act establishes a trust fund for the benefit of Fijians and Rotumans in section 3, and a trust fund Board under section 7. This was amended in minor ways in 2009 and 2012.

Local government

Local Government Act (Chapter 125)

Section 8 establishes a system of local government by mandating a local council for cities, towns and districts. The powers of local government are expansive as provided in section 88, which states that “[e]very council shall do all such things as it lawfully may and as it considers expedient to promote the health, welfare and convenience of the inhabitants of the municipality and to preserve the amenities or credit thereof.” These powers include the power to acquire and manage land (Part XII, Division 2-3). Local councils also have authority to do works for public drainage (Part XII, Division 5).

ENVIRONMENTAL PLANNING AND ASSESSMENT

2.1. National Environmental Law

Environment Management Act 2005

The *Environment Management Act* is an Act “[f]or the protection of the natural resources and for the control and management of developments, waste management and pollution control and for the establishment of a national environment council and for related matters.” The purposes of the Act are provided at section 3(2), which include the following:

- to apply the principles of sustainable use and development of natural resources; and
- to identify matters of national important for the Fiji Islands as set out in subsection (3).

Key provisions of the Act include:

- | | |
|--------------|---|
| Section 3 | The Act “extends to the exclusive economic zone within the meaning of the <i>Marine Spaces Act</i> ” (s 3(1)). Schedule 1 of the Act prescribes the following Environment and Resource Management Acts: <ul style="list-style-type: none"> • <i>Factories Act</i> (Chapter 99) • <i>Fisheries Act</i> (Chapter 158) • <i>Forest Decree 1992</i> • <i>Ionizing Radiations Act</i> (Chapter 102) • <i>Litter Decree</i> • <i>Marine Spaces Act</i> (Chapter 158A) • <i>Mining Act</i> (Chapter 18) • <i>Ozone Depleting Substances Act 1998</i> • <i>Petroleum Act</i> (Chapter 190) • <i>Public Health Act</i> (Chapter 111) • <i>Rivers and Streams Act</i> (Chapter 136) • <i>Quarries Act</i> (Chapter 147) • <i>Sewerage Act</i> (Chapter 128) • <i>Town Planning Act</i> (Chapter 139) • <i>Water Supply Act</i> (Chapter 144) |
| Sections 7-8 | Establishes a National Environment Council with various functions such as approving, monitoring and overseeing the implementation of the National Environment Strategy, to ensure regional and international environment and development commitments are implemented and to advise the government on international and regional treaties, conventions and agreements about the environment. |
| Part 4 | Deals with Environmental Impact Assessment (EIA). |

Part 5	Provides for waste management and pollution control.
Section 21	If an inspector believes that a government body or facility is contravening or has contravened the <i>Environment Management Act</i> or a scheduled Act they have the power to issue an improvement notice.
Section 44	There are offences for interfering with or failing to render assistance to persons exercising powers and duties under the <i>Environment Management Act</i> or a prescribed Act.
Section 54	Contains a wide standing provision as “[a]ny person may institute an action in a court to compel any Ministry, department or statutory authority to perform any duty imposed on it by this Act or a Scheduled Act.
Section 55	Establishes an Environmental Trust Fund.
Section 56	Establishes an environmental tribunal.

The following regulations have been made under the *Environment Management Act*:

- *Environment Management Act 2005 – Environment Emergency (Cunningham River and Suva Coastline – Central Division) Regulations 2014*;
- *Environment Management Act 2005 – Environment Emergency (Cunningham River, Eastern Suva Coastline and Nukulau) Declaration (LN 36) 2015*;
- *Environment Management Act 2005 – Environment Emergency (Cunningham River, Eastern Suva Coastline and Nukulau) Regulation (LN 37) 2015*;
- *Environment Management Act 2005 – Environment Management (Fees) Regulations (LN 17) 2013*;
- *Environment Management Act 2005 – Environment Management (Tribunal) Rules (LN 18) 2013*; and
- *Environment Management Act 2005 – Environmental Emergency Declaration 2014*.

In addition to legislation, Fiji also has a number of strategies and policies for protecting the environment, including:

- the National Environment Strategy;
- the National Biodiversity Strategic Action Plan (NBSAP) 2007; and
- the National Climate Change Policy 2012.

2.2. Environmental Impact Assessment

Environment Management Act 2005

Environmental Impact Assessment (EIA) in Fiji is governed by Part 4 of the *Environmental Management Act*.

The substantive provisions include the following:

Section 27(1) An approving authority must examine every development proposal it receives and “determine whether the activity or undertaking in the development proposal is likely to cause significant environmental or resource management impact”.

Section 27(4) Any activity or undertaking that the approving authority determines will cause a significant environmental or resource management impact must be subject to the EIA process.

- Section 28 EIA is comprised of screening, scoping, preparation of an assessment report, reviewing the report and a decision on the report.
- Schedule 2 Sets out the types of proposals that require EIA, including, but not limited to:
- a proposal for mining, reclaiming of minerals or reprocessing of tailings;
 - a proposal for commercial logging or for a saw milling operation;
 - a proposal that could jeopardise the continued existence of any protected, rare, threatened or endangered species or its critical habitat or nesting grounds;
 - a proposal that could harm or destroy designated or proposed protected areas; and
 - a proposal that could destroy or damage an ecosystem of national importance.

The *Environment Management (EIA Process) Regulations 2007* have been enacted in relation to EIA and contain provisions with respect to EIA procedures.

2.3. Land Management, Zoning and Planning

Banaban Lands Act 1965 (Chapter 124, Laws of Fiji)

The *Banaban Lands Act* is “[a]n Act to make better provision for the ownership, registration and dealing with land on Rabi Island and land owned by the Banaban community”. The Act does not contain express objects or purpose provisions.

Key provisions include the following:

- Section 3 Land is vested in the Council to be held on trust for the benefit of the Banaban community.
- Part III Creates a Land Court on Rabi Island
- Part IV Creates a register of lands.

The Act was amended by Ordinance 37 of 1970. Some of the defined terms in this Act are taken from the *Banaban Settlement Act*. Dealing with land on Rabi Island is limited by the *Banaban Lands Act* as well as the *Crown Acquisition of Lands Act*, the *Mining Act* and the *Petroleum and Exploitation Act* as provided in section 4 of the *Banaban Lands Act*. Section 18 stipulates that except as provided for in section 14 of the *Banaban Lands Act* in relation to registration of a lease, the provisions of the *Land Transfer Act* do not apply to land on Rabi Island.

Banaban Settlement Act 1970 (Chapter 123) & Banaban (Settlement) Ordinance 1945

The *Banaban Settlement Act* is “[a]n Act to provide for the settlement and government of the Banaban community on Rabi Island”. The Act does not contain express purpose and objects provisions.

Key provisions include:

- Sections 3, 5 Establishes a Council of Leaders with the power to “make regulations for the peace, order and good government of the Banaban community”.
- Section 4 The Council has the power to hold land in accordance with the provisions of the *Banaban Lands Act*.

Section 5 Regulations can be made for a variety of matters including cleanliness and public health, subject to the *Public Health Act*.

Sections 7-8 Establishes a Rabi Island fund and a Rabi Court and tribunal.

The Act was amended in 1973 and in 1996.

Crown Acquisition of Lands Act 1940 (Chapter 135) (also referred to as the State Acquisition of Lands Act)

The *Crown Acquisition of Lands Act* is “[a]n Act to regulate the acquisition of land by the Crown for public purposes”. Section 3 enables an acquiring authority to acquire land for a public purpose in return for payment of consideration or compensation. Sections 6 to 7 also allow an acquiring authority to compulsorily acquire land subject to court authorisation and the payment of compensation. In 1998, minor amendments were made to the Act.

Crown Lands Act 1946 (Chapter 132) (otherwise known as the State Lands Act)

The *Crown Lands Act* is “[a]n Act relating to the control, administration and disposal of crown land”.

Key provisions include:

- Section 3 Crown Land is only to be alienated in accordance with this Act subject to other Acts including the *Native Land Trust Act*, the *Mining Act*, the *Oil Mines Act* and the *Forest Act*.
- Section 4 Crown can acquire or lease land pursuant to the *Land Transfer Act*.
- Section 6 and Part IV The Minister and the Director of Lands may make grants or leases of Crown land.
- Part V Special provisions in relation to foreshore land and soil under the waters of Fiji.

Subsidiary legislation under this Act includes the *State Land Leases and Licences Regulation*. In 1997, minor amendments were made to the Act.

Environmental Levy Act 2015

The *Environmental Levy Act* is “[a]n Act to impose an environment and climate adaptation levy on prescribed services, items and income”. The Act imposes a levy on all persons who conduct prescribed services, supply prescribed items or receive prescribed income. It was amended in 2016 and 2017.

Mining Act 1966 (Chapter 146)

The *Mining Act* is “[a]n Act to repeal the mining ordinance and to make better provisions relating to prospecting for and mining precious metals and other minerals”. The *Mining Act* sets out where mining may be carried out and by whom, thereby regulating land use. Regulations 59 and 82 in the *Mining Regulations* contain provisions relating to the unlawful use or pollution of water.

Other relevant Acts include:

- *iTaukei Affairs Act*;
- *iTaukei Land Trust Act*;
- *Land Transfer Act (Chapter 131)*;
- *Native Lands Act (Chapter 133)*; and
- *Native Land Trust Act (Chapter 134)*.

Petroleum (Exploration and Exploitation) Act 1978 (Chapter 148)

The *Petroleum (Exploration and Exploitation) Act* is “[a]n Act to make provision relating to the exploration for and exploitation of petroleum resources”.

Key provisions include:

- | | |
|-------------|--|
| Section 3 | Deems all petroleum in or under lands within a designated area to be the property of the Crown. |
| Part II-III | Provisions relating the exploration and extraction of petroleum by requiring various licences. |
| Section 10 | To be a holder of a petroleum licence, a company must comply with the provisions of the <i>Companies Act</i> . |
| Part V | Sets out when compensation is payable. |

There are a few provisions in the Act aimed at protecting the environment. For example:

- | | |
|------------|---|
| Section 8 | Inspectors have the power to suspend petroleum operations to prevent pollution. |
| Section 62 | Licence holders have an obligation, when carrying out petroleum operations, to take all reasonable steps to prevent pollution of water. |

Petroleum Act 1939 (Chapter 190)

The *Petroleum Act* is “[a]n Act relating to the carriage and storage of petroleum”. The Act governs the import and export of petroleum. A number of regulations have been created under the Act. This was amended in 1997.

Quarries Act 1939 (Chapter 147)

The *Quarries Act* is “[a]n Act to provide for the better regulation of quarries”. Under section 2, the Act applies to excavations and places where rock, earth, clay, sand, soil, gravel, limestone or other mineral substances are extracted as notified by the Minister under the Mining Act to be quarries, as opposed to mine. Section 4 grants the Minister a regulation making power in relation to quarries. Extensive regulations have been made under this Act.

Rotuma Lands Act 1959 (Chapter 138)

The *Rotuma Lands Act* is “[a]n Act to provide for a land commission in Rotuma, the registration and dealing with and transmission of land”. This Act only applies to Rotuma. Section 3 provides that the Act does not affect the title to any land registered under the *Land Transfer Act*. Part II establishes the Rotuma Lands Commission with duties to determine ownership of Rotuma lands. Part V also sets out how *hanua ne kainaga* is transmitted.

Town Planning Act 1946 (Chapter 139)

Section 3 creates the Office of the Director of Town and Country Planning (Office). Part I vests in the Office, the power to order areas to be town planning areas, which are then subject to restrictions on development. Parts II-V provide for the creation of town planning schemes which extensively regulates how land is developed and used. The Act empowers local councils to implement planning schemes and therefore interacts with the *Local Government Act*. This Act was amended in 1995 and 1997 in minor ways.

BIODIVERSITY CONSERVATION AND NATURAL RESOURCES

3.1. Conservation of Natural Resources, Protected Areas and Endangered Species

Conservation

Birds and Game Protection Act 1923 (Chapter 170)

This is “[a]n Act to make provision for the protection of birds and game”. The Act creates a number of offences. For example, it is an offence to take, harm or kill protected birds under section 3, and to kill game without a licence under section 6.

Forest Decree 1992 (Chapter 150)

The *Forest Act (Chapter 150)* was repealed by the *Forest Decree 1992*. The Decree establishes a Conservator of Forests to enforce the decree under section 3, and a Forestry Board to advise the Minister on forestry policy under section 4. Under sections 8-9, forest resources cannot be used unless authorised by the Fisheries Decree or by a licence. Part V protects customary rights relating to forest produce on native land. The Decree also creates a number of offences including an offence of clearing land, felling or extracting timber or taking forest produce without lawful authority under section 28.

Irrigation Act 1974 (Chapter 144A)

The *Irrigation Act* is “[a]n Act to make provision for land irrigation”. Sections 3-4 establish the Office of Commissioner of Irrigation who shall be responsible for construction, improvement and maintenance of irrigation works and establishing and administering irrigated agriculture. The Act contains offences including an offence of willfully wasting irrigation water or taking water that the person is not authorised to take under section 20. This Act operates alongside the *Drainage Act*.

Land Conservation and Improvement Act 1953 (Chapter 141)

The *Land Conservation and Improvement Act 1953* is “[a]n Act to make provision for the conservation and improvement of the land and water resources of Fiji”. Sections 4-5 establish a Land Conservation Board to supervise land and water resources and to promote public interest in conserving and improving land and water resources.

Protection of Animals Act 1954 (Chapter 169)

The *Protection of Animals Act 1954* relates to the protection of domestic or captive animals. One of the ways in which the Act aims to protect animals is through the creation of offences of cruelty (section 3).

Endangered Species

Endangered and Protected Species Act 2002

The *Endangered and Protected Species Act 2002* is an Act “[t]o regulate and control the international trade domestic trade, possession and transportation of species protected under the Convention of International Trade in Endangered Species of wild fauna and flora (CITES) and for related matters”. The Act establishes a Fiji Islands CITES Management Authority and a Fiji Islands CITES Council. It also requires permits for importing and exporting listed fauna and flora. In 2017, amendments were made to the list of fauna and flora covered by the Act. Subsidiary legislation under this Act includes the *Endangered and Protected Species Regulations 2003*.

3.2. Marine and Coastal Resources

Marine Resources Act

Continental Shelf Act 1970 (Chapter 149)

This is “[a]n Act to make provision for the protection, exploration and exploitation of the natural resources of the continental shelf of Fiji and of areas within the territorial limits of Fiji and for matters connected with that purpose”. Section 3 vests all rights relating to the continental shelf of Fiji in the Crown and section 4 applies current Fijian laws to those areas.

Fisheries Act 1941 (Chapter 158)

The *Fisheries Act* is an Act to regulate fishing within “all waters appertaining to Fiji and includes all internal waters, archipelagic waters, territorial seas and all waters within the exclusive economic zone as these terms are defined in the *Marine Spaces Act*”.

Key provisions include:

- Section 5 Requires a person to obtain a licence in order to take fish for commercial purposes.
- Section 10 It is an offence to take fish for commercial purposes without a licence or to not comply with the terms of a licence.
- Sections 13-14
 Provisions for the protection of native customary rights.

Subsidiary legislation made under the Act includes: the *Fisheries Act – Fisheries (Protection of Turtles) Regulations*, the *Fisheries Act – Fisheries (Shark Reef Marine Reserve) (Serua) Regulations 2014*, and the *Fisheries Act – Fisheries (Wakaya Marine Reserve) Regulations (LN 40) 2015*.

Offshore Fisheries Management Decree 2012

The objective of this Decree is “to conserve, manage and develop Fiji fisheries to ensure long term sustainable use for the benefit of the people of Fiji”. The Act contains a number of mechanisms for the conservation, management and development of fisheries including the concept of designated fisheries, fisheries management plans and fisheries treaties as well as regulation by licences. Minor amendments were made in 2014.

The Decree is supported by the *Offshore Fisheries Management Regulations 2014*.

Marine Spaces Act 1978 (Chapter 158A)

This is an Act to demarcate, declare rights and regulate the use of resources in the marine spaces appertaining to Fiji as well as to regulate fishing. It outlines what constitutes internal waters, archipelagic waters, territorial seas and Fiji’s exclusive economic zone.

Section 9 provides that “[t]he sovereignty of Fiji extends beyond its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder”. The Act further provides that “[w]ithin the exclusive economic zone Fiji has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living of the seabed and subsoil and the superjacent waters.”

The Act also sets out the rights of foreign fishing vessels, including licencing requirements. This Act operates alongside the *Continental Shelf Act* and the *Fisheries Act*.

Subsidiary legislation made under the Act includes the *Marine Spaces (Foreign Fishing Vessels) Regulations* and the *Marine Spaces Section 4-Marine Spaces (Territorial Seas) (Rotuma and Its Dependencies) Order*.

Rivers and Streams Act 1882 (Chapter 136)

This is “[a]n Act to define the public rights in the rivers and streams of Fiji”. In effect, it enshrines in legislation the common law doctrine of the public trust over waters in Fiji. This Act has been amended on several occasions. It appears that this Act is still in force as it is referred to but not repealed by the *Environment Management Act 2005*.

Water Supply Act 1955 (Chapter 144)

This Act relates to the supply of water in Fiji for various purposes including domestic, building and firefighting use and some measures for protecting the water and the quality of it. For example the Act contains an offence for polluting water and an offence of wasting water.

3.3. Biosafety**Biosecurity Act*****Plant Quarantine Act 1982 (Chapter 156)***

The *Plant Quarantine Act* is “[a]n Act to consolidate and amend the law relating to plants and plant diseases”. It prevents the importation of certain species, noxious and diseased plants and related materials. It also sets out domestic plant quarantine control measures.

Quarantine Act 1965 (Chapter 112)

Section 3 establishes a Quarantine Authority. Under sections 4-5, the Minister may make regulations about quarantine and the Quarantine Authority to make rules to implement the regulations. Both the *Quarantine Rules* and *Quarantine Regulations* were amended in 2010.

Biosecurity Promulgation 2008

The *Biosecurity Promulgation 2008* is a law that aims to prevent and control the entry and spread of animal and plant pests and diseases in the Fiji islands. The promulgation establishes a Biosecurity Authority as the body responsible for enforcing the promulgation and related biosecurity laws. The Promulgation regulates pests and diseases by numerous mechanisms including, by prohibiting certain imports and requiring certain quarantine procedures at ports and other points of entry. There are various regulations and declarations made under the *Biosecurity Promulgation 2008*.

WASTE MANAGEMENT AND POLLUTION

4.1. Waste***Litter Promulgation 2008***

The *Litter Promulgation* was made “to prohibit and regulate the deposit of litter in the environment of the Fiji Islands and to promote and to provide for enforcement and related matters”. The Litter Promulgation repeals the *Litter Decree 1991*. The *Litter Promulgation* explains who is a litter prevention officer and how further appointments can be made. Public authorities and commercial facility operators have a responsibility to provide and manage receptacles in which litter can be placed. It also creates offences for different types of littering.

Public Health Act 1936 (Chapter 111)

The *Public Health Act* deals with a wide range of matters affecting public health. It includes provisions about sewerage, sanitation and water supply amongst others.

Sewerage Act 1966 (Chapter 128)

The *Sewerage Act* relates to operating, maintaining and controlling sewerage systems and for related matters. Councils have the power to declare a sewerage area and to devise and implement a plan to dispose of sewerage. The Government is also granted powers to create sewers and sewerage works. Regulations relating to waste management include the *Environment Management (Waste Disposal and Recycling) Regulations 2007* (made under the *Environment Management Act*).

4.2. Pollution

Ozone Depleting Substances Act 1998

The *Ozone Depleting Substances Act 1998* is “[a]n Act to regulate the importation, exportation, sale, storage and use of ozone depleting substances and to give effect to Fiji’s obligations under the *Vienna Convention for the Protection of the Ozone Layer* and the *Montreal Protocol on Substances that Deplete the Ozone Layer*, and for related matters”. The Act provides for the phasing out and management of controlled substances that are ozone depleting substances.

In addition to these laws, Fiji has a number of strategies and policies aimed at dealing with waste and pollution. These include:

- National Air Pollution Control Strategy 2007;
- National Liquid Waste Management Strategy and Action Plan 2007;
- National Solid Waste Management Strategy 2011-2014; and
- Fiji also has a National Marine Spill Contingency Plan.

OTHER

5.1. Disaster Risk Management

Emergency Powers Act 1998

The *Emergency Powers Act 1998* empowers the President to declare a state of emergency in certain circumstances including, where a public emergency is the result of a natural disaster in respect of which the *Natural Disaster Management Act 1998* provisions are inadequate.

Natural Disaster Management Act 1998

The *Natural Disaster Management Act 1998* aims to enable government and relevant authorities to better perform their functions and duties in relation to natural disaster management and related matters. The Act establishes a National Disaster Management Council and a National Disaster Management Office. The Act also establishes procedures and special powers for dealing with emergencies and makes provisions for mitigation, public awareness and training.

MULTILATERAL ENVIRONMENTAL AGREEMENTS

INTERNATIONAL ENVIRONMENTAL INSTRUMENT	STATUS
BIODIVERSITY	
Convention on Biological Diversity (CBD)	R
<ul style="list-style-type: none"> Cartagena Protocol on Biosafety Nagoya Protocol on Access and Benefit-Sharing 	R A
Convention on International Trade in Endangered Species (CITES)	A
Convention on Migratory Species (CMS)	A
Convention on Wetlands (Ramsar)	R
World Heritage Convention (WHC)	R
WASTE AND POLLUTION	
Hazardous waste and pollution	
Basel Convention	-
Rotterdam Convention	-
Stockholm Convention	R
Atmospheric Pollution	
Vienna Convention	A
<ul style="list-style-type: none"> Montreal Protocol 	A
Ship-based pollution	
UNCLOS (Part XII : Protection and Preservation of the Marine Environment)	R
London Convention - Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	-
<ul style="list-style-type: none"> London Protocol 	-
CLIMATE CHANGE	
UNFCCC	R
<ul style="list-style-type: none"> Kyoto Protocol Paris Agreement 	R R
LAND DEGRADATION	
UNCCD	R
REGIONAL AGREEMENTS	
Waigani Convention	R
Noumea Convention	R
<ul style="list-style-type: none"> Dumping Protocol Emergencies Protocol 	R R

Ratification (R), Acceptance (Ac), Accession (A), Signed (S)