

PROGRESSIVE REPORT OF THE BI-PARTISAN TALANOVA
SUB-COMMITTEE, MARCH 19, 2004

We, the members of the talanoa subcommittee met on March 3rd, 11th, and 19th, 2004 to continue working in response to the following decision of Talanoa VI made by the Leaders:

‘It was agreed that the basic framework established by the Sub-Committee and the discussions in the Talanoa dialogue represent a sound basis for moving forward in this critical area. The issue is now ready to go to a Joint Parliamentary Select Committee for further consultation and deliberation. Members of the Talanoa agreed that the Special Committee of Parliament should include members of the Senate and government ministers in addition to the members of the House. The Talanoa asked the Sub-committee to prepare a draft on the terms of reference, the composition, and the timeframe for the Special Parliamentary Committee, to be presented to the leaders before the end of March.’ (see TALANOVA VI, Leaders Statement, 28 February 2004, Sheraton Denarau Resort, paragraph three, page 2.)

We therefore recommend to the Leaders to set in motion the legislative process for the establishment of a Joint Parliamentary Select Committee on the Land, comprising seven Government and seven Fiji Labour Party members from the Lower House including the Chair plus one from the Senate who shall be a nominee of the GCC, giving a total of 15 members to be appointed, with the attached proposed Terms of Reference (also see the Holistic Talanoa Framework which underpins the proposed TOR in Attachment I).

In addition the Subcommittee will meet on March 29th to discuss the Subcommittee report on CERD with the Human Rights Commission,

and the constitutional amendments referred to us, and our report on this will be submitted in the first week of April.

March 19th, 2004

TERMS OF REFERENCE: SCOPE, STRUCTURE, REPORT AND TIMEFRAME

VISION AND VALUES

Relying on the frank and open-minded approach taken by the members of the bi-partisan talanoa sub-committee in their collective effort to identify and build mutual understanding around the crucial issues on land contained in their progressive report to the Leaders;

Recognizing the basic values, principles, and objectives of building trust and confidence, creating fairness and equity, providing best possible security, and giving optimum terms and conditions which underpin the land issues that emerged from the discussions in the talanoa talks;

Acknowledging the efforts made in the past to establish a sound basis for legislating landlord and tenant relationship based on the understanding and appreciation of the significance of land to culture and to national economy;

Realising the urgent need to arrive at the resolutions to the land issues to meet the overarching vision of fostering the social and economic advancement of the landowner and tenant communities;

A Joint Parliamentary Select Committee is to make recommendations on the land issues with specific reference to the following:

- (1)** The Joint Parliamentary Select Committee shall continue with the frank and open minded approach of the talanoa talks with a sense of urgency to arrive at the most satisfactory outcome for all, and adopt as its guiding principles the values of building trust and confidence; creating fairness and equity, providing best possible security; and giving optimum terms and conditions with the view to fulfilling the overarching vision of fostering the social and economic advancement of landowner and tenant communities, and shall:
- (2)** Scrutinize and consider the important aspects of the issues on land relating to

 - (a)** The tenure,
 - (b)** The rental,
 - (c)** The rental fixing mechanisms,
 - (d)** The rental assessment mechanisms,
 - (e)** The premium considerations,
 - (f)** The compensation on improvements,
 - (g)** The arbitration on disputes, and
 - (h)** The good husbandry.

- (3) Ascertain

 - (i) the practicality and suitability of ALTA or NLTA with possible amendments, or
 - (j) the need for a new legislation.

- (4) Ensure that either option adopted, in the form of (i) or (j), must not only incorporate the needs of landowners and tenants as currently safeguarded in ALTA and NLTA, but also satisfy the values and fulfil the vision stated in the guiding principles.

- (5) Commission a committee of legal experts to advise, through a report, on legislative options referred to in (i) or (j) above.

- (6) Report fully on all the above matters and the proposed suitable legislation or amendments designed to achieve the present and future objectives as set out in the guiding principles.

- (7) Submit their full report and recommendations by December 2004 at the latest.